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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 18, 2008.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Chuck Coffelt, Gillett United Methodist Church, Gillett, Arkansas, offered the following prayer:

Most gracious God, as the Members of this great Chamber gather to conduct the business of our Nation, we pause to remember the lives of the women and men who fought and died on the battlefields of wars at home and abroad so that we may have the privilege of open talk and debate. We honor their sacrifice today by setting aside differences and working for the common good of humanity. Guide the hearts and minds of these before You now that they may govern with their hearts set on love and justice, compassion and peace. Strengthen them for the weighty decisions that they face. Empower them to serve You by faithfully serving the people they represent, including those whose voices are rarely heard. These things we pray to You today, Father, through Your son, Jesus, by the power of Your holy spirit.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. BARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of South Carolina 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.

WELCOMING REV. CHUCK COFFELT

The SPEAKER pro tempore. Without objection, the gentleman from Arkansas (Mr. BERRY) is recognized for 1 minute.

There was no objection.

Mr. BERRY. Our prayer is offered this morning by Pastor Chuck Coffelt, my pastor from my home church, the United Methodist Church of Gillett, Arkansas. He pastors a community where they still know when you are born and they care when you die, where happiness and sorrow are shared by the community and where a helping hand is offered when needed. We are delighted to be joined this morning online by the Gillett School and their mascot, the Wolves, to show support for our special community.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

DRILLING IN ANWR

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

Mr. LATTA. Madam Speaker, the time to act is now. After we've seen the devastation of the hurricanes in the Gulf Region, it's time for this Congress to act and to allow drilling and to permit drilling in ANWR.

What is ANWR?

ANWR is 19 million acres in Alaska. We're talking about a section that was set aside in 1980 by Congress of about 1.5 million acres. Where the oil is, about 10.3 billion barrels, all we're really looking at is about 2,000 acres. To put it in perspective, it's about 3.5 square miles. We've got to get in there and get it now. Why? Because we can be bringing out 1 million barrels of oil down that 800-mile pipeline to serve this country, and we've got to make sure that this country can still be a manufacturing giant in the world.

Next year, we lose our manufacturing status to China. If we don't have the energy to run our factories, to fuel our vehicles, to run our trucks or to run our tractors, this country is going to fail.

If you look at this, you're only talking about a pin drop when you're talking about this area. It is time that we act. It is essential. If we don't get it done now, this country is going to fail.

McCAIN'S ASSESSMENT OF ECONOMY SHOWS HE REALLY IS NOT AN EXPERT ON THE ECONOMY

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

Mr. ALTMIRE. Madam Speaker, with all of the economic troubles on both Wall Street and Main Street, it's hard to believe that there are still people out there who think everything is going all right.

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On Monday, the stock market fell 500 points, the biggest fall since the terror attacks of September 11. Lehman Brothers, one of the world's oldest financial institutions, filed for bankruptcy while another financial giant, Merrill Lynch, was bailed out of trouble by Bank of America. Former Federal Reserve Chairman Alan Greenspan said this was part of a once-in-a-century crisis.

I wish President Bush and Senator MCCAIN felt that way. Stubbornly clinging to the belief that his economic policies are succeeding, President Bush described the events Monday as merely an adjustment. Senator MCCAIN declared, once again, that the fundamentals of our economy are strong.

Well, Madam Speaker, President Bush and Senator MCCAIN have to be two of the only people in the country who think the economy is just fine. How can they fix the crisis when they don't even realize it exists?

CONGRESS, AN INCLUSIVE BODY

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

Mr. WITTMAN of Virginia. Madam Speaker, we have a number of challenges in this country. We see the energy challenge we have before us. We've heard here in recent days of all of the challenges in our financial markets. I would suggest that we need to make sure that we use this opportunity to be inclusive when we make decisions.

Just the other day when an energy bill passed this body, there was a great opportunity there to make sure that we had the best ideas coming forward, to make sure that we worked on things in a bipartisan manner, to make sure we did what was in the best interest of this country. Unfortunately, that didn't happen. Unfortunately, those best ideas didn't all make it to the table, and that's not what this country is built on.

This country is built on making sure that this body makes decisions in an inclusive way, and I hope the Speaker will hold true to her words that she said earlier, that this was going to be the most inclusive body in the history of this body. You know, I'm concerned when that doesn't happen. It leaves out those great ideas. It leaves out segments of America who want their voices heard here to make sure that we do things in a fair and equitable way.

Madam Speaker, I call on you to make sure that we do have an inclusive process in this body.

FILIPINO VETERANS EQUITY ACT

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

Mr. HONDA. Madam Speaker, I rise today to urge Congress to restore U.S. veteran status to the surviving soldiers of over 250,000 Filipinos who were called into military service to the United States Armed Forces by President Roosevelt on July 26, 1941.

Every year, I meet with the Filipino World War II veterans who walk the halls of Congress seeking to undo the injustice of the 1946 Recission Act which denied these veterans of their rightful benefits. Of all the Filipinos ordered into combat, only 18,000 are alive today, with each passing day bringing another funeral. These veterans remain loyal to this country. You know in your hearts that these veteran soldiers who fought under our flag deserve the promise we made to them six decades ago. We are a country of promise makers, and therefore, we should be a country of promise keepers.

America's greatness is in its strength of character. Now it is our turn in the House to right this injustice. This is not just about the benefits for a few surviving heroes; it is also about our honor as a country and as a legislative body.

Let's do the right thing and return to the Filipino World War II veterans their due—recognition of a grateful nation that their service to our country is just as equal as the soldiers with whom they stood shoulder to shoulder on the field of battle.

COMPREHENSIVE ENERGY BILL

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

Mr. BARRETT of South Carolina. Madam Speaker, there was an energy bill brought to the floor yesterday, but unfortunately, it was not a comprehensive bill or open for debate, and no Member was allowed to offer any amendment expanding the scope.

The bill passed restricts miles of coastal States like my State of South Carolina. It tells us what we can explore, and it prohibits the States from sharing any revenues. That's a bad deal for coastal States, and it's a bad deal for this country.

It imposes a new 15 percent renewable energy requirement on utilities, but it leaves out energy sources like nuclear, most hydro and even clean coal. South Carolina gets about 50 percent of its power from nuclear energy, and this legislation will penalize my State. So it's a bad deal for South Carolina, and it's a bad deal for this country.

Madam Speaker, what I also left out of this so-called comprehensive bill is coal-to-liquid technology, increased refinery capacity, domestic exploration in ANWR, and nuclear energy—our cleanest and safest supply of energy that we have.

Madam Speaker, the bill passed is a bad deal for America. There is a smarter way. Let's bring comprehensive energy legislation like the American Energy Act to the floor.

REPUBLICANS ARE IN THE POCKET OF BIG OIL, NOT INTERESTED IN HELPING STRUGGLING AMERICANS

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

Mr. ARCURI. Madam Speaker, on Tuesday, Democrats passed a comprehensive solution to the country's energy crisis, but for all of their talk about solving this problem, Republicans still oppose the effort. It's no surprise the Republicans are against this commonsense energy plan. The plan makes Big Oil pay royalties on land they've leased for years so Americans can start benefiting from oil companies drilling on our land. That's only fair. It is the American people's land. Shouldn't they get some of the benefits?

Our legislation also repeals tax breaks and subsidies that Big Oil has been getting for years, thanks to the Washington Republicans. Every quarter, Big Oil is announcing larger profits. They don't need corporate welfare. This comprehensive energy legislation will help people—those middle class Americans suffering from high gas prices and dealing with the failed Bush-McCain economy at the same time.

Madam Speaker, Tuesday's energy vote shows that Democrats are working to help the American people, not lining the pockets of Big Oil.

A PRETEND BILL

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

Mr. BISHOP of Utah. Madam Speaker, there is a song in a Broadway musical that reads ''there's a fine, fine line between reality and pretend.'' That signifies, I think, what this House has been doing this last week.

There is a real energy crisis that's harming people. There was a real energy solution, an all-of-the-above, that was not allowed the courtesy of an open debate. Instead, we passed a pretend bill that pretended to open up the offshore when it did not, that pretended that the oil in ANWR does not exist, that pretended that coal and nuclear is not a part of our solution, that pretended that there is enough money to develop alternative sources when there is not, that pretended to be a serious solution, but all it did is allow anybody, whether they voted for or against it, to go home to his or her district and say, ''I did something on energy.''

We were on the cusp of doing something great, but instead, the reality is all we did is legitimize the cynicism people have of this particular body. We could have done so much more. The fact that we did not is a sad indictment of the process of this Congress.

VETERANS BENEFIT ENHANCEMENT ACT

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

Mr. SCOTT of Virginia. Madam Speaker, I rise to speak today in support of the bill S. 1315, the Veterans Benefit Enhancement Act of 2007, which contains a provision that gives veterans' benefits to Filipinos who fought under the U.S. flag during World War II.

As the only Member of Congress with any Filipino ancestry, I'm pleased to speak today in support of these benefits for Filipino veterans.

Members of the Commonwealth of the Philippines' military were promised full veterans' benefits if they fought for the United States during World War II. Because of this promise, many Filipino soldiers fought tirelessly and courageously for the United States, and they helped us defeat the Japanese empire in the Pacific.

We have failed to fulfill our promise, and these veterans deserve the benefits that they were promised over 60 years ago. S. 1315 provides surviving Filipino veterans, all of whom are now in their eighties, with full veterans' benefits.

In honor of the service of the Filipino veterans, I urge the House of Representatives to act swiftly and to take up and pass S. 1315.

□ 1015

BEST OF THE WORST EXAMPLES OF MEDIA BIAS

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

Mr. SMITH of Texas. Madam Speaker, by a 5-to-1 ratio, Americans believe the media are trying to help Senator OBAMA win the Presidency. The following partial list of the ''Best of the Worst'' examples of media bias shows why Americans are right to be concerned.

One, Senator OBAMA has led Senator MCCAIN in news coverage for 12 consecutive weeks, according to the Nonpartisan Project For Excellence in Journalism.

Two, journalists who gave money to Senator OBAMA outnumber those who contributed to Senator MCCAIN by a 20–1 margin, according to Investors Business Daily.

Three, while the media often label Governor Palin ''conservative,'' they rarely call Senator OBAMA or Senator BIDEN ''liberal,'' even though the National Journal ranked Senator OBAMA as the most liberal Member of the Senate and Senator BIDEN as the third most liberal Member of the Senate.

Four, the New York Times opinion editor, a former staff member in the Clinton administration, refused to publish an op-ed by Senator MCCAIN about the Iraq war, just days after publishing an op-ed on the same subject by Senator OBAMA.

Five, although the media criticize Senator MCCAIN for running negative TV ads, the nonpartisan Wisconsin Advertising Project found that 77 percent of Senator OBAMA's recent ads have been negative, far more than Senator MCCAIN's.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that when their time has expired, they are meant to end their remarks.

SUPPORT THE BORDER SECURITY SEARCH ACCOUNTABILITY ACT OF 2008

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I come to the floor today to urge my colleagues to support H.R. 6869, the Border Security Search Accountability Act of 2008, which I introduced into the House last week. This bill establishes strict guidelines for Customs and Border Patrol and Immigration and Customs Enforcement's electronic device seizure policy.

It is important to ensure that Customs and Border agents have the tools necessary to go after potential terrorists. This bill allows for the appropriate search, review, retention and sharing of information on an individual's electronic device, as necessary for security purposes.

H.R. 6869 also ensures that when an individual's property is seized at a point of entry, there is a well-defined procedure in place that will protect their privacy and electronic data, especially the doctor-patient and attorney-client privileges. This legislation also requires the Department of Homeland Security to post information about individual rights related to border searches in visible areas near the search points so that individuals will understand their rights.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to heed the gavel when their time has expired.

GOOD ENERGY BILL NEEDED

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

Mr. CARTER. Madam Speaker, we have got an investment crisis that seems to be rising and the talking heads were on television last night talking about it. Most everyone agreed that we needed a long-term plan that our investing community could look to as we grow our economy. It needs to be long-term and it needs to have solutions. Part of that was an energy plan, a plan you could rely upon.

I heard an environmentalist this morning say we need to go to alternative fuels, but we need a transition with carbon-based fuels. Yet we passed an energy plan which purports to have drilling for these necessary oil and gas resources, but there is still in place the availability of radical environmentalists to stop all drilling by filing lawsuits. They have declared 80 percent-plus of the areas off-limits to drilling, and they have set up kind of ''gotchas'' that will prevent the rest of that drilling.

We need a good energy plan.

ANOTHER CHANCE FOR GOP TO STAND UP TO WALL STREET

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

Mr. DEFAZIO. Well, we are going to give the Republicans another chance today. They have been standing up for Big Oil this week and their obscene profits, but we are going to give them a chance one more time. Twice they have killed legislation on the floor of the House to rein in energy speculators. Now they are creating this fantasy that George Bush lifting the moratorium on offshore oil drilling drove down the price of oil.

Well, no. Actually, the price of oil started to drop when we first debated reining in energy speculation on the floor of the House. It had already dropped considerably before Bush lifted the moratorium.

Oil 10 years out is doing nothing for this year's speculation. Going after the speculators by releasing oil from the SPR and breaking their backs, or just reining them in with regulation, which this administration hates, which has brought about the crash on Wall Street, will bring much more immediate relief to the American consumers.

If we rein in speculation, then we won't see these obscene run-ups again next year around Memorial Day. $600 billion of speculative money flooded into that market. When it started flowing out, the price of oil dropped.

Rein in the speculators. Come on, GOP; stand up with us and take on Wall Street.

DEMOCRAT HOAX BILL WAS ALL ABOUT POLITICAL COVER

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

Mr. WILSON of South Carolina. Madam Speaker, on Tuesday, the House had a choice. They could support a bipartisan energy plan that invests in renewable energy resources, supports conservation and expands exploration for American oil and natural gas. It was not a perfect bill. There were additional items like nuclear energy that were not addressed, and should be.

Unfortunately, House Democrats made a different choice. They decided to stand with their leadership and support a hoax of an energy bill that had no input from the minority, had been crafted overnight by the House Democrat leadership, and failed to provide revenue sharing for States that authorized deepwater drilling off their shores. Moreover, the Democrat bill had a renewable energy mandate that would mean higher electricity bills for families of southern and midwestern States.

There was a bipartisan choice, and I am disappointed that so many chose to vote for a hoax bill that was all about political cover.

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

EIGHT DISASTROUS YEARS UNDER PRESIDENT BUSH

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

Mr. OLVER. Madam Speaker, as the stock market plunges, financial institutions fail and the economic pain Americans feel grows, our Republican colleagues' only answer is to drill.

Drilling won't help the 2 million Americans who have lost jobs in the last year. Drilling won't protect 46 million Americans without health insurance, 7 million more than when George Bush took office. Drilling won't help nearly 6 million people who have slipped into poverty. Drilling won't bring back the huge surplus that George Bush inherited and squandered. And drilling won't help the 3 million families who have lost their homes to foreclosure in the last 3 years.

Despite their cries for drilling, our Republican colleagues voted against accelerated drilling in the National Petroleum Reserve, already under lease, and against drilling on the Outer Continental Shelf. In fact, the drilling they do support wouldn't produce new oil for at least 8 years.

In truth, they don't want to help American families. They only want to distract public attention from eight disastrous years under George Bush.

SUPPORT THE REPUBLICAN ENERGY BILL

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

Ms. FOXX. Madam Speaker, the speaker just before me just admitted that the jobs that have been lost primarily have been lost while the Democrats have been in control of this Congress. They continue their assault on the American family with their energy bill, which doesn't help American families who are hurting at the pump.

This new bill results in an $85 tax hike on consumers. Our constituents have been looking to us for relief. That bill does not bring the relief they need.

Skyrocketing gas prices have taken a dramatic toll on almost every area of our lives. Families have had to adjust by tightening budgets. Schools adjust by cutting field trips and textbook purchases. Small businesses are watching their profits shrink, while making tough decisions about expanding their company or being able to make their payroll. This is has all occurred under the Democrats' watch in the last 20 months.

The House Republican plan increases production of American-made energy in an environmentally safe way. It promotes new, clean and reliable sources of energy, while cutting red tape and increasing the supply of American-made fuel and energy.

The Republican plan encourages greater energy efficiency by offering conservation tax incentives to Americans who make their home, car, and business more energy efficient.

The House Republican plan helps American families combat the increase cost of energy. I invite my colleagues on the other side of the aisle to join us in bringing real solutions to the energy crisis.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind persons in the gallery that they are guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

ATTENTION NEEDED FOR MAIN STREET, NOT JUST WALL STREET

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

Ms. KAPTUR. American taxpayers, think about this: So far this year the Bush administration has put you on the hook for $30 billion to prop up an investment house on Wall Street, Bear Stearns. Now you have been pledged to insure $200 billion to $2.4 trillion for the stock of loss-plagued Fannie Mae and Freddie Mac. And taxpayers this week have been put on the hook for the insurance company American International Group to the tune of $85 billion. It seems like for Messrs. Paulson and Bernanke, any blank check for Wall Street can't be bigger. Every day it gets bigger.

Now, what about Main Street? In the State of Ohio, we are hemorrhaging with mortgage foreclosures. There are no workouts. Messrs. Paulson and Bernanke haven't come to Ohio to make some of that cash available. Ohio needs $20 billion to do workouts now. We will have over 100,000 more foreclosures this year. All that legislation we passed here in Congress, it has no bite, because it isn't helping people now.

We need some attention to Main Street, not just Wall Street.

SUPPORTING EXPANSION OF ELIGIBILITY OF BENEFITS FOR FILIPINO VETERANS

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

Mr. ABERCROMBIE. Madam Speaker, I rise to urge the immediate support for the expansion of the eligibility of benefits for Filipino vets.

On July 26, 1941, Franklin Roosevelt brought the Philippine Commonwealth Forces under the control of the United States during World War II. Yet when their service ended, they did not receive the same benefits or treatment as other American soldiers.

Congress passed the Rescission Act in 1946, against General MacArthur's open objections. This even includes such things as burial benefits. No other group of veterans has been systematically denied these benefits. There will be only 20,000 left by 2010.

There is some contention here that the Filipino veterans that fought with us as allies are not U.S. citizens. We are paying Sunni tribesmen who killed American soldiers bribe money today in Iraq, but the Filipino vets who saved American soldiers are left out of the benefits as allies of the United States.

This is shameful and needs to be stopped immediately. Bring those benefits to these Filipino vets, who are the allies and comrades in arms of United States soldiers.

MESSAGE FROM THE SENATE

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

H.R. 6889. An act to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

PROVIDING FOR CONSIDERATION OF H.R. 3036, NO CHILD LEFT INSIDE ACT OF 2008

Ms. CASTOR. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1441 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1441

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3036) to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education

and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 3036 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 1 hour.

□ 1030

Ms. CASTOR. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only. I yield myself such time as I might consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1441.

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

There was no objection.

Ms. CASTOR. Madam Speaker, House Resolution 1441 provides for consideration of H.R. 3036, the No Child Left Inside Act of 2008, under a structured rule.

The rule provides 1 hour of general debate controlled by the Committee on Education and Labor. The rule makes in order five amendments printed in the Rules Committee report. The rule also provides for one motion to recommit with or without instructions.

Madam Speaker, it is important that elementary and secondary schools across America continue to offer curriculum that is aligned with the needs of our children and the interests of our great country. That is why the Congress will move today to extend the National Environmental Education Act under an initiative offered by the gentleman from Maryland, Mr. JOHN SARBANES, entitled the No Child Left Inside Act.

This national environmental education bill was reported by the Committee on Education and Labor by a strong bipartisan vote. Under the leadership of the Education and Labor Committee chairman, GEORGE MILLER, our Nation's students have been well served by this Congress with numerous landmark reforms and investments.

I thought we would take the time just to name a few. This Congress has passed the College Cost Reduction Act that was signed into law last year. It provides the single largest increase in college aid since the GI Bill, roughly $20 billion over the next 5 years. But it does so at no new cost to taxpayers.

Under the law, 6.8 million students who take out need-based Federal student loans each year will see the interest rates on their loans halved over the next 5 years, saving the typical borrower over $4,000 during the life of the loan once that is implemented.

That College Cost Reduction Act also boosts the maximum Pell Grant scholarship to $5,400 over the next 5 years. That's up from about $4,000 in 2006.

In a part of that bill that has not received a lot of attention, that new law provides loan forgiveness for public service members like nurses, police officers, firefighters and first responders and makes those loan repayments more manageable and gives up-front tuition to students who commit to teaching in the high-need public schools.

This Congress has also passed, and it has been signed into law, the Ensuring Continued Access to Student Loans for American Families. There is nothing more important during this credit crunch than that affordable student loans and access to college remains available for our young students that would like to attend college.

That Ensuring Continued Access to Student Loans for American Families Act provides new protections, in addition to those already in current law, to ensure that families continue to have timely, uninterrupted access to Federal college loans in the event that distress in the credit markets leads to a significant number of lenders in the federally guaranteed student loan programs to substantially reduce their lending activity.

The Congress has also passed, and it was signed into law just last month, the expanding college access for students and families law. It passed the House here by a vote of 380–49. The legislation addresses the rising price of college by encouraging colleges to rein in price increases, clean up corrupt practices in student loan programs and streamline the Federal financial aid application process. The bill also addresses textbook costs and increases college aid and support programs for veterans and military families.

Madam Speaker, this is another bill before us today that continues the new direction, Congress' commitment to higher education, and to improving elementary and secondary education for students across America.

Today we will focus on improvement to environmental education for America's schools, the best kind, where Washington doesn't dictate the parameters or curriculum to local schools, but gives schools the tools they need to decide themselves how to modernize curriculum. Today, it is our challenge, and the challenge of our children, to build a more sustainable energy efficient world, and sometimes you have to get outside the classroom and learn by doing and exploring your environment.

Many children, including my 9-year-old daughter, learn more effectively this way. I know many of you love to visit classrooms and talk with students, like I do.

Students today are particularly interested in energy conservation, climate change, clean air and clean water. Students, teachers and schools are clamoring for more knowledge and understanding of our natural environment.

Unfortunately, many schools and school districts simply do not have the resources to teach beyond the basics these days. Since the enactment of the No Child Left Behind Act, we have seen a narrowing of school curriculum with schools being forced to spend more and more learning time preparing for high-stakes testing.

Well, like other science courses, this grant program, under the national environmental education program, the environmental education instructs students in critical thinking, problem solving, teamwork, obtaining and analyzing data, communication and learning by doing. These skills are critical for success in the 21st century, and environmental education helps students by learning how to conserve, how to conserve energy, how to ensure safe products are on the shelves, which eventually strengthens our Nation's economy and makes it a much safer world.

Our environmental actions here at home have an impact on the global economy and on our energy security, and energy security is national security. Having a solid understanding of natural environment and our global interdependency is critical to keeping this Nation safe.

The modest but important resources we will send to local schools under this National Environmental Education Act is particularly helpful now. Helping our kids to learn about the natural environment in an active learning setting will motivate students and propel them

towards success. It will pull kids away from the TV sets and the video games and the video screens and bring them outdoors.

The bill supports local efforts to expand and enhance environmental education and also provides teachers with important professional development opportunities. Under this legislation, our Nation's teachers will become better equipped to teach students about the environment and encourage students to be knowledgeable about environmental issues and how they affect all of us.

When environmental education is integrated into the classrooms, students and teachers are better able to use current, local environmental issues to increase their understanding of math, science, history and other academic subjects.

Environmental education is a powerful tool to help motivate students to help take care of the environment and help improve their academic achievement.

This bill also strengthens environmental literacy plans. According to the Campaign for Environmental Literacy, Americans still widely lack the environmental knowledge that will enable them to safeguard the public health, protect natural resources, support energy conservation efforts and engage in the movement towards a more sustainable future.

So this is a win-win proposition for our local schools, for teachers and for the future of our great country. This legislation will modernize environmental education for the 21st century by emphasizing environmental literacy.

I urge passage of the rule and this underlying bill.

Madam Speaker, I reserve the balance my time.

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

Every day our Nation faces new and critical challenges on how to approach globalization, really the great issue of our time. It is an extremely difficult and controversial issue that affects our economy, and it affects so much more.

It is important, now more than ever, to equip our students, not just with the basics, math, reading, social studies, and et cetera, but also with opportunities in areas such as science and the environment to compete in tomorrow's global economy.

This legislation, the legislation we are bringing to the floor with this rule, reauthorizes the National Environmental Education Act administered by the Environmental Protection Agency. Among other things, the bill will create opportunities for enhanced and ongoing professional development in environmental fields.

It authorizes the Secretary of Education to award grants to help environmental education become more effective, more widely practiced. It establishes seven uses of funds aimed at encouraging increased environmental education.

Environmental education is an important issue that Congress should support. But, really, with just a few days left in the legislative calendar for this Congress, what we ask is whether this is what really is considered by the majority among the highest priorities, whether it is legislation that we need to be considering, with just hours before leaving before the end of this Congress, and with great challenges facing the Nation, including very significant economic challenges and an energy situation, extraordinarily rising prices, whether this is the type of priority that we need to be setting aside time for at this time.

This bill, which is a good bill, could easily have been placed on what is known as the suspension calendar, in other words, taking it automatically to the floor. Obviously it received overwhelming bipartisan support. But, instead, we are here today spending time on debating a noncontroversial—an important but noncontroversial environmental education program.

So we think that it's most unfortunate, but symptomatic, of how this new majority has run this Congress. Just last week we spent 2 hours of debate time discussing a study of a river in Vermont. On another occasion we spent precious time debating the Washington-Rochambeau Revolutionary Route National Historic Trail, the Taunton River in Massachusetts, the land claims of the Bay Mills Indian community, and the Chesapeake Bay Gateways and Water Trails Network. Those are the priorities of this majority.

Now those are important issues. They are not the energy crisis and the serious attention that we need to be devoting to stabilizing our markets. We need to make sure that America remains the Nation where the entire world seeks to invest because of confidence in the future of the United States.

Madam Speaker, I reserve the balance of my time.

Ms. CASTOR. Madam Speaker, we do not have any additional speakers, so I will reserve the balance of my time until the gentleman from Florida has made his closing statement.

□ 1045

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I thank my distinguished friend, Ms. CASTOR.

Americans are tired of spending more and more of their paycheck, of their resources, for their energy needs. And for months they have been calling on us to take up legislation that will help lower the price of gasoline.

Now just like the overwhelming majority of the American people, we in the minority in this Congress have been calling for legislation that will help the American consumer with the skyrocketing price of energy. Yet every time we have tried to debate real energy legislation, the majority has blocked and has stymied our efforts.

In August, the majority decided to go on the recess instead of seeking to solve an extraordinarily high priority for the American people, the rising gas prices. I guess the majority must have heard quite a bit from their constituents in August because when they returned in September, they decided they would finally say they would debate energy legislation.

On Tuesday of this week, the majority brought to the floor legislation, the so-called Comprehensive American Energy Security and Consumer Protection Act, which does nothing to produce energy or provide Americans with energy security since it will only increase our dependence on unstable foreign sources of energy. The bill brought to the floor this week by the majority was a farce. It will never be enacted into law and was only put together to provide the majority with an attempt at political cover so they can say that they passed energy legislation when in reality they did nothing.

Now the majority is set to end this Congress and any chance to actually pass genuine comprehensive energy legislation. That's where we are today.

Well, we do not have to leave here and head home without having considered comprehensive energy legislation.

Madam Speaker, I will be urging my colleagues to vote with me to defeat the previous question so the House can finally consider genuine solutions to rising energy costs. If the previous question is defeated, I will move to amend the rule to prohibit the consideration of a concurrent resolution providing for adjournment until comprehensive energy legislation has been enacted into law.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material 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. By voting ''no'' on the previous question, Members can assure their constituents that they are committed to enacting legislation to help their constituents with rising energy prices. I also remind Members that the previous question in no way will prevent consideration of H.R. 3036, this legislation on environmental grants to schools. I encourage a ''no'' vote on the previous question.

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

Ms. CASTOR. Madam Speaker, over the past year and a half, this new direction Congress has been solely focused on growing and strengthening America's middle class. Despite the protestations from my friend from the other side of the aisle, it was just this

week that we passed the most comprehensive, balanced energy legislation that has been considered in the past decade. That Comprehensive American Energy Security and Consumer Protection Act proved that there are real differences between the two sides of the aisle here because our energy bill was focused on lowering prices for consumers and protecting taxpayers.

Yes, it expanded domestic drilling offshore and on land, but it also added a huge expansion of renewable sources of energy. It increases our security by freeing America from the grip of foreign oil. And it finally requires Big Oil to pay what it owes the American taxpayers.

Is it fair that Big Oil continues to receive taxpayer subsidies at a time when they are making huge record profits? No, it doesn't, so we end the subsidies to the big oil companies. And a lot of this new emphasis on clean, green, renewable energy will have the extra added benefit of creating good-paying jobs here in America.

Besides energy, we have also been focused on landmark education reform. Indeed, as I highlighted at the beginning of consideration of this bill, we've passed truly landmark historic investments in education for America's students. First was the single largest increase in college aid since the GI bill, the College Cost Reduction and Access Act of 2007. Under that law, 6.8 million students who take out need-based Federal loans each year will see the interest rates on their loans cut in half.

We increased Pell Grants by over $1,000. We have also passed and it was signed into law by President Bush the Ensuring Continued Access to Student Loans For American Families Act. That is so vital during this turmoil in the financial markets. It is absolutely vital that American families can still get those low-cost student loans. That new law provides new protections to ensure that families have timely, uninterrupted access to Federal college loans in the event that distress in the credit markets leads to a significant number of lenders not being liquid and being able to lend to families.

We also expanded college access for students and families, we cleaned up the corrupt practices going on on some campuses in student loan programs, addressed student textbook costs and increased college aid and support programs for veterans and military families.

And one that I didn't mention but I think we can all celebrate, the hugely bipartisan and popular new GI bill for the 21st century that will provide 4-year scholarships to the brave men and women who have served in the wars of Iraq and Afghanistan. We truly have been on the side of American families and the middle class.

This modest bill today also renews our commitment to the No Child Left Inside Act. Doesn't that really bring all of this together as we focus on energy policy and improving our public education and higher education in this country, a modest but important commitment to students at home who are interested in environmental sustainability and energy conservation. We will provide additional resources to our schools and our students so they can get outside the classroom, get away from the TV set and the video games and learn by doing, learn in an active setting, learn out in the natural environment how to conserve energy and to address global climate change.

Studies shows that environmental education boosts student achievement, it builds students' critical thinking and social skills, it improves student behavior, and it can enhance teaching. So we are going to help schools and States expand and enhance environmental education. We are going to focus on qualified expert teachers in the Nation's classrooms, and strengthen and develop environmental literacy plans.

For a long time there was another group in charge here in Washington, and it oftentimes seems like over the past decades it has been the Democrats who have had to come in and clean up the mess of past administrations. Well, I think we are proving again that we are on track to do that again. We are all in this together and we need to pass this bill. I urge a unanimous ''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. 1441 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution add the following new section:

SEC. 3. It shall not be in order in the House to consider a concurrent resolution providing for an adjournment of either House of Congress until comprehensive energy legislation has been enacted into law that includes provisions designed to—

(A) allow states to expand the exploration and extraction of natural resources along the Outer Continental Shelf;

(B) open the Arctic National Wildlife Refuge and oil shale reserves to environmentally prudent exploration and extraction;

(C) extend expiring renewable energy incentives;

(D) encourage the streamlined approval of new refining capacity and nuclear power facilities;

(E) encourage advanced research and development of clean coal, coal-to-liquid, and carbon sequestration technologies; and

(F) minimize drawn out legal challenges that unreasonably delay or prevent actual domestic energy production.

(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. CASTOR. 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.

PROVIDING FOR CONSIDERATION OF H.R. 6604, COMMODITY MARKETS TRANSPARENCY AND ACCOUNTABILITY ACT OF 2008

Ms. SUTTON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1449 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1449

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6604) to amend the Commodity Exchange Act to bring greater transparency and accountability to commodity markets, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 6604 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 1 hour.

Ms. SUTTON. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SUTTON. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1449.

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

There was no objection.

Ms. SUTTON. I yield myself such time as I may consume.

Madam Speaker, House Resolution 1449 provides for consideration of H.R. 6604, the Commodity Markets Transparency and Accountability Act. The rule provides for 1 hour of debate controlled by the Committee on Agriculture and provides one motion to recommit with or without instructions.

The rule makes in order as base text an amendment in the nature of a substitute printed in the Rules Committee report. The text of this substitute amendment is almost identical to the version of the bill that was considered under suspension of the rules on July 30. That bill received 276 votes from both sides of the aisle.

Madam Speaker, since this bill was last on the House floor in July, the American people and our economy continue to struggle with high food and energy prices and a weak job market. From the subprime mortgage crisis and the financial meltdown, to the unethical behavior of the Minerals Management Service, the necessary and proper oversight has clearly not been taking place. In some cases laws may have been broken, and as a result homes have been taken through foreclosure. Savings have been lost. Dreams of the American people in many cases have been shattered.

Madam Speaker, we are fighting to stop the pain that the American people are feeling, to restore their trust in government, and revitalize our communities.

We must take action and we must take action now. For many years now, too many Americans have felt that their government is working not with them but against them. But this Democratic Congress is working to take our Nation in a new direction. On Tuesday we passed a comprehensive energy bill that will lower gas prices for American families, invest in renewable and alternative energy, and responsibly expand exploration in the Outer Continental Shelf.

□ 1100

But Madam Speaker, speculators continue to enjoy free rein at the expense of our pocketbooks. And that is unacceptable.

We have all seen the recent headlines and reports identifying that oil speculators are out of control. One of the newspapers serving my congressional district, the Cleveland Plain Dealer, printed an article last Thursday on this very issue. The headline read, ''More scrutiny of oil speculators. Evidence shows they operated in 'dark markets' to hide prices.''

The article goes on to state that ''unregulated markets account for about two-thirds of oil trading, and that they can be used to manipulate oil prices.''

Madam Speaker, as I said earlier, the American people simply want a government that works for them instead of against them. Today, we will pass the Commodity Markets Transparency and Accountability Act so that our commodity markets will, once again, work the way they were intended to work.

Our bill provides the Commodity Futures Trading Commission, or the CFTC, with new resources to improve enforcement, prevent manipulation and prosecute fraud. It provides the CFTC with the authority and direction to address excessive speculation which has undermined the basic principles of supply and demand. It has artificially inflated the price of oil and, in the process, has hurt families in Ohio and all across this great Nation. This bill will work for the people, instead of working for those who look to exploit loopholes and seek to manipulate the market.

Now we all know that Wall Street has found exotic ways to create their own markets, and with this bill, we will fix the London Loophole. And why is that important?

The London Loophole currently allows traders to circumvent U.S. laws and trading rules by working through foreign boards of trade. This bill requires foreign boards of trade that offer electronic access to U.S. traders to adopt similar speculative limits and regulations. The foreign boards of trade will also now be required to share large trader reporting data with the CFTC.

Additionally, H.R. 6604 requires that the CFTC set standards for all energy and agricultural futures markets. This is critically important, as it will limit traders' ability to distort the market.

Our bill will also require the CFTC to have a complete picture now of the swaps markets. Index traders and swap dealers will be subject to strict reporting and recordkeeping requirements.

And lastly, under this bill, position reporting will become mandatory for over-the-counter trading in agricultural and energy contracts.

Now, Madam Speaker, some of what I've said sounds very technical, and it may be a little bit difficult to understand because of that technicality. But to put it very simply, our actions here today will add the necessary oversight and transparency to shed light on the ''dark markets.''

With the recent revelations on Wall Street and the run-up on oil prices under the Bush administration's failed energy policy, these changes are long overdue.

But there are some, Madam Speaker, who may not want us to make the changes in our market system so that we can bring relief to the American people. There are some who may try to say that we're adding too much regulation.

But the recent collapse of certain financial giants has only further illustrated the great need to revisit these issues and ensure that the voices of the people are being heard, and that they are being protected.

There are some who may try to say that we're restricting the ability of hedgers, those who trade in futures, to offset their price risk. But they are misinformed. This bill provides exemptions for bona fide hedgers. They are the ones that the commodity markets were designed to work with.

But we know that unscrupulous speculators can interfere with the ability of producers and processors who use these markets for legitimate purposes. On Tuesday, as speculators dumped oil for cash, oil closed at just over $91 a barrel, a nearly 38 percent drop since the record high of $147 in July. But just yesterday, oil prices shot up $6 a barrel as, ''fears of a spreading crisis in the U.S. financial sector sent skittish investors scrambling out of stocks,'' according to the AP.

Madam Speaker, our commodities should not be treated as a speculator's safety net. We cannot allow speculators to continue to drive prices of our

commodities beyond the normal ebb and flow of supply and demand.

Families in my district and all across our great country want commonsense policies that will work for them, instead of rewarding a select few. This is the new direction that the American people have called for, one that puts the voices of the people ahead of the special interests.

I hope that all of our colleagues will join us in taking this step today to pass this bill that, as I mentioned, has previously passed with a bipartisan majority in July, but not the two-thirds majority that was necessary under suspension. But we can get it done.

Madam Speaker, the Commodity Markets Transparency and Accountability Act will increase oversight and transparency, and will prevent oil prices from being artificially inflated.

I urge my colleagues to support House Resolution 1449 and this incredibly important underlying legislation.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I want to thank the gentlewoman, my friend from Ohio, for extending the time to me.

Madam Speaker, I rise in opposition to this once again closed rule, and to the underlying previously failed legislation that this Democrat majority is bringing to the House floor, without having made any substantive improvements to it since it last failed on this House on July 30, and despite an agreement during that time that they would work with members of the Republican Party to try and better the bill.

Like every other Member of this House, I'm concerned about the crushing economic impact that rising food and fuel prices are having on American families. That is why I strongly support the Commodity Futures Trading Commission's recent steps to increase transparency in the oil futures market and their continued vigor in enforcing existing laws governing U.S. futures markets, including the long-time prohibition against market manipulation.

My concern for the economic and retirement security of American families is also why I do support certain parts of this bill, including its increased data reporting requirements, and its authorization of at least 100 new full-time employees to increase the public transparency of operations in agriculture and energy markets, and otherwise monitor price manipulation and commodities futures market.

However, it is this same concern for American families and our American economy that forces me to oppose a bill that has the potential to destabilize commodity prices and dry up market liquidity at a particularly vulnerable time for our entire economy, instead of simply increasing transparency and improving enforcement.

While I disagree with his approach to improving our Nation's commodities market, the chairman of the House Committee on Agriculture and I do agree about several things. First, yesterday evening in the Rules Committee, my friend, COLLIN PETERSON, chairman of the Agriculture Committee, testified that he was not, was not bringing this bill to the floor because he thought that it would bring down the price of energy at the pump for American families. He does not believe it will. I don't believe it will bring down prices at the pump. And he's exactly correct.

This bill, like the no-energy sham legislation that the Democrat majority brought to the floor just earlier this week, this bill will do absolutely nothing, absolutely nothing to increase the supply of American-made energy that is the root of the high energy prices that are taking an enormous toll on American families and businesses.

Second, I agree with Chairman PETERSON's assertion in his testimony yesterday to the Rules Committee that he did not believe this bill would actually become law.

So here we are, taking time on the House floor, when the American people need action by this Congress to do something about energy legislation that will be signed into law, that will include doing something about the price at the pump. And instead, Chairman PETERSON said, I don't even think this bill's going to become law. We're not going to agree to this.

Like him, I do not think that this bill represents a serious attempt, which is what Congress should be about, especially as we near the end of the session, a serious attempt at providing legislative solutions to the very serious problems facing our economy, and that it is little more than a second opportunity this week for Members to claim, ah, but we're up there doing something, up there working 5-day workweeks.

We need to be doing something about addressing the high cost of energy. Without taking real and meaningful action to open up energy reserves, it simply will not happen. That's what the economy needs. We need to do something about the high price of energy.

If this were a serious attempt to solve our Nation's problems, Democrat leadership forcing this bill onto the floor would have made more than technical changes to the bill that failed just last time it was here, July 30, changes like the one proposed by my good friend and former CPA, MIKE CONAWAY of Texas, where he, in a colloquy with Chairman PETERSON, talked about the need to create a common understanding of risk management needs which market participants should be eligible for in a bona fide hedge exemption.

Of course there was an agreement on the floor, talk is cheap, about, yes, we'll work with you. And, in fact, that never happened. Never happened.

And then last night, given an opportunity in the Rules Committee, the Rules Committee, once again, even seeing the agreement that was made and that the offer was not accepted, did not even want to make Mr. CONAWAY's amendment in order. A real shame. A real shame for a House where there was a promise of the most open, honest and ethical Congress in history.

Instead, this House is getting something that is even worse than nothing, a bill that the Democrat majority didn't even see fit to include in its first so-called energy bill this week, which is also bringing to the floor its record-shattering 61st closed rule for this Congress.

Open. Honest. Ethical.

Madam Speaker, yesterday we had a chance to help just correct that just a little bit and level the playing field. Mr. CONAWAY was slam dunked in the Rules Committee again, despite what was said on this floor about working with members of the Republican Party. Better idea, a better way to make the bill happen.

Madam Speaker, unfortunately, this kind of closed process and this kind of cynical, political motivated work product has become characteristic of what we have seen now for almost 20 months. The most honest, most open and most ethical Congress in history, as promised by Speaker PELOSI back in 2006, and it's no wonder that the American people are giving Congress historic low, record low ratings on approvals for the job that Congress is trying to do.

I think we ought to be serious about our work. I think we should not bring bills to the floor where the committee chairman, at the time he presents his bill to the Rules Committee, admits this is never going to become law. It's a shame.

So, Madam Speaker, I urge all of my colleagues to oppose this rule and the underlying legislation which the Democrats don't believe will bring down energy prices when they crafted this supposedly comprehensive energy package earlier this week, and which the chairman of jurisdiction does not believe is a good reason for doing so now.

The American people are hurting. Our economy is hurting. People back home want leadership in Washington, and once again, the majority party has failed.

I think we should deserve more from the leadership. I believe that the Democrat Party should not have a closed process. I believe running for political cover for a vote that will go nowhere is a mistake. But I do know it's for their vulnerable Members, Members who want to pretend that they're doing something. What a shame.

I oppose this process. I oppose this rule. I oppose the underlying legislation, and I hope all of my colleagues will do the same.

I reserve the balance of my time.

□ 1115

Ms. SUTTON. Madam Speaker, it's my honor at this time to yield 2 minutes to the gentleman from Minnesota

(Mr. PETERSON), the distinguished chairman of the Agriculture Committee.

Mr. PETERSON of Minnesota. I thank the gentlelady.

With all due respect to my good friend from Texas, I take a little bit of offense saying that the Agriculture Committee was not serious in what we were doing here. We take very seriously our responsibility in overseeing the CFTC, and this bill is, without a doubt, the most responsible bill that's been put together in this area in this Congress.

The reasons we're bringing it up is not because of the reasons that were iterated by Mr. SESSIONS, it's because we're doing our job. And maybe there's problems over in the Senate, but I can't control that. I just want to make sure that we don't have the same kind of problems happening on Wall Street in the CFTC that we see going on in these other areas where they have all of these crazy derivatives and everything else that they've dreamed up on Wall Street.

What they've done is they've created investment in the commodity market that, in my opinion, has no business being in there. This was something that was never intended. They're using the regulated market outside the position limits to offset that risk, which I think we've decided is wrong. And so we're fixing that.

This bill is supported by Mr. GOODLATTE. We passed this out of the Ag Committee. There were no Republican amendments offered in the committee, and on the floor of the House we had 291 votes, we had a two-thirds vote until the leadership came up and started twisting arms and it went down to 275.

So what we're doing is our job, and I guess I take offense when somebody criticizes us for doing our job.

Now in the case of Mr. CONAWAY, I apologized to him personally last night. I think I made it clear in the committee. I had a personal situation last week. I wasn't here. This happened, the bill failed right before the August recess, nobody was around. I think he has a legitimate point.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SUTTON. I yield the gentleman an additional 2 minutes.

Mr. PETERSON of Minnesota. I think he has a legitimate point. But some of the folks that we were working on on this bill have not come to that conclusion at this point. I think we can work through this, and we have reached out as of this morning to Mr. CONAWAY's staff and we're going to get together yet this week and next week to try to resolve this issue and try to get everybody on the same page.

So if we can get this bill out of the House, if the Senate moves, we're going to have a conference committee. And I told Mr. CONAWAY last night that this is an issue that we can deal with at that time.

We have issues on our side that we have people upset about that we took out of the bill to make sure it was all within our jurisdiction that we're also going to have to deal with.

So I apologize for being too busy when I got back to contact Mr. CONAWAY, but it was for no purposeful reason that I did that.

Mr. SESSIONS. Will the gentleman yield?

Mr. PETERSON of Minnesota. I would yield.

Mr. SESSIONS. Can you please tell us when the majority leader gave an announcement to this Congress that this bill would be considered? That's fair game.

Mr. PETERSON of Minnesota. I don't know exactly.

Here is my point. At the time this bill failed after it had passed, I talked to our leadership and they assured me that they would bring it back under a rule in September. If I would have been here last week, Mr. CONAWAY and I would have had these discussions and we wouldn't be in that part of things. But this was always the intention to bring this back, and we don't have a lot of time. We can't wait until next week to bring this up. We're going to run out of time.

I told the leadership that I wanted this bill brought up. They have brought it up, and I'm glad they did.

Mr. SESSIONS. Will the gentleman yield?

Mr. PETERSON of Minnesota. I would yield.

Mr. SESSIONS. Is the gentleman aware that Republicans and others in this House were given less than 3 hours' notice for the bill?

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. SESSIONS. I would like to extend to the gentleman 3 additional minutes.

The Republican Members in this body and the rest of the Members were given 3 hours' notice that this bill would be on the floor.

Mr. PETERSON of Minnesota. Well, that was not my decision.

What we're doing is the work of the Agriculture Committee. We asked them to bring this bill up so that we could get it passed. So that we're doing our work. We're doing our part.

Mr. SESSIONS. Do you believe that 3 hours' notice—you had indicated there were no Republican amendments—would be enough time for a Member that's a Republican to go down to Leg Counsel to get an amendment that's prepared to get it to Rules Committee? Do you believe that could be done? Because what you're saying is, well, no Republican even submitted an amendment.

Mr. PETERSON of Minnesota. Well, I'm sure that there's been a lot of cases around here where we would have liked more time.

Mr. SESSIONS. I thank the gentleman.

I would also like to ask the gentleman, was the gentleman aware that the gentleman, Mr. CONAWAY, had asked on this floor of the House of Representatives and was given, through your words of support, that you would work with him before the bill came back to the floor?

Mr. PETERSON of Minnesota. I don't think that's exactly what we said.

Mr. SESSIONS. Can you please tell me exactly what you think it was?

Mr. PETERSON of Minnesota. He and I had discussions about this issue. I think he and I were in agreement. The problem was the other folks that had bills that we had incorporated into the overall bill were not in agreement, and they're still not in agreement. And I think even if we would have worked on this last week, I'm not sure we would have come to an agreement by today.

I apologize. I was on a personal situation last week so I wasn't here. When I got back, we had a blowup on country of origin labeling and some other issues.

So I think if Mr. CONAWAY would—we had discussions last night, and I think we've got a way to move forward. But I'm not sure we're going to come to a resolution that's going to be agreeable to everybody. We may still have to have some kind of a, I don't know, process to try to work this out because there's people that think what Mr. CONAWAY is doing is opening up too big of a hole, if you will, in the hedge exemption. And so we've got to work through that.

Mr. SESSIONS. I appreciate the gentleman, my friend, the gentleman who's chairman of the committee.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has again expired.

Mr. SESSIONS. Madam Speaker, I extend myself such time as I may consume.

Madam Speaker, this is why last night or yesterday afternoon in the Rules Committee there was a very polite discussion and a request made by Republicans in the committee once we recognized that there were some problems that took place that were unavoidable on behalf of the chairman of the committee, on behalf of notice to Republicans, on behalf of a colloquy that engaged Members on this floor where we realized, Oh, I'm sorry. That just didn't happen. And we will not say it was anybody's fault, but there was agreement that there was a problem.

This is where the Rules Committee comes into play. The Rules Committee is a body that should have the ability to look fairly and equitably at an issue and then make a decision.

I had a discussion with the committee. I have only served on the committee 10 years. But I have seen people bring legislation to the committee and ask for relief and receive relief. Normally, if we were in January, February, March, April, May, some other time, open rules are not always allowed or amendments aren't always allowed

because they seem to open up all other issues and ideas.

This was a very specific idea. This was an idea that was agreed upon that there would be a discussion, and the Rules Committee slam dunked the gentleman from Texas as well as Republican Members after hearing positive testimony from both sides, not even giving relief.

This is exactly what Republicans are talking about, and I believe the American people, that this Democrat majority and the Rules Committee, which set a record-shattering 61 closed rules—for any Congress a record—simply is so flatlined upon doing politically what they choose to do and by showing their power that there is not even a voice that's open.

What the gentleman has suggested to us today is that he knew of no other process for the gentleman to go through. Well, it's called an amendment that would be on the floor of the House of Representatives where our colleagues cannot only hear the issue but then get a chance to vote on it.

So today we're here without the ability to vote on it, but we have the gentleman, Mr. CONAWAY, and I would like to yield him 5 minutes.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair recognizes the gentlewoman from Ohio.

Ms. SUTTON. Thank you, Madam Speaker.

Before I yield to the distinguished gentleman from Vermont, I would like to yield myself as much time as I may consume.

Madam Speaker, I thank the chairman of the Agriculture Committee for coming forward and talking about this issue here today and for making the point that this bill is a bill that is virtually identical to a bill that was passed in July, as I said, on a very big bipartisan vote; 61 of our friends, the Republicans, voted for it, including Mr. CONAWAY. That bill was the result of multiple hearings in the Agriculture Committee, and no Republicans during that period of time offered up any amendments in the Ag Committee markup.

Chairman PETERSON graciously made it very clear here today that this bill continues through the process and that he is absolutely willing to work with Mr. CONAWAY as we move forward on this very, very important legislation.

At this time, Madam Speaker, it's my honor to yield 3 minutes to the gentleman from Vermont (Mr. WELCH), a member of the Rules Committee.

Mr. WELCH of Vermont. I thank the gentlelady from Ohio.

Madam Speaker, this bill, I think, brings in sharp relief a major question that this Congress is now having to contend with.

Our economy has been hijacked by speculation. Institutions that have served average American families, average American farmers, average American businesses very well have become casino chips on Wall Street. A couple of examples: One, mortgages. Folks were able to get a mortgage when they had enough savings and could get one that they could afford and they would buy a home. Mortgages were turned into subprimes that became investment vehicles by Wall Street, and now we're seeing the collapse.

A second institution, and this is why the Agriculture Committee is so involved, is the futures market. The purpose of the futures market was to give some price stability to our farmers, to our fuel dealers, to our airlines, folks who absolutely had a need for some price stability, some price discovery with the commodity they were producing.

And how did we get to this situation where it's been taken over by Wall Street? We can thank Enron for that. And it is important to understand historically how we got here.

Enron came into this Congress in 2001 and asked, literally, for a loophole, and they got it; and that was to allow speculative trading in the futures market. What that has resulted in is a vast increase in speculative activity in the energy market and the futures market for commodities by financial players as opposed to by farmers, by fuel dealers, by airlines.

We saw what happened with the subprime mess, and now we're seeing what has happened in the commodity futures trading market and why it's so essential that we get control on this and restore the futures market and restore it to what its original intention was, that is, something that's going to help the American consumer, the American farmer, the American small business.

This committee bill is bipartisan. The Agriculture Committee probably has the two most bipartisan leaders in the House with Chairman PETERSON and Representative GOODLATTE. And what they've done is made a decision in this committee to bring a bill that restores the commodity futures trading market to its original purpose, and that is having as its focus helping our farmers, our consumers, and small businesses and saying ''no'' to Wall Street; this is not one of your toys for speculation and enrichment.

So this is absolutely essential not just for the farmers and the small businesses, the fuel dealers, the airlines, but for capitalism itself. If we don't have mechanisms that reward work as opposed to just speculation, we're not going to have an economy that works.

So this bipartisan legislation recognizes the fundamental requirement that we have institutions that work to reward and help our farmers and our small businesses.

Today, the House will take up H.R. 6604, the Commodity Market Transparency and Accountability Act. This bill will take crucial steps to curb excessive speculation in the energy futures markets.

Each weekend I hear the same thing from Vermonters: increasing expenses for fuel, child care, health care, and education are making it harder and harder for working families to make ends meet. Energy costs are an enormous driver of this crisis. The average U.S. heating oil bill is expected to be a record $3,500 for the upcoming winter, up 76 percent from two winters ago. This is not sustainable. Based on the current state of the market, speculation is a large contributing factor to the astronomical spikes we have had in just the past 12 to 18 months.

In 2000, Enron and several large energy companies successfully lobbied the (Republican-led Congress to exempt energy markets from government regulation. This lack of oversight has resulted in multi-billion dollar price manipulation and excessive speculation by traders. This special interest loophole is allowing energy traders to rip off Americans who are already struggling every winter to heat their homes. The previous Congress sold us out to Enron, creating a Wild West in the energy markets at the public's expense. It's time to end this rip off.

Last November I introduced H.R. 4066, the ''Close the Enron Loophole'' bill. My bill and the bill we will vote on later today calls into question the excessive speculation occurring in the marketplace. Are we going to allow the oil futures market to continue to profit from ripping-off our hardworking constituents, or are we to pass and enforce responsible regulations on energy futures trading? Families who already struggle to pay fuel bills, should not be forced to choose between putting food on the table and keeping their house warm as energy traders continue to line their pockets.

This bill will not solve our energy problems. Forcing speculation out of the market is not a substitute for real commitment to a long term energy policy. As a nation that possesses less than 2 percent of the world's oil reserves, but uses 25 percent of the world's oil, we must adopt new policies—higher mileage standards for our vehicles, higher energy efficiency standards, tax incentives for clean energy alternatives, better construction designs, restoration of mass transit and rail—we can create jobs, improve our environment, develop affordable energy, and strengthen our national security.

□ 1130

Mr. SESSIONS. Madam Speaker, I really agree a lot with the gentleman from Vermont. What I disagree with and believe the problem is that we don't have enough oil that's available to the marketplace, and that's where Republicans are trying to bring more oil where we don't have to have speculation for people who absolutely, positively must have the oil available.

Madam Speaker, at this time, I yield 5 minutes to the gentleman from Midland, Texas (Mr. CONAWAY).

Mr. CONAWAY. I appreciate the gentleman for yielding me time.

I want to set the record straight, or at least set a record that says I have complete trust in the chairman of the Ag Committee. COLLIN PETERSON is an honorable man, and when he makes commitments, I think he intends fully to make those commitments.

I think we're under a circumstance where he was not allowed to make a commitment that, were it his decision

alone, that we would have a resolution of this issue that would be satisfactory I think across the spectrum.

I'm a CPA, as is my good colleague from Minnesota, my chairman. One of the things you look for as an auditor in financial statements is consistent application of accounting rules.

I want to congratulate this Rules Committee on consistently applying their position of having closed rules on everything of importance that comes down here. It's as if every bill that comes out of the Speaker's office is perfect, and I would argue that no one in their right mind thinks every bill that passes this House, whether it's a Republican bill or a Democrat bill, is perfect.

There should be the opportunity to say here's an area in a bill that needs further work. I don't think anybody on the other side of this aisle would say this is the perfect fix to the commodities futures market; it's the perfect fix to make sure that the only thing going on in these futures markets is price discovery, and once this is passed and signed by the President we will never have another problem with it. I don't think anybody's arguing that.

So it's twisted, in my view, to say on the one hand, well, it's not a perfect bill and it could be improved, there could be some issues be addressed, and one I'd like to talk about in a second. And yet this Rules Committee, dominated by the Speaker I believe, Madam Speaker, is consistently applying the closed rule concept that prevents other voices, whether they're Republican or Democrat, to come to this floor and say I might have a little bit better idea or better take on something, the will of the House will happen, but let my voice be heard.

The process yesterday on this bill that came forth was anything but open. It was very quick. They've not laid a predicate for why it needs to be instantly done today, why we couldn't have been allowed an opportunity to present a motion that would have said we need hedgers in the markets, in this commodity futures trading arena, in order to make this thing work.

One of the risks of this bill is that it will exclude traditional hedging operators from being able to provide hedging services to small businesses. Putting these hedge positions in place, if you're a long commodity, is expensive, and you need size and volume to get the transaction costs down. So there's an arena of folks in the market who provide these services on behalf of folks who need to hedge. I think this bill overreaches in its attempt to make sure we don't have undue speculation in the market.

That's simply what I'm trying to do, and I've got I think a commitment from the chairman to work on this. I visited with him last night, and I believe he is sincere when he said he wanted to keep this commitment that he and I made on this floor back in the end of July to address this issue.

This isn't a Republican or Democrat issue. This is an issue that we all should be able to have an independent view on.

The previous speaker mentioned the fact that I voted for the bill, and she's absolutely correct. But I voted for the bill because I made a commitment. I made a commitment with my chairman that said, Madam Speaker, if you will work with me on this, then I will vote for this bill. And so I put my green vote up that afternoon, and I can assure you I had no shortage of the 151 Republicans who voted against this bill come to me and say, CONAWAY, have you lost your mind? What are you doing? This is not a normal position that you would take. And I said, Well, I made a commitment to the chairman that I would support working forward in this bill as it moved through the process, either through a conference report or whatever, to address the issues that I'm concerned about, and I committed to him that I was going to vote for it. I kept my commitment.

And I don't think the chairman was allowed to keep the commitment he made back to me, and that's an unfortunate circumstance, because we only have our word in this arena, and I believe he kept his word as best he could, but I don't think the Speaker and the dominated Rules Committee allowed him to do something that he should have been able to do and I should have been able to make an amendment here to say here's what I think is going on, have the discussion, have the folks who disagree with me come down here and talk about that. That's the way the system is supposed to work. Certainly the way that every high school civics class in the world would argue that the way this floor works is you have an idea and you have folks for it and folks against it and you come down here and challenge it.

This closed rule one more time, consistently applied by this dominated Rules Committee, is wrong. It's just not the way to do it. There is no immediate urgency that we've got to get this passed today or tomorrow. It could have come on the agenda tomorrow, and we would have had time to bring this amendment down here.

I urge my colleagues to vote against this rule and against this bill. The process is flawed. It does nothing to support energy production in this country, nor will it work.

Ms. SUTTON. Madam Speaker, I would inquire of the gentleman from Texas if he has any additional speakers.

Mr. SESSIONS. I would like to advise the gentlewoman that I do have an additional speaker.

Ms. SUTTON. Then I will reserve my time. I'm the last speaker on this side. I will reserve my time.

Mr. SESSIONS. Madam Speaker, last night on the floor of the House of Representatives, the gentleman, ZACH WAMP, came down to make a thoughtful argument about the predicament that this country is in with not having enough energy available at the gas pumps and that that has caused prices to rise very dramatically and that there really is an answer and something that can be done. I'm pleased to welcome the gentleman from Tennessee (Mr. WAMP), and I'd like to extend him 4 minutes.

Mr. WAMP. I thank the gentleman.

I voted for this bill when it came to the floor earlier. I'm likely to vote for it again today. I'm concerned about speculation. I'm also concerned about price gouging in east Tennessee. Monday following Ike, gas was $4.99 a gallon. Over 500 complaints were filed with our State and the regulators there over price gouging allegations. I'm concerned about these issues as well.

But I've got to tell you, I'm a little puzzled why the quick rush to get to the floor on this bill again this week, less than 36 hours from the time that we saw an unbelievable event happen on the floor this week. And I'm not one in the last 14 years here to complain or to blame, but I've got to tell you what happened here was they convinced Members of their own party to vote against a bill that they had cosponsored to bring new oil and gas supplies on to our country in order to defeat any reasonable new capacity energy bill and immediately then went to change the subject, refocus the debate on speculation instead of oil and gas supplies, which will bring down prices.

It's frankly a diversion, it's a distraction, and I would have to wonder if it's intentional, listening to the rule debate over how this whole process came about. That's what I wonder is exactly what caused the rush to the floor. Was it AIG, so you want to focus back on the markets and Wall Street and speculation and these kind of issues? Or was it quickly change the subject away from the very unfortunate, very watered down, weak energy alternative that they jammed through the House without a lot of debate—well, there were 3 hours of debate—but without amendments, without alternatives, except for the one bipartisan bill that they then encouraged dozens of their own Members to vote against even though they were cosponsors and bragged about having written that bill?

Now that's wrong. That's wrong, and I come here today to say it and wonder just exactly why this has come up this quick again on the floor, change the subject and get out of town. I think that's what's going on. The American people shouldn't like it. They should demand better. We can do better.

We should be here debating. If you want to debate something in the markets in speculation today, how about the accounting rules that caused the AIG bailout? Maybe we could bring that up real quick so we can address some of these problems. That ought to be debated today instead of speculation, so you can change the subject away from oil and gas supplies because you really let the American people

down this week on the floor of the House.

Nothing's going to happen in terms of bringing down the cost of oil and gas before the election, and it could have.

Mr. SESSIONS. Madam Speaker, I thank the gentleman from Tennessee for his thoughtful comments.

Madam Speaker, since taking control of this House, this Democrat Congress has totally neglected its responsibility to address the domestic supply issues that have created skyrocketing gas, diesel, and energy costs the American families are facing. We heard the gentleman, Mr. WAMP, talk about how there were good ideas that should have been available, including a bipartisan working group and bipartisan legislation that, when it really came down to it, somebody put pressure on a whole bunch of our friends in the Democrat Party to then vote against even their own bill so that it was not bipartisan.

By going on vacation for 5 weeks over August, while I and 138 other of my Republican colleagues stayed in this body on this floor to talk about real energy solutions with American families, this Democrat majority has proved that they do not believe that the energy crisis facing American families and businesses is important enough to cancel their summer beach plans or book tours. They claimed they were going to come back and do something about it. However, enough of their Members must have heard from frustrated constituents over August who were tired of this shell game that the Democrat political leadership is pushing off on the American people.

We would think that it should warrant some kind of action. Because today we are considering yet another measure to provide their Members with political cover, we're going to see that there will be nothing that will be done. Even their own chairman of the committee said this isn't going to become law. It's not going to pass. We didn't even really know it was going to come up. No notice was given to Republicans till 3 hours before it was going to come to the Rules Committee, and perhaps worse than that, then people said, and Republicans didn't even present any amendments.

So today I urge my colleagues to vote with me to defeat the previous question. If the previous question is defeated, I will move to amend the rule to allow this House so that we can take up the measure that prevents Members from going home to campaign for reelection without actually passing an energy bill that will be signed into law.

Madam Speaker, we should do better. We should allow States to expand the exploration and extraction of natural resources along the Outer Continental Shelf. We should open the Arctic National Wildlife Refuge and oil shale reserves in this country, and we can do it in environmentally sensitive and prudent ways. We should extend expiring renewable energy incentives. We should encourage the streamlined approval of new refining capacity and nuclear power facilities. My gosh, if France can have 82 percent of their power from nuclear, why can't the United States get above where we are?

We should encourage advanced research and development of clean coal, coal-to-liquid, and carbon technologies, and perhaps more importantly, which is the sham about the entire Democrat leadership's bill is, we should do something about stopping the lawsuits which are creating a circumstance in courts to where none of these leases are able to move forward for production because they're in lawsuits, and the Democrat leadership did not even address this. It's simple. Consolidate and expedite the drawn-out legal challenges that unreasonably delay or prevent actual domestic energy production.

Why wouldn't we want, if we're going to pass this bill, to make sure that it would happen, when in fact every Member of this body knows that for every single, 100 percent, of all the leases that have been agreed to are wrapped up in court right now, in Federal court right now. Why not do something that would give relief to the American people? Why not say let's at least one of these opportunities take place for drilling, just one? How about 10 percent? No, it's got to be 100 percent, and the American people are going to learn what the Democrat Party already knows, and that is, that the Democrat leadership does not want any drilling. They want no drilling.

Senator OBAMA, I'm sure was correct. He is opposed to drilling so that America can be competitive with the world.

□ 1145

This requirement would finally force the Democrat leadership to take meaningful action.

If we were going to get what I just talked about, that would mean somebody who's in control of both Houses of Congress wanting to do something. And we stand here today, the Republican Party, once again, as we did all of August, asking for us to do something that will work to bring relief. It's a supply side issue.

So, Madam Speaker, here we go. A shell game, a Rules Committee that allows no good ideas—except their own that the Democrat leadership has; agreements, which were talked about on the floor, which, when it really came down to it, not sure we really want to live up to at all. There is always a bigger problem. Well, that's not what this floor of the House is for, that's not really what the Rules Committee is for. That's not what Congress is for. Congress should be about, especially in a crisis, coming to an agreement and working together.

I think we can do better. I think it's going to be something that the American people are going to have to decide what the tie is between Republicans and Democrats. I guess it's going to come to an election, where the American people are going to be told the facts of the case, and they will see what kind of action is necessary in Washington, D.C.

Madam Speaker, the Republican Party is again on giving the American people and this body notice that the Republican Party is for us doing the things which will bring down the price of energy, which will create long-term economic stimulus and opportunity for this country. Because we recognize that energy prices are too high and it impacts every sector of our economy—trucking, the food that's made, produced, the food that gets to marketplace, the opportunities for school systems to operate within their budget, the chance for American families who have to go to their job, many times who have to commute.

We need real action, not a slam-dunk Rules Committee that will set a record every time they go to meet for a new closed rule, not offering new ideas, not listening to the American people about the ability that we need to have to bring to bear American energy products. Instead, we get the same worn-out message of what's happened over the last 2 years where America has lost 14 percent more of market shares, where we have to go overseas to those countries that will produce and will drill.

The American people look up and find out now that this Congress says no, no drilling in Florida, and so other countries will come off our shores and take our energy.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. I ask unanimous consent to insert the text of the amendment and extraneous material into the RECORD prior to the vote on the previous question.

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

There was no objection.

Ms. SUTTON. Madam Speaker, this is a good bill. The Republican Party and my good friend from Texas, they had 12 years to put forward a comprehensive energy policy for the future, and they failed to do so. And for 12 years, they had the opportunity to provide accountability and oversight in our commodities market, and they failed to do so.

Earlier this week, we took steps to pass a comprehensive energy bill that's going to lower prices for consumers, protect taxpayers, expand responsible offshore domestic drilling, expand renewable sources of energy, increase our security by freeing America from the grip of foreign oil, and require Big Oil to pay what it owes to America's taxpayers. And we're going to create good-paying jobs as we move forward on this forward-thinking energy policy.

Today, Madam Speaker, we pass an equally important measure. All of those out there who have been held hostage by the greed of some of our speculators who treat our commodities

as a safety net, well, the party is over. This bill will strengthen the CFTC's enforcement resources. In recent days, trading volume has increased 8,000 percent since the CFTC was created, but the agency is operating at its lowest staffing level since 1974. This bill calls for a minimum of 100 full-time CFTC employees to enforce manipulation and fraud regulation.

Madam Speaker, this bill is about protecting and strengthening the economy for the people in Ohio and across America, not a select few on Wall Street and abroad. It's time that we get it done. It's about ensuring that the loopholes are closed to prevent another historic run-up in the price of oil. It's about providing the tools and having the political will to prevent potential price distortions caused by excessive speculative trading.

Madam Speaker, this bill was passed by the Agriculture Committee by a voice vote in a bipartisan manner in July. So no matter what we hear from those who may oppose what we are trying to do, we need to pass this bill. It's the right thing to do for our country, it's the right thing to do for our constituents.

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

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1449 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution add the following new section:

SEC. 3. It shall not be in order in the House to consider a concurrent resolution providing for an adjournment of either House of Congress until comprehensive energy legislation has been enacted into law that includes provisions designed to—

(A) allow states to expand the exploration and extraction of natural resources along the Outer Continental Shelf;

(B) open the Arctic National Wildlife Refuge and oil shale reserves to environmentally prudent exploration and extraction;

(C) extend expiring renewable energy incentives;

(D) encourage the streamlined approval of new refining capacity and nuclear power facilities;

(E) encourage advanced research and development of clean coal, coal-to-liquid, and carbon sequestration technologies; and

(F) minimize drawn out legal challenges that unreasonably delay or prevent actual domestic energy production.

(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. SUTTON. Madam Speaker, 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. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 224, nays 187, not voting 22, as follows:

[Roll No. 605]

YEAS—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
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)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
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
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson

English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
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
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Boucher
Brady (TX)
Brown, Corrine
Burgess
Capuano
Conyers
Cubin
Dreier
Grijalva
Hastings (FL)
Hulshof
Issa
Jackson-Lee (TX)
King (NY)
Lampson
Moran (VA)
Pence
Pitts
Poe
Renzi
Souder
Udall (CO)

□ 1214

Messrs. MACK and SCALISE changed their vote from ''yea'' to ''nay.''

Ms. ESHOO and Ms. CLARKE changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PASTOR). The question is on the resolution.

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

RECORDED VOTE

Mr. SESSIONS. 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 218, noes 190, not voting 25, as follows:

[Roll No. 606]

AYES—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Childers
Clarke
Clay
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
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 (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
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
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Yarmuth

NOES—190

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
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
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Bachus
Brady (TX)
Brown, Corrine
Burgess
Capuano
Cleaver
Conyers
Cubin
Dreier
Grijalva
Hastings (FL)
Hulshof
Issa
Jackson-Lee (TX)
King (NY)
Lampson
Moran (VA)
Pence
Pitts
Poe
Rangel
Renzi
Souder
Udall (CO)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1223

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.

COMMODITY MARKETS TRANSPARENCY AND ACCOUNTABILITY ACT OF 2008

Mr. PETERSON of Minnesota. Mr. Speaker, pursuant to House Resolution 1449, I call up the bill (H.R. 6604) to amend the Commodity Exchange Act to bring greater transparency and accountability to commodity markets, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6604

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 ''Commodity Markets Transparency and Accountability Act of 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. Definition of energy commodity.
Sec. 4. Speculative limits and transparency of off-shore trading.
Sec. 5. Disaggregation of index funds and other data in energy and agriculture markets.

Sec. 6. Detailed reporting from index traders and swap dealers.
Sec. 7. Transparency and recordkeeping authorities.
Sec. 8. Trading limits to prevent excessive speculation.
Sec. 9. Modifications to core principles applicable to position limits for contracts in agricultural and energy commodities.
Sec. 10. CFTC Administration.
Sec. 11. Review of prior actions.
Sec. 12. Review of over-the-counter markets.
Sec. 13. Studies; reports.
Sec. 14. Over-the-counter authority.
Sec. 15. Expedited process.

SEC. 3. DEFINITION OF ENERGY COMMODITY.

(a) DEFINITION OF ENERGY COMMODITY.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (13) through (34) as paragraphs (14) through (35), respectively; and

(2) by inserting after paragraph (12) the following:

''(13) ENERGY COMMODITY.—The term 'energy commodity' means—

''(A) coal;

''(B) crude oil, gasoline, diesel fuel, jet fuel, heating oil, and propane;

''(C) electricity;

''(D) natural gas; and

''(E) any other substance that is used as a source of energy, as the Commission, in its discretion, deems appropriate.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2)(B)(i)(II)(cc) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)(cc)) is amended—

(A) in subitem (AA), by striking ''section 1a(20)'' and inserting ''section 1a(21)''; and

(B) in subitem (BB), by striking ''section 1a(20)'' and inserting ''section 1a(21)''.

(2) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by striking ''section 1a(32)'' and inserting ''section 1a''.

(3) Section 402 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27) is amended—

(A) in subsection (a)(7), by striking ''section 1a(20)'' and inserting ''section 1a''; and

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking ''section 1a(33)'' and inserting ''section 1a''; and

(ii) in paragraph (2)(D), by striking ''section 1a(13)'' and inserting ''section 1a''.

SEC. 4. SPECULATIVE LIMITS AND TRANSPARENCY OF OFF-SHORE TRADING.

(a) IN GENERAL.—Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

''(e) FOREIGN BOARDS OF TRADE.—

''(1) IN GENERAL.—The Commission may not permit a foreign board of trade to provide to the members of the foreign board of trade or other participants located in the United States direct access to the electronic trading and order matching system of the foreign board of trade with respect to an agreement, contract, or transaction in an energy or agricultural commodity that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, unless—

''(A) the foreign board of trade makes public daily trading information regarding the agreement, contract, or transaction that is comparable to the daily trading information published by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(B) the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade)—

''(i) adopts position limits (including related hedge exemption provisions) for the agreement, contract, or transaction that are comparable, taking into consideration the relative sizes of the respective markets, to the position limits (including related hedge exemption provisions) adopted by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles;

''(ii) has the authority to require or direct market participants to limit, reduce, or liquidate any position the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade) determines to be necessary to prevent or reduce the threat of price manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process;

''(iii) agrees to promptly notify the Commission of any change regarding—

''(I) the information that the foreign board of trade will make publicly available;

''(II) the position limits that the foreign board of trade or foreign futures authority will adopt and enforce;

''(III) the position reductions required to prevent manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process; and

''(IV) any other area of interest expressed by the Commission to the foreign board of trade or foreign futures authority;

''(iv) provides information to the Commission regarding large trader positions in the agreement, contract, or transaction that is comparable to the large trader position information collected by the Commission for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(v) provides the Commission with information necessary to publish reports on aggregate trader positions for the agreement, contract, or transaction traded on the foreign board of trade that are comparable to such reports for 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles.

''(2) EXISTING FOREIGN BOARDS OF TRADE.—Paragraph (1) shall not be effective with respect to any agreement, contract, or transaction in an energy commodity executed on a foreign board of trade to which the Commission had granted direct access permission before the date of the enactment of this subsection until the date that is 180 days after such date of enactment.''.

(b) LIABILITY OF REGISTERED PERSONS TRADING ON A FOREIGN BOARD OF TRADE.—

(1) Section 4(a) of such Act (7 U.S.C. 6(a)) is amended by inserting ''or by subsection (f)'' after ''Unless exempted by the Commission pursuant to subsection (c)''.

(2) Section 4 of such Act (7 U.S.C. 6) is further amended by adding at the end the following:

''(f) A person registered with the Commission, or exempt from registration by the Commission, under this Act may not be found to have violated subsection (a) with respect to a transaction in, or in connection with, a contract of sale of a commodity for future delivery if the person has reason to believe the transaction and the contract is made on or subject to the rules of a board of trade that is legally organized under the laws of a foreign country, authorized to act as a board of trade by a foreign futures authority, subject to regulation by the foreign futures authority, and has not been determined by the Commission to be operating in violation of subsection (a).''.

(c) CONTRACT ENFORCEMENT FOR FOREIGN FUTURES CONTRACTS.—Section 22(a) of such Act (7 U.S.C. 25(a)) is amended by adding at the end the following:

''(5) A contract of sale of a commodity for future delivery traded or executed on or through the facilities of a board of trade, exchange, or market located outside the United States for purposes of section 4(a) shall not be void, voidable, or unenforceable, and a party to such a contract shall not be entitled to rescind or recover any payment made with respect to the contract, based on the failure of the foreign board of trade to comply with any provision of this Act.''.

SEC. 5. DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN ENERGY AND AGRICULTURE MARKETS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6), as amended by section 4 of this Act, is amended by adding at the end the following:

''(g) DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN ENERGY AND AGRICULTURE MARKETS.—Subject to section 8 and beginning within 30 days of the issuance of the final rule required by section 4h, the Commission shall disaggregate and make public weekly—

''(1) the number of positions and total value of index funds and other passive, long-only and short-only positions (as defined by the Commission) in all energy and agricultural markets to the extent such information is available; and

''(2) data on speculative positions relative to bona fide physical hedgers in those markets to the extent such information is available.''.

SEC. 6. DETAILED REPORTING FROM INDEX TRADERS AND SWAP DEALERS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6), as amended by sections 4 and 5 of this Act, is amended by adding at the end the following:

''(h) INDEX TRADERS AND SWAP DEALERS REPORTING.—The Commission shall issue a proposed rule defining and classifying index traders and swap dealers (as those terms are defined by the Commission) for purposes of data reporting requirements and setting routine detailed reporting requirements for such entities in designated contract markets, derivatives transaction execution facilities, foreign boards of trade subject to section 4(e), and electronic trading facilities with respect to significant price discovery contracts with respect to exempt and agricultural commodities not later than 60 days after the date of the enactment of this subsection, and issue a final rule within 120 days after such date of enactment.''.

SEC. 7. TRANSPARENCY AND RECORDKEEPING AUTHORITIES.

(a) IN GENERAL.—Section 4g(a) of the Commodity Exchange Act (7 U.S.C. 6g(a)) is amended—

(1) by inserting ''a'' before ''futures commission merchant''; and

(2) by inserting ''and transactions and positions traded pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation or order,'' after ''United States or elsewhere,''.

(b) REPORTS OF DEALS EQUAL TO OR IN EXCESS OF TRADING LIMITS.—Section 4i of such Act (7 U.S.C. 6i) is amended—

(1) in the first sentence—

(A) by inserting ''(a)'' before ''It shall''; and

(B) by inserting ''in the United States or elsewhere, and of transactions and positions in any such commodity entered into pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation or order'' before '', and of cash or spot''; and

(2) by striking all that follows the 1st sentence and inserting the following:

''(b) With respect to agricultural and energy commodities, upon special call by the Commission, any person shall provide to the Commission, in a form and manner and within the period specified in the special call, books and records of all transactions and positions traded on or subject to the rules of any board of trade or electronic trading facility in the United States or elsewhere, or pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation, or order, as the Commission may determine appropriate to deter and prevent price manipulation or any other disruption to market integrity or to diminish, eliminate, or prevent excessive speculation as described in section 4a(a).

''(c) Such books and records described in subsections (a) and (b) shall show complete details concerning all such transactions, positions, inventories, and commitments, including the names and addresses of all persons having any interest therein, shall be kept for a period of 5 years, and shall be open at all times to inspection by any representative of the Commission or the Department of Justice. For the purposes of this section, the futures and cash or spot transactions and positions of any person shall include such transactions and positions of any persons directly or indirectly controlled by the person.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 2(g) of such Act (7 U.S.C. 2(g)) is amended—

(A) by inserting ''4g(a), 4i,'' before ''5a (to''; and

(B) by inserting '', and the regulations of the Commission pursuant to section 4c(b) requiring reporting in connection with commodity option transactions,'' before ''shall apply''.

(2) Section 2(h)(2)(A) of such Act (7 U.S.C. 2(h)(2)(A)) is amended to read as follows:

''(A) sections 4g(a), 4i, 5b and 12(e)(2)(B), and the regulations of the Commission pursuant to section 4c(b) requiring reporting in connection with commodity option transactions;''.

SEC. 8. TRADING LIMITS TO PREVENT EXCESSIVE SPECULATION.

Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding after and below the end the following:

''(2) In accordance with the standards set forth in paragraph (1) of this subsection and consistent with the good faith exception cited in subsection (b)(2), with respect to agricultural commodities enumerated in section 1a(4) and energy commodities, the Commission, within 60 days after the date of the enactment of this paragraph, shall by rule, regulation, or order establish limits on the amount of positions that may be held by any person with respect to contracts of sale for future delivery or with respect to options on such contracts or commodities traded on or subject to the rules of a contract market or derivatives transaction execution facility, or on an electronic trading facility as a significant price discovery contract.

''(3) In establishing the limits required in paragraph (2), the Commission shall set limits—

''(A) on the number of positions that may be held by any person for the spot month, each other month, and the aggregate number of positions that may be held by any person for all months;

''(B) to the maximum extent practicable, in its discretion—

''(i) to diminish, eliminate, or prevent excessive speculation as described under this section;

''(ii) to deter and prevent market manipulation, squeezes, and corners;

''(iii) to ensure sufficient market liquidity for bona fide hedgers; and

''(iv) to ensure that the price discovery function of the underlying market is not disrupted; and

''(C) to the maximum extent practicable, in its discretion, take into account the total number of positions in fungible agreements, contracts, or transactions that a person can hold in agricultural and energy commodities in other markets.

''(4)(A) Not later than 150 days after the date of the enactment of this paragraph, the Commission shall convene a Position Limit Agricultural Advisory Group and a Position Limit Energy Group, each group consisting of representatives from—

''(i) 5 predominantly commercial short hedgers of the actual physical commodity for future delivery;

''(ii) 5 predominantly commercial long hedgers of the actual physical commodity for future delivery;

''(iii) 4 non-commercial participants in markets for commodities for future delivery; and

''(iv) each designated contract market or derivatives transaction execution facility upon which a contract in the commodity for future delivery is traded, and each electronic trading facility that has a significant price discovery contract in the commodity.

''(B) Not later than 60 days after the date on which the advisory groups are convened under subparagraph (A), and annually thereafter, the advisory groups shall submit to the Commission advisory recommendations regarding the position limits to be established in paragraph (2) and a recommendation as to whether the position limits should be administered directly by the Commission, or by the registered entity on which the commodity is listed (with enforcement by both the registered entity and the Commission).''; and

(2) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)''; and

(B) by adding after and below the end the following:

''(2) With respect to agricultural and energy commodities, for the purposes of contracts of sale for future delivery and options on such contracts or commodities, a bona fide hedging transaction or position is a transaction or position that—

''(A)(i) represents a substitute for transactions to be made or positions to be taken at a later time in a physical marketing channel;

''(ii) is economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise; and

''(iii) arises from the potential change in the value of—

''(I) assets that a person owns, produces, manufactures, processes, or merchandises or anticipates owning, producing, manufacturing, processing, or merchandising;

''(II) liabilities that a person owns or anticipates incurring; or

''(III) services that a person provides, purchases, or anticipates providing or purchasing; or

''(B) reduces risks attendant to a position resulting from a transaction that—

''(i) was executed pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or an exemption issued by the Commission by rule, regulation or order; and

''(ii) was executed opposite a counterparty for which the transaction would qualify as a bona fide hedging transaction pursuant to paragraph (2)(A) of this subsection.''.

SEC. 9. MODIFICATIONS TO CORE PRINCIPLES APPLICABLE TO POSITION LIMITS FOR CONTRACTS IN AGRICULTURAL AND ENERGY COMMODITIES.

(a) CONTRACTS TRADED ON CONTRACT MARKETS.—Section 5(d)(5) of the Commodity Exchange Act (7 U.S.C. 7(d)(5)) is amended by striking all that follows ''adopt'' and inserting '', for speculators, position limitations with respect to agricultural commodities enumerated in section 1a(4) or energy commodities, and position limitations or position accountability with respect to other commodities, where necessary and appropriate.''.

(b) CONTRACTS TRADED ON DERIVATIVES TRANSACTION EXECUTION FACILITIES.—Section 5a(d)(4) of such Act (7 U.S.C. 7a(d)(4)) is amended by striking all that follows ''adopt'' and inserting '', for speculators, position limitations with respect to energy commodities, and position limitations or position accountability with respect to other commodities, where necessary and appropriate for a contract, agreement or transaction with an underlying commodity that has a physically deliverable supply.''.

(c) SIGNIFICANT PRICE DISCOVERY CONTRACTS.—Section 2(h)(7)(C)(ii)(IV) of such Act (7 U.S.C. 2(h)(7)(C)(ii)(IV)) is amended by striking ''where necessary'' and all that follows through ''in significant price discovery contracts'' and inserting ''for speculators, position limitations with respect to significant price discovery contracts in energy commodities, and position limitations or position accountability with respect to significant price discovery contracts in other commodities''.

SEC. 10. CFTC ADMINISTRATION.

(a) ADDITIONAL COMMODITY FUTURES TRADING COMMISSION EMPLOYEES FOR IMPROVED ENFORCEMENT.—Section 2(a)(7) of the Commodity Exchange Act (7 U.S.C. 2(a)(7)) is amended by adding at the end the following:

''(D) ADDITIONAL EMPLOYEES.—As soon as practicable after the date of the enactment of this subparagraph, subject to appropriations, the Commission shall appoint at least 100 full-time employees (in addition to the employees employed by the Commission as of the date of the enactment of this subparagraph)—

''(i) to increase the public transparency of operations in agriculture and energy markets;

''(ii) to improve the enforcement of this Act in those markets; and

''(iii) to carry out such other duties as are prescribed by the Commission.''.

(b) INSPECTOR GENERAL OF COMMODITY FUTURES TRADING COMMISSION.—

(1) ELEVATION OF OFFICE.—

(A) INCLUSION OF CFTC IN DEFINITION OF ESTABLISHMENT.—Section 11(2) of the Inspector General Act of 1878 (5 U.S.C. App.) is amended by striking ''or the Export-Import Bank,'' and inserting '', the Export-Import Bank, or the Commodity Futures Trading Commission,''.

(B) EXCLUSION OF CFTC FROM DEFINITION OF DESIGNATED FEDERAL ENTITY.—Section 8G(a)(2) of such Act (5 U.S.C. App.) is amended by striking ''the Commodity Futures Trading Commission,''.

(2) TRANSITION.—Until such time as the Inspector General of the Commodity Futures Trading Commission is appointed in accordance with section 3 of the Inspector General Act of 1978, the Office of Inspector General of the Commission shall continue in effect as provided in such Act before the date of the enactment of this Act.

SEC. 11. REVIEW OF PRIOR ACTIONS.

Notwithstanding any other provision of the Commodity Exchange Act, the Commodity Futures Trading Commission shall review, as appropriate, all regulations, rules,

exemptions, exclusions, guidance, no action letters, orders, other actions taken by or on behalf of the Commission, and any action taken pursuant to the Commodity Exchange Act by an exchange, self-regulatory organization, or any other registered entity, that are currently in effect, to ensure that such prior actions are in compliance with the provisions of this Act.

SEC. 12. REVIEW OF OVER-THE-COUNTER MARKETS.

(a) STUDY.—The Commodity Futures Trading Commission shall conduct a study—

(1) to determine the efficacy, practicality, and consequences of establishing position limits for agreements, contracts, or transactions conducted in reliance on sections 2(g) and 2(h) of the Commodity Exchange Act and of any exemption issued by the Commission by rule, regulation or order, as a means to deter and prevent price manipulation or any other disruption to market integrity or to diminish, eliminate, or prevent excessive speculation as described in section 4a of such Act for physical-based commodities; and

(2) to determine the efficacy, practicality, and consequences of establishing aggregate position limits for similar agreements, contracts, or transactions for physical-based commodities traded—

(A) on designated contract markets;

(B) on derivatives transaction execution facilities; and

(C) in reliance on such sections 2(g) and 2(h) and of any exemption issued by the Commission by rule, regulation or order.

(b) PUBLIC HEARINGS.—The Commission shall provide for not less than 2 public hearings to take testimony, on the record, as part of the fact- gathering process in preparation of the report.

(c) REPORT AND RECOMMENDATIONS.—Not less than 12 months after the date of the enactment of this section, the Commission shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes the results of the study; and

(2) provides recommendations on any actions necessary to deter and prevent price manipulation or any other disruption to market integrity or to diminish, eliminate, or prevent excessive speculation as described in section 4a of the Commodity Exchange Act for physical-based commodities, including—

(A) any additional statutory authority that the Commission determines to be necessary to implement the recommendations; and

(B) a description of the resources that the Commission considers to be necessary to implement the recommendations.

SEC. 13. STUDIES; REPORTS.

(a) STUDY RELATING TO INTERNATIONAL REGULATION OF ENERGY COMMODITY MARKETS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the international regime for regulating the trading of energy commodity futures and derivatives.

(2) ANALYSIS.—The study shall include an analysis of, at a minimum—

(A) key common features and differences among countries in the regulation of energy commodity trading, including with respect to market oversight and enforcement standards and activities;

(B) variations among countries with respect to the use of position limits, position accountability levels, or other thresholds to detect and prevent price manipulation, excessive speculation as described in section 4a of the Commodity Exchange Act, or other unfair trading practices;

(C) variations in practices regarding the differentiation of commercial and noncommercial trading;

(D) agreements and practices for sharing market and trading data among futures authorities and between futures authorities and the entities that the futures authorities oversee; and

(E) agreements and practices for facilitating international cooperation on market oversight, compliance, and enforcement.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(A) describes the results of the study;

(B) addresses whether there is excessive speculation, and if so, the effects of any such speculation and energy price volatility on energy futures; and

(C) provides recommendations to improve openness, transparency, and other necessary elements of a properly functioning market in a manner that protects consumers in the United States.

(b) STUDY RELATING TO EFFECTS OF SPECULATORS ON AGRICULTURE AND ENERGY FUTURES MARKETS AND AGRICULTURE AND ENERGY PRICES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the effects of speculators on agriculture and energy futures markets and agriculture and energy prices.

(2) ANALYSIS.—The study shall include an analysis of, at a minimum—

(A) the effect of increased amounts of capital in agriculture and energy futures markets;

(B) the impact of the roll-over of positions by index fund traders and swap dealers on agriculture and energy futures markets and agriculture and energy prices; and

(C) the extent to which each factor described in subparagraphs (A) and (B) and speculators—

(i) affect—

(I) the pricing of agriculture and energy commodities; and

(II) risk management functions; and

(ii) contribute to economically efficient price discovery.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study.

SEC. 14. OVER-THE-COUNTER AUTHORITY.

(a) IN GENERAL.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

''(j) OVER-THE-COUNTER AUTHORITY.—

''(1) Within 60 days after the date of the enactment of this subsection, the Commission shall, by rule, regulation, or order, require routine reporting as it deems in its discretion appropriate, on not less than a monthly basis, of agreements, contracts, or transactions, with regard to an agricultural or energy commodity, entered into in reliance on subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation, or order that are fungible (as defined by the Commission) with agreements, contracts, or transactions traded on or subject to the rules of any board of trade or of any electronic trading facility with respect to a significant price discovery contract.

''(2) Notwithstanding subsections (g), (h)(1), and (h)(2) of section 2, and any exemption issued by the Commission by rule, regulation, or order, the Commission shall assess and issue a finding on whether the agreements, contracts, or transactions reported pursuant to paragraph (1), alone or in conjunction with other similar agreements, contracts, or transactions, have the potential to—

''(A) disrupt the liquidity or price discovery function on a registered entity;

''(B) cause a severe market disturbance in the underlying cash or futures market for an agricultural or energy commodity; or

''(C) prevent or otherwise impair the price of a contract listed for trading on a registered entity from reflecting the forces of supply and demand in any market for an agricultural commodity enumerated in section 1a(4) or an energy commodity.

''(3) If the Commission makes a finding pursuant to paragraph (2) of this subsection, the Commission may, in its discretion, utilize its authority under section 8a(9) to impose position limits for speculators on the agreements, contracts, or transactions involved and take corrective actions to enforce the limits.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(g) of such Act (7 U.S.C. 2(g)) is amended by inserting ''subsection (j) of this section, and'' after ''(other than''.

(2) Section 2(h)(2)(A) of such Act (7 U.S.C. 2(h)(2)(A)) is amended by inserting ''subsection (j) of this section and'' before ''sections''.

(3) Section 8a(9) of such Act (7 U.S.C. 12a(a)(9)) is amended by inserting after ''of the Commission's action'' the following: '', and to fix and enforce limits to agreements, contracts, or transaction subject to section 2(j)(1) pursuant to a finding made under section 2(j)(2)''.

SEC. 15. EXPEDITED PROCESS.

The Commodity Futures Trading Commission may use emergency and expedited procedures (including any administrative or other procedure as appropriate) to carry out this Act if, in its discretion, it deems it necessary to do so.

The SPEAKER pro tempore. Pursuant to House Resolution 1449, the amendment in the nature of a substitute printed in House Report 110–859 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 6604

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commodity Markets Transparency and Accountability Act of 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. Definition of energy commodity.
Sec. 4. Speculative limits and transparency of off-shore trading.
Sec. 5. Disaggregation of index funds and other data in energy and agriculture markets.
Sec. 6. Detailed reporting from index traders and swap dealers.
Sec. 7. Transparency and recordkeeping authorities.
Sec. 8. Trading limits to prevent excessive speculation.
Sec. 9. Modifications to core principles applicable to position limits for contracts in agricultural and energy commodities.
Sec. 10. CFTC Administration.
Sec. 11. Review of prior actions.
Sec. 12. Review of over-the-counter markets.
Sec. 13. Studies; reports.
Sec. 14. Over-the-counter authority.
Sec. 15. Expedited process.

SEC. 3. DEFINITION OF ENERGY COMMODITY.

(a) DEFINITION OF ENERGY COMMODITY.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (13) through (34) as paragraphs (14) through (35), respectively; and

(2) by inserting after paragraph (12) the following:

''(13) ENERGY COMMODITY.—The term 'energy commodity' means—

''(A) coal;

''(B) crude oil, gasoline, diesel fuel, jet fuel, heating oil, and propane;

''(C) electricity;

''(D) natural gas; and

''(E) any other substance that is used as a source of energy, as the Commission, in its discretion, deems appropriate.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(c)(2)(B)(i)(II)(cc) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)(B)(i)(II)(cc)) is amended—

(A) in subitem (AA), by striking ''section 1a(20)'' and inserting ''section 1a(21)''; and

(B) in subitem (BB), by striking ''section 1a(20)'' and inserting ''section 1a(21)''.

(2) Section 13106(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by striking ''section 1a(32)'' and inserting ''section 1a''.

(3) Section 402 of the Legal Certainty for Bank Products Act of 2000 (7 U.S.C. 27) is amended—

(A) in subsection (a)(7), by striking ''section 1a(20)'' and inserting ''section 1a''; and

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking ''section 1a(33)'' and inserting ''section 1a''; and

(ii) in paragraph (2)(D), by striking ''section 1a(13)'' and inserting ''section 1a''.

SEC. 4. SPECULATIVE LIMITS AND TRANSPARENCY OF OFF-SHORE TRADING.

(a) IN GENERAL.—Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

''(e) FOREIGN BOARDS OF TRADE.—

''(1) IN GENERAL.—The Commission may not permit a foreign board of trade to provide to the members of the foreign board of trade or other participants located in the United States direct access to the electronic trading and order matching system of the foreign board of trade with respect to an agreement, contract, or transaction in an energy or agricultural commodity that settles against any price (including the daily or final settlement price) of 1 or more contracts listed for trading on a registered entity, unless—

''(A) the foreign board of trade makes public daily trading information regarding the agreement, contract, or transaction that is comparable to the daily trading information published by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(B) the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade)—

''(i) adopts position limits (including related hedge exemption provisions) for the agreement, contract, or transaction that are comparable, taking into consideration the relative sizes of the respective markets, to the position limits (including related hedge exemption provisions) adopted by the registered entity for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles;

''(ii) has the authority to require or direct market participants to limit, reduce, or liquidate any position the foreign board of trade (or the foreign futures authority that oversees the foreign board of trade) determines to be necessary to prevent or reduce the threat of price manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process;

''(iii) agrees to promptly notify the Commission of any change regarding—

''(I) the information that the foreign board of trade will make publicly available;

''(II) the position limits that the foreign board of trade or foreign futures authority will adopt and enforce;

''(III) the position reductions required to prevent manipulation, excessive speculation as described in section 4a, price distortion, or disruption of delivery or the cash settlement process; and

''(IV) any other area of interest expressed by the Commission to the foreign board of trade or foreign futures authority;

''(iv) provides information to the Commission regarding large trader positions in the agreement, contract, or transaction that is comparable to the large trader position information collected by the Commission for the 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles; and

''(v) provides the Commission with information necessary to publish reports on aggregate trader positions for the agreement, contract, or transaction traded on the foreign board of trade that are comparable to such reports for 1 or more contracts against which the agreement, contract, or transaction traded on the foreign board of trade settles.

''(2) EXISTING FOREIGN BOARDS OF TRADE.—Paragraph (1) shall not be effective with respect to any agreement, contract, or transaction in an energy commodity executed on a foreign board of trade to which the Commission had granted direct access permission before the date of the enactment of this subsection until the date that is 180 days after such date of enactment.''.

(b) LIABILITY OF REGISTERED PERSONS TRADING ON A FOREIGN BOARD OF TRADE.—

(1) Section 4(a) of such Act (7 U.S.C. 6(a)) is amended by inserting ''or by subsection (f)'' after ''Unless exempted by the Commission pursuant to subsection (c)''.

(2) Section 4 of such Act (7 U.S.C. 6) is further amended by adding at the end the following:

''(f) A person registered with the Commission, or exempt from registration by the Commission, under this Act may not be found to have violated subsection (a) with respect to a transaction in, or in connection with, a contract of sale of a commodity for future delivery if the person has reason to believe the transaction and the contract is made on or subject to the rules of a board of trade that is legally organized under the laws of a foreign country, authorized to act as a board of trade by a foreign futures authority, subject to regulation by the foreign futures authority, and has not been determined by the Commission to be operating in violation of subsection (a).''.

(c) CONTRACT ENFORCEMENT FOR FOREIGN FUTURES CONTRACTS.—Section 22(a) of such Act (7 U.S.C. 25(a)) is amended by adding at the end the following:

''(5) A contract of sale of a commodity for future delivery traded or executed on or through the facilities of a board of trade, exchange, or market located outside the United States for purposes of section 4(a) shall not be void, voidable, or unenforceable, and a party to such a contract shall not be entitled to rescind or recover any payment made with respect to the contract, based on the failure of the foreign board of trade to comply with any provision of this Act.''.

SEC. 5. DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN ENERGY AND AGRICULTURE MARKETS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6), as amended by section 4 of this Act, is amended by adding at the end the following:

''(g) DISAGGREGATION OF INDEX FUNDS AND OTHER DATA IN ENERGY AND AGRICULTURE MARKETS.—Subject to section 8 and beginning within 30 days of the issuance of the final rule required by section 4(h), the Commission shall disaggregate and make public weekly—

''(1) the number of positions and total value of index funds and other passive, long-only and short-only positions (as defined by the Commission) in all energy and agricultural markets to the extent such information is available; and

''(2) data on speculative positions relative to bona fide physical hedgers in those markets to the extent such information is available.''.

SEC. 6. DETAILED REPORTING FROM INDEX TRADERS AND SWAP DEALERS.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6), as amended by sections 4 and 5 of this Act, is amended by adding at the end the following:

''(h) INDEX TRADERS AND SWAP DEALERS REPORTING.—The Commission shall issue a proposed rule defining and classifying index traders and swap dealers (as those terms are defined by the Commission) for purposes of data reporting requirements and setting routine detailed reporting requirements for such entities in designated contract markets, derivatives transaction execution facilities, foreign boards of trade subject to section 4(e), and electronic trading facilities with respect to significant price discovery contracts with respect to exempt and agricultural commodities not later than 60 days after the date of the enactment of this subsection, and issue a final rule within 120 days after such date of enactment.''.

SEC. 7. TRANSPARENCY AND RECORDKEEPING AUTHORITIES.

(a) IN GENERAL.—Section 4g(a) of the Commodity Exchange Act (7 U.S.C. 6g(a)) is amended—

(1) by inserting ''a'' before ''futures commission merchant''; and

(2) by inserting ''and transactions and positions traded pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation or order,'' after ''United States or elsewhere,''.

(b) REPORTS OF DEALS EQUAL TO OR IN EXCESS OF TRADING LIMITS.—Section 4i of such Act (7 U.S.C. 6i) is amended—

(1) in the first sentence—

(A) by inserting ''(a)'' before ''It shall''; and

(B) by inserting ''in the United States or elsewhere, and of transactions and positions in any such commodity entered into pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation or order'' before '', and of cash or spot''; and

(2) by striking all that follows the 1st sentence and inserting the following:

''(b) With respect to agricultural and energy commodities, upon special call by the Commission, any person shall provide to the Commission, in a form and manner and within the period specified in the special call, books and records of all transactions and positions traded on or subject to the rules of any board of trade or electronic trading facility in the United States or elsewhere, or pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation, or order, as the Commission may determine appropriate to deter and prevent price manipulation or any other disruption to market integrity or to diminish, eliminate, or prevent excessive speculation as described in section 4a(a).

''(c) Such books and records described in subsections (a) and (b) shall show complete

details concerning all such transactions, positions, inventories, and commitments, including the names and addresses of all persons having any interest therein, shall be kept for a period of 5 years, and shall be open at all times to inspection by any representative of the Commission or the Department of Justice. For the purposes of this section, the futures and cash or spot transactions and positions of any person shall include such transactions and positions of any persons directly or indirectly controlled by the person.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 2(g) of such Act (7 U.S.C. 2(g)) is amended—

(A) by inserting ''4g(a), 4i,'' before ''5a (to''; and

(B) by inserting '', and the regulations of the Commission pursuant to section 4i(b) requiring reporting in connection with commodity option transactions,'' before ''shall apply''.

(2) Section 2(h)(2)(A) of such Act (7 U.S.C. 2(h)(2)(A)) is amended to read as follows:

''(A) sections 4g(a), 4i, 5b and 12(e)(2)(B), and the regulations of the Commission pursuant to section 4i(b) requiring reporting in connection with commodity option transactions;''.

SEC. 8. TRADING LIMITS TO PREVENT EXCESSIVE SPECULATION.

Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after ''(a)''; and

(B) by adding after and below the end the following:

''(2) In accordance with the standards set forth in paragraph (1) of this subsection and consistent with the good faith exception cited in subsection (b)(2), with respect to agricultural commodities enumerated in section 1a(4) and energy commodities, the Commission, within 60 days after the date of the enactment of this paragraph, shall by rule, regulation, or order establish limits on the amount of positions, other than bona fide hedge positions, that may be held by any person with respect to contracts of sale for future delivery or with respect to options on such contracts or commodities traded on or subject to the rules of a contract market or derivatives transaction execution facility, or on an electronic trading facility as a significant price discovery contract.

''(3) In establishing the limits required in paragraph (2), the Commission shall set limits—

''(A) on the number of positions that may be held by any person for the spot month, each other month, and the aggregate number of positions that may be held by any person for all months;

''(B) to the maximum extent practicable, in its discretion—

''(i) to diminish, eliminate, or prevent excessive speculation as described under this section;

''(ii) to deter and prevent market manipulation, squeezes, and corners;

''(iii) to ensure sufficient market liquidity for bona fide hedgers; and

''(iv) to ensure that the price discovery function of the underlying market is not disrupted; and

''(C) to the maximum extent practicable, in its discretion, take into account the total number of positions in fungible agreements, contracts, or transactions that a person can hold in agricultural and energy commodities in other markets.

''(4)(A) Not later than 150 days after the date of the enactment of this paragraph, the Commission shall convene a Position Limit Agricultural Advisory Group and a Position Limit Energy Group, each group consisting of representatives from—

''(i) 7 predominantly commercial short hedgers of the actual physical commodity for future delivery;

''(ii) 7 predominantly commercial long hedgers of the actual physical commodity for future delivery;

''(iii) 4 non-commercial participants in markets for commodities for future delivery; and

''(iv) each designated contract market or derivatives transaction execution facility upon which a contract in the commodity for future delivery is traded, and each electronic trading facility that has a significant price discovery contract in the commodity.

''(B) Not later than 60 days after the date on which the advisory groups are convened under subparagraph (A), and annually thereafter, the advisory groups shall submit to the Commission advisory recommendations regarding the position limits to be established in paragraph (2) and a recommendation as to whether the position limits should be administered directly by the Commission, or by the registered entity on which the commodity is listed (with enforcement by both the registered entity and the Commission).''; and

(2) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)''; and

(B) by adding after and below the end the following:

''(2) With respect to agricultural and energy commodities, for the purposes of contracts of sale for future delivery and options on such contracts or commodities, the Commission shall define what constitutes a bona fide hedging transaction or position as a transaction or position that—

''(A)(i) represents a substitute for transactions to be made or positions to be taken at a later time in a physical marketing channel;

''(ii) is economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise; and

''(iii) arises from the potential change in the value of—

''(I) assets that a person owns, produces, manufactures, processes, or merchandises or anticipates owning, producing, manufacturing, processing, or merchandising;

''(II) liabilities that a person owns or anticipates incurring; or

''(III) services that a person provides, purchases, or anticipates providing or purchasing; or

''(B) reduces risks attendant to a position resulting from a transaction that—

''(i) was executed pursuant to subsection (g), (h)(1), or (h)(2) of section 2, or an exemption issued by the Commission by rule, regulation or order; and

''(ii) was executed opposite a counterparty for which the transaction would qualify as a bona fide hedging transaction pursuant to paragraph (2)(A) of this subsection.''.

SEC. 9. MODIFICATIONS TO CORE PRINCIPLES APPLICABLE TO POSITION LIMITS FOR CONTRACTS IN AGRICULTURAL AND ENERGY COMMODITIES.

(a) CONTRACTS TRADED ON CONTRACT MARKETS.—Section 5(d)(5) of the Commodity Exchange Act (7 U.S.C. 7(d)(5)) is amended by striking all that follows ''adopt'' and inserting '', for speculators, position limitations with respect to agricultural commodities enumerated in section 1a(4) or energy commodities, and position limitations or position accountability with respect to other commodities, where necessary and appropriate.''.

(b) CONTRACTS TRADED ON DERIVATIVES TRANSACTION EXECUTION FACILITIES.—Section 5a(d)(4) of such Act (7 U.S.C. 7a(d)(4)) is amended by striking all that follows ''adopt'' and inserting '', for speculators, position limitations with respect to energy commodities, and position limitations or position accountability with respect to other commodities, where necessary and appropriate for a contract, agreement or transaction with an underlying commodity that has a physically deliverable supply.''.

(c) SIGNIFICANT PRICE DISCOVERY CONTRACTS.—Section 2(h)(7)(C)(ii)(IV) of such Act (7 U.S.C. 2(h)(7)(C)(ii)(IV)) is amended by striking ''where necessary'' and all that follows through ''in significant price discovery contracts'' and inserting ''for speculators, position limitations with respect to significant price discovery contracts in energy commodities, and position limitations or position accountability with respect to significant price discovery contracts in other commodities''.

SEC. 10. CFTC ADMINISTRATION.

Section 2(a)(7) of the Commodity Exchange Act (7 U.S.C. 2(a)(7)) is amended by adding at the end the following:

''(D) ADDITIONAL EMPLOYEES.—As soon as practicable after the date of the enactment of this subparagraph, subject to appropriations, the Commission shall appoint at least 100 full-time employees (in addition to the employees employed by the Commission as of the date of the enactment of this subparagraph)—

''(i) to increase the public transparency of operations in agriculture and energy markets;

''(ii) to improve the enforcement of this Act in those markets; and

''(iii) to carry out such other duties as are prescribed by the Commission.''.

SEC. 11. REVIEW OF PRIOR ACTIONS.

Notwithstanding any other provision of the Commodity Exchange Act, the Commodity Futures Trading Commission shall review, as appropriate, all regulations, rules, exemptions, exclusions, guidance, no action letters, orders, other actions taken by or on behalf of the Commission, and any action taken pursuant to the Commodity Exchange Act by an exchange, self-regulatory organization, or any other registered entity, that are currently in effect, to ensure that such prior actions are in compliance with the provisions of this Act.

SEC. 12. REVIEW OF OVER-THE-COUNTER MARKETS.

(a) STUDY.—The Commodity Futures Trading Commission shall conduct a study—

(1) to determine the efficacy, practicality, and consequences of establishing limits on the amount of positions, other than bona fide hedge positions, that may be held by any person with respect to agreements, contracts, or transactions involving an agricultural or energy commodity, conducted in reliance on sections 2(g) and 2(h) of the Commodity Exchange Act and of any exemption issued by the Commission by rule, regulation or order, that are fungible (as defined by the Commission) with agreements, contracts, or transactions traded on or subject to the rules of any board of trade or of any electronic trading facility with respect to a signifcant price discovery contract, as a means to deter and prevent price manipulation or any other disruption to market integrity or to diminish, eliminate, or prevent excessive speculation as described in section 4a of such Act for physical-based agricultural or energy commodities; and

(2) to determine the efficacy, practicality, and consequences of establishing aggregate position limits for similar agreements, contracts, or transactions for physical-based agricultural or energy commodities traded—

(A) on designated contract markets;

(B) on derivatives transaction execution facilities; and

(C) in reliance on such sections 2(g) and 2(h) and of any exemption issued by the Commission by rule, regulation or order.

(b) PUBLIC HEARINGS.—The Commission shall provide for not less than 2 public hearings to take testimony, on the record, as part of the fact- gathering process in preparation of the report.

(c) REPORT AND RECOMMENDATIONS.—Not less than 12 months after the date of the enactment of this section, the Commission shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) describes the results of the study; and

(2) provides recommendations on any actions necessary to deter and prevent price manipulation or any other disruption to market integrity or to diminish, eliminate, or prevent excessive speculation as described in section 4a of the Commodity Exchange Act for physical-based commodities, including—

(A) any additional statutory authority that the Commission determines to be necessary to implement the recommendations; and

(B) a description of the resources that the Commission considers to be necessary to implement the recommendations.

SEC. 13. STUDIES; REPORTS.

(a) STUDY RELATING TO INTERNATIONAL REGULATION OF ENERGY COMMODITY MARKETS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the international regime for regulating the trading of energy commodity futures and derivatives.

(2) ANALYSIS.—The study shall include an analysis of, at a minimum—

(A) key common features and differences among countries in the regulation of energy commodity trading, including with respect to market oversight and enforcement standards and activities;

(B) variations among countries with respect to the use of position limits, position accountability levels, or other thresholds to detect and prevent price manipulation, excessive speculation as described in section 4a of the Commodity Exchange Act, or other unfair trading practices;

(C) variations in practices regarding the differentiation of commercial and noncommercial trading;

(D) agreements and practices for sharing market and trading data among futures authorities and between futures authorities and the entities that the futures authorities oversee; and

(E) agreements and practices for facilitating international cooperation on market oversight, compliance, and enforcement.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(A) describes the results of the study;

(B) addresses whether there is excessive speculation, and if so, the effects of any such speculation and energy price volatility on energy futures; and

(C) provides recommendations to improve openness, transparency, and other necessary elements of a properly functioning market in a manner that protects consumers in the United States.

(b) STUDY RELATING TO EFFECTS OF SPECULATORS ON AGRICULTURE AND ENERGY FUTURES MARKETS AND AGRICULTURE AND ENERGY PRICES.—

(1) STUDY.—The Commodity Futures Trading Commission shall conduct a study of the effects of speculators on agriculture and energy futures markets and agriculture and energy prices.

(2) ANALYSIS.—The study shall include an analysis of, at a minimum—

(A) the effect of increased amounts of capital in agriculture and energy futures markets;

(B) the impact of the roll-over of positions by index fund traders and swap dealers on agriculture and energy futures markets and agriculture and energy prices; and

(C) the extent to which each factor described in subparagraphs (A) and (B) and speculators—

(i) affect—

(I) the pricing of agriculture and energy commodities; and

(II) risk management functions; and

(ii) contribute to economically efficient price discovery.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commodity Futures Trading Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study.

SEC. 14. OVER-THE-COUNTER AUTHORITY.

(a) IN GENERAL.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by adding at the end the following:

''(j) OVER-THE-COUNTER AUTHORITY.—

''(1) Within 60 days after the date of the enactment of this subsection, the Commission shall, by rule, regulation, or order, require routine reporting as it deems in its discretion appropriate, on not less than a monthly basis, of agreements, contracts, or transactions, with regard to an agricultural or energy commodity, entered into in reliance on subsection (g), (h)(1), or (h)(2) of section 2, or any exemption issued by the Commission by rule, regulation, or order that are fungible (as defined by the Commission) with agreements, contracts, or transactions traded on or subject to the rules of any board of trade or of any electronic trading facility with respect to a significant price discovery contract.

''(2) Notwithstanding subsections (g), (h)(1), and (h)(2) of section 2, and any exemption issued by the Commission by rule, regulation, or order, the Commission shall assess and issue a finding on whether the agreements, contracts, or transactions reported pursuant to paragraph (1), alone or in conjunction with other similar agreements, contracts, or transactions, have the potential to—

''(A) disrupt the liquidity or price discovery function on a registered entity;

''(B) cause a severe market disturbance in the underlying cash or futures market for an agricultural or energy commodity; or

''(C) prevent or otherwise impair the price of a contract listed for trading on a registered entity from reflecting the forces of supply and demand in any market for an agricultural commodity enumerated in section 1a(4) or an energy commodity.

''(3) If the Commission makes a finding pursuant to paragraph (2) of this subsection, the Commission may, in its discretion, utilize its authority under section 8a(9) to impose position limits (including, as appropriate and in its discretion, related hedge exemption provisions for bona fide hedging comparable to bona fide hedge provisions of section 4a(c)(2)) on agreements, contracts, or transactions involved, and take corrective actions to enforce the limits.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2(g) of such Act (7 U.S.C. 2(g)) is amended by inserting ''subsection (j) of this section, and'' after ''(other than''.

(2) Section 2(h)(2)(A) of such Act (7 U.S.C. 2(h)(2)(A)) is amended by inserting ''subsection (j) of this section and'' before ''sections''.

(3) Section 8a(9) of such Act (7 U.S.C. 12a(a)(9)) is amended by inserting after ''of the Commission's action'' the following: '', and to fix and enforce limits to agreements, contracts, or transaction subject to section 2(j)(1) pursuant to a finding made under section 2(j)(2)''.

SEC. 15. EXPEDITED PROCESS.

The Commodity Futures Trading Commission may use emergency and expedited procedures (including any administrative or other procedure as appropriate) to carry out this Act if, in its discretion, it deems it necessary to do so.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. PETERSON) and the gentleman from Virginia (Mr. GOODLATTE) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Speaker, H.R. 6604, the Commodity Markets Transparency and Accountability Act of 2008, will strengthen oversight of the Commodity Futures Market for energy and agricultural commodities. This bill will be almost entirely identical to the version that we considered under suspension here on July 30, 2008.

There are two changes that are purely technical and corrected typographical errors, and there are two other changes that we made in the bill to make sure the provisions are entirely within the jurisdiction of the Agriculture Committee.

One strikes section 10(b) regarding the Inspector General of the CFTC. The other, section 13(b) is modified so the Commodity Futures Trading Commission does the reference study instead of the Comptroller General.

Mr. Speaker, on this bill we have gotten more information in the committee, and Mr. ETHERIDGE had a hearing that he chaired last week.

I would at this time yield 5 minutes to the gentleman from North Carolina (Mr. ETHERIDGE) who has been working with me tirelessly on this to talk about the process and explain the bill.

Mr. ETHERIDGE. I thank the chairman.

I am pleased today to join Chairman PETERSON and Ranking Member GOODLATTE in bringing this legislation, the Commodity Markets Transparency and Accountability Act of 2008, to the floor for consideration by the House.

Mr. Speaker, since our bill was considered by the full House this past July, much has happened. For one thing, oil prices have dropped, and they have dropped considerably. They have gone up in the last day or so. Additionally, the CFTC has released a report providing the most detailed and accurate look at data on index trading and swap dealers participating in the over-the-counter market.

While all of us are glad to see the prices of oil decline and other commodities in recent months, it does not relieve the Commission or this Congress of our responsibility to make sure that commodity markets are operating effectively, efficiently and fairly. And

while the CFTC report indicates that index funds and swap dealers have less influence on our markets than had otherwise been reported, the report does not tell us the whole story or provide us with all the answers to our questions regarding these markets.

The CFTC report fails to include the time period of this July and August and recent weeks when oil prices fell fairly rapidly. Do we have a clear understanding of why prices fell? No. Passing H.R. 6604 will provide the CFTC with the authority and the tools to examine the entire marketplace to ensure no individual group or groups of market participants is having an undue influence on the market.

Months ago, the CFTC was telling Congress that it needed no additional changes to the Commodity Exchange Act and that markets were functioning properly. Now the CFTC's report contains a host of proposals very similar to the provisions in the Commodities Market Transparency and Accountability Act.

The report recommends measures designed to enhance transparency and data accuracy for commodity markets. Our bill provides the commission with the tools to make that happen.

The report suggests revising the hedge exemption rules that allow traders to exceed speculation position limits. Our bill accomplishes that too.

The report highlights the desperate need for additional staff and resources at the CFTC, not only to accomplish its current mission, but also to implement its recommendations to bring greater transparency and accountability to the commodity markets. We happen to agree.

Since 2000, volume on the commodity markets has increased sixfold, but currently staffing levels at the CFTC have fallen to their lowest level in the 33-year history of the Commodities Exchange. Through this legislation, we acknowledge the need for 100 additional full-time positions at CFTC that they need to effectively regulate the futures industry, including our energy markets. But we should not kid ourselves. The CFTC needs far more resources to do the job that we expect them to do.

□ 1230

Earlier this year the chairman of the CFTC testified at a hearing that the agency needed 100 additional staff right now just to meet the growing surveillance needs.

In testimony presented to the House Agriculture Committee a week ago today, the chairman of the commission testified the CFTC would need still another 138 full-time staff and $38 million just in 2009 to implement the provisions of H.R. 6604. Given the light of what is happening in the markets, I think we understand why the need is there.

I have said this before, but it bears repeating, if Congress places additional responsibility upon the Commission, without providing the resources necessary to meet those responsibilities, then what we pass here today is simply a farce. Through its report, CFTC views on effective oversight of commodity markets have changed dramatically from where the commission was previously.

I know some of my colleagues will say let's wait and give the commission time to implement these recommendations administratively. I say why wait for the commission to implement changes that we as a Congress can do right now with H.R. 6604.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield the gentleman another 30 seconds.

Mr. ETHERIDGE. We can all agree that no one factor is responsible for the movement we have seen in agriculture and energy prices, but this legislation is an important measure to provide the CFTC with additional tools and authority to keep our markets free of manipulation and excess speculation and help restore confidence to these markets. We cannot allow excess speculation by Wall Street to cause folks on Main Street to suffer.

I urge my colleagues to support this legislation.

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

For the past few years, the Committee on Agriculture has taken a proactive approach to try to understand and monitor the issue of trading activity in the futures markets and conduct appropriate oversight. This was so we could make an informed decision about whether or not commodity markets need greater transparency and accountability.

Last week, CFTC Acting Chairman Walt Lukken presented a 6-month study of the futures market to the committee. Chairman Lukken and his staff spent a lot of hours and a great deal of work over the past 3 months to produce that report. We appreciated their efforts, especially for keeping an aggressive timetable.

The CFTC report was useful in providing a reference point in determining the relationship between index fund-related activity in the over-the-counter markets and commodity futures, and energy and agriculture prices in the United States.

However, as we move forward today with H.R. 6604, there are key factors for us to consider.

One, after hearing testimony from Mr. Lukken, and after examining the findings of this report, it is evident that our priority should be ensuring that the CFTC has the tools and resources it needs to protect and preserve the integrity of our futures markets.

The CFTC devoted more than 30 employees and 4,000 staff hours to produce this report. Those who have read the report all agree that these broad snapshots of the markets are necessary, but the CFTC does not have the staff to dedicate to similar projects.

This bill directs the CFTC to hire 100 additional employees. But because there has not been a single appropriations bill passed by both Chambers and presented to the President, I have no idea how the already underfunded agency will be able to do so.

The Democratic leadership is fond of pointing the finger of blame, but ultimately the Democratic leadership has one duty, to consider and pass the appropriations bills that fund the government. The Democratic leadership has refused to execute this duty and has failed the American taxpayer.

Second, this bill will not reduce the price of oil. It will not relieve the burden many Americans face at the gas pump. In order to achieve that very important goal, Congress must focus on creating a viable energy policy that goes beyond the measures passed thus far to increase the domestic supply of energy sources and promote energy independence.

Though I have concerns that some of the provisions in H.R. 6604 are too far-reaching, I will continue to support this bill to ensure that the CFTC has all the tools it needs to preserve and protect the integrity of our futures markets.

But I know, as I have worked closely with the chairman of the committee, who has worked in a very bipartisan fashion to fashion this legislation and address these concerns and make sure the CFTC has the necessary oversight authority and capability, that this bill would provide for it.

I also know that this is not what the American people want and need when it comes to energy. I know that there are many on the other side of the aisle who are hoping still to have an opportunity to vote, not on a hoax, not on a sham like we did 2 days ago, but on a real American energy bill that provides for real offshore drilling, not a bill that would shut off 80 to 90 percent of the known oil and natural gas reserves from access, not a bill that does nothing to promote nuclear power, not a bill that doesn't take up consideration of drilling in the Arctic National Wildlife Refuge, not a bill that shuts us off from tapping into the oil shale reserves that are in tremendous abundance in the Rocky Mountain States, not a bill that does nothing for coal-to-liquid and other clean coal technologies that would benefit the American people, since we have the largest coal reserves in the world, not a bill that imposes tax increases in order to get to the alternative forms of energy that the American people want to have, but, rather, the American Energy Act, something that we asked this Congress to bring up before we went into a 5-week August recess.

While the Speaker of the House ordered the microphones turned off, the C–SPAN cameras turned off, the lights turned down low, we stayed here day after day, week after week, calling for a vote on the American Energy Act. We didn't get it.

Instead, we got this sham hoax that won't produce a drop of new oil, won't produce a cubic foot of new natural gas, will do nothing for nuclear power, will do nothing for coal, will do nothing for alternative forms of energy. It is simply an effort to try to derail what the American people clearly wanted to see on the floor of this House.

We still haven't seen it. This bill doesn't do it. We need to have that vote, and that's what the debate should be about here today, not this legislation which is good, but does not do what the American people want.

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

Mr. PETERSON of Minnesota. I want to take a second to commend my ranking member for the outstanding work that did he with us on a bipartisan basis in this committee to bring this bill forward. We take our jurisdiction very seriously, and we think we have produced a good product.

Mr. Speaker, I am now pleased to recognize the gentleman from Connecticut (Mr. COURTNEY) for 1 minute.

Mr. COURTNEY. Mr. Speaker, I rise in strong support of Chairman PETERSON's bill, which is a logical follow-on to Tuesday's energy bill that had two goals: number one, to bring immediate relief to consumers; and, two, to bring long-term solutions to America's energy challenges. This bill will go a long way to bring accountability to the price of a critical commodity, oil, which is the lifeblood of our economy.

The facts are clear, before energy commodities trading was exempted from CFTC oversight, about 70 percent of the energy futures trading was done by energy companies, 30 percent was done by speculators. Today those numbers are reversed, and the trading volume has increased sixfold.

As an old friend of mine, who has been in the scrap metal business in Willimantic, Connecticut, for 30 years said, commodity markets were never intended to be investment markets. Yet that is what they have become, and consumers and small businesses cannot keep up with the huge price swings occurring every day with no apparent connection to supply and demand.

These huge price swings have a direct result on my constituents in eastern Connecticut who are facing dire circumstances if home heating oil remains at high and unstable prices this fall and winter. It is time that Congress took additional steps to make sure that all markets, including foreign boards of trade, operate with CFTC oversight. We must bring transparency and stability to energy trading.

I urge my colleagues to support this bill.

Mr. GOODLATTE. Mr. Speaker, at this time I am pleased to yield 4 minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. I thank the ranking member, and I am pleased to rise to talk about this bill. I just think that it's important that we be square with the American people about what this bill does and what it doesn't do.

This bill essentially creates a straw man or a boogeyman and attacks that straw man or boogeyman as though they were responsible for the price of gasoline and energy in America today. Regardless of whether you are voting for or against this bill, it doesn't do anything to help Americans concerned about saving the American family and American business from the high price of oil and gas.

Let me explain to Americans what speculators do. I am not a speculator. Speculators bet on the future. It's legal to make a gamble in America and bet on the future of commodities prices, of pork bellies, and, as the agriculture chairman and ranking member are well aware, of the price of corn and wheat in the future. Speculators bet on the future.

What speculators have done with the price of oil and gas on the commodities market, they have simply bet on the future price of oil and gas. Now in this case, what are they betting on? They are betting that the demand for energy in the world, places like India and China and the third world, will increase. That's a pretty smart bet.

But they are betting on another thing. They are betting that the Democratic-led Congress will continue to be stupid and refuse to supply more energy for America. It's a simple preponderance rule of supply and demand. If you have less corn 2 months from now, the price of corn will go up. That's what speculators bet on.

If you are going to have more demand for energy and oil and gas, and you know you will not produce more supply, then the price of oil and gas will go up. To punish the speculators for betting that Congress will continue to be stupid and not produce American energy is really attacking a boogeyman. It is attacking a straw man and will not help with the price of oil.

Now, as the ranking member said, the great news is, America has an abundant supply of energy. We just won't access it. We are the Saudi Arabia of the world's coal supply. We can produce and burn coal in a liquefied or gasified manner cleaner than ever, but we refuse to do it. China is doing it, India is doing it, our competitors are doing it. We won't, even though we are the Saudi Arabia of coal.

We won't drill in ANWR. We will not access oil and tar shale. We passed a fraud on the American people in a bill the other day that said 88 percent of the area where we could drill off the Outer Continental Shelf for oil can never be drilled in, and the other 12 percent can be drilled in, but only if all of the radical environmentalists and trial lawyers somehow, someday, give us permission.

That is a no drilling bill. It is a no energy bill. Now we won't build nuclear plants. America has the finest nuclear technology in the world. We stopped building nuclear plants 30 years ago, and American nuclear expertise, scientists and technologies went to France. You are a really foolish country if the French are outsmarting you on policy with your own technology, but that is what's happening every day.

So what do we do here today? Instead of passing a real American-based energy bill where American energy can be produced by American workers to save American families and American jobs, we have tax speculators who have bet on the future, and they have bet that the Democrat-led Congress will continue to be dumb.

I think they made a good bet.

Mr. PETERSON of Minnesota. Mr. Speaker, I am pleased now to yield 2 minutes to the gentleman from Vermont (Mr. WELCH) who has been a leader on this issue.

Mr. WELCH of Vermont. Mr. Speaker, a couple of things about this. Number one, the fact that this is a bipartisan bill is really a breakthrough. The fact is that having the support of the Agriculture Committee, ranking member and the chairman, indicates that there is a coming together on something that is incredibly important.

We have had a lot of debate about how this is going to affect the price of gas, but the way, as I understand it, the Agriculture Committee approached this, was how are we going to protect consumers? How are we going to protect farmers? How are we going to protect fuel dealers and airlines that have the burden of buying in the futures market because they need price stability, and they need a futures trading market in order to have price discovery, so that coming together was about recognizing that the institutional mechanism of a commodity futures trading commission has to be in service of those farmers in the Midwest.

It has to be in service of airlines that are trying to get us from here to there, of our fuel dealers that are delivering home heating fuel to our people at home. We can have a debate about how much prices are going to come down. In fact, since this committee took this under active consideration, the prices have come from 150 to 100. We can argue about what's the cause and effect, but it certainly was contemporaneous and had a big impact.

□ 1245

But what is happening in our economy is that basic institutions that have served us well, mortgages for homeowners, or the futures trading for farmers and others, have been hijacked for other reasons, not just to help a person buy a home or help a farmer have a price, but to become a commodity itself used by Wall Street to speculate for financial manipulation and market reasons.

That is not what these institutions are about, and the Congress has a fundamental decision before it. Are we

going to stand up for American farmers and American consumers and provide protection for the institutions that they absolutely need, we need, or are we going to allow them to continue to be hijacked by Wall Street for other reasons?

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Kansas (Mr. MORAN), the ranking Republican member on the subcommittee with jurisdiction over commodity futures trading.

Mr. MORAN of Kansas. Mr. Speaker, I rise today, in contrast to my colleagues on the committee and subcommittee, in opposition to H.R. 6604. It is an awkward position to be in because I spend more time and have a greater closer working relationship with the three members of the House of Representatives who are here today speaking from the Agriculture Committee in favor of this legislation than probably any group of Members of Congress since I came to Congress.

But I rise today in opposition to this legislation for the same reason that I did nearly a month and a half ago. This bill will do little, if anything, to bring down the price of energy. In fact, certain provisions of this bill could likely lead to less market transparency and increased market volatility. Unlike one and a half months ago, however, Congress has some data provided by the CFTC. The data shows that the commodity markets were not broken, and while crude oil went from $96 per barrel to $146 per barrel over the first 6 months of this year, the aggregate long position of index traders and swap dealers fell by 11 percent or 45,000 contracts.

As I stated back in July, I favor changes in the Commodities Exchange Act that will improve market transparency, oversight and enforcement activities. In fact, in working with the CFTC and others, I have introduced legislation, H.R. 6921, that I believe will enhance transparency in the futures markets without disrupting the markets. Based on consensus recommendations of the CFTC, the bill that I have introduced codifies the recommendations of the commission that they suggested would benefit from codification that were presented to our committee. That hearing has been referenced. It just occurred on September 11.

What my bill does not do and what this bill does, this bill on the House floor, is redefine a bona fide hedging transaction to prohibit the ability of legitimate market participants from utilizing the market, push domestic traders overseas where CFTC will have little oversight and contains cumbersome and contradictory requirements that will overburden the CFTC staff and lead to little useful information.

In July I said this bill was put together quickly, in fact I thought too quickly and went too far. The information provided by the CFTC at our hearing on September 11 in my opinion confirmed that fact. Given that this bill was defeated on suspension and it includes provisions that go beyond the scope of the commission's recommendations, one would think that we would now take that bill back to committee and craft a more precise product rather than bringing the same product to the House floor. We asked for more information, we got more information, and yet the crux of this legislation didn't change.

A well-crafted bill needs to provide additional transparency, oversight authority, and not exclude legitimate market participants or reduce market liquidity. One of the problems of this legislation, as I said, is it will reduce market transparency. This is because certain provisions, like the provision dealing with the foreign boards of trade that seek direct access to U.S. markets, will push traders to foreign markets. Rather than giving the CFTC a better picture of markets to prevent fraud and manipulation, it will actually restrict the ability of the CFTC to see that market.

In addition, the bill errantly attempts to define a ''bona fide hedging transaction.'' In its current form, section 8 will exclude legitimate commercial market participants from properly hedging risk. This will cause immediate disruption of the markets as the legitimate market participants are forced out of the market. It will reduce market liquidity and increase price volatility.

I am also concerned with provisions in this bill that require routine reporting and potential use of position limits in over-the-counter transactions that are ''fungible.'' ''Fungible'' is not defined and suggests that a significant amount of CFTC transactions would be implicated by this section.

I am especially concerned about the authority of section 14 which gives the CFTC the opportunity to impose position limits on over-the-counter trades. This is a problem because the OTC trades are nonstandardized contracts. Unlike standardized contracts traded on designated contract markets, OTC trades are often tailored to manage a specific company's risk in a market. And unlike a contract traded on a designated contract market, an OTC trade is made with a single counterparty. On a designated contract market, unlike many OTC trades, a clearinghouse is the counterparty to every contract and can facilitate liquidation of a position. In an OTC trade, if one party is in violation of a position limit and the other is not, liquidation of a position will adversely affect the party that is in compliance, again causing greater market volatility and increased cash prices of a commodity because of a disruption in commercial market participant's risk management strategy.

I think this bill has some technical problems that will harm price discovery and risk management strategies. It should be returned to committee where we address, again, the root cause of high energy prices.

The goal must be to do no harm, but this goal is not met in this legislation.

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 and include extraneous material on H.R. 6604.

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

There was no objection.

Mr. PETERSON of Minnesota. Mr. Speaker, we saw the information, and some of us became convinced all the more that the bill we have put on the floor is the appropriate bill.

I now yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), one of our leaders and a leader on this issue.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of this legislation that will bring greater transparency and greater accountability to the commodity futures markets, and I want to commend committee Chairman PETERSON, Ranking Member GOODLATTE, and subcommittee Chairman BOB ETHERIDGE for coming together with the committee and others to pass and develop this bipartisan legislation which I hope we will all pass. I also want to thank and commend ROSA DELAURO, JOHN LARSON, and BART STUPAK for their leadership on this issue.

If there is one thing we should have all learned over the last couple weeks given the turmoil in our financial markets, it is that we need greater transparency and greater accountability. These are not just abstract good government ideals, these are tools that people need for responsible regulation of our financial markets, including our futures markets. They are absolutely necessary if we want to make sure that the CFTC and our regulators have the information that they need, especially when you are talking about the great impact that these things can have on our economy, as we are seeing every day on Wall Street.

The old adage that ''what you don't know won't hurt you'' is no longer a tenable position for this Congress. We need the information. With this legislation, for the first time, we will shine a light on the so-called dark markets and empower the CFTC to take corrective action where they find problems.

It provides for stronger position limits for energy commodities traded on regulated exchanges while ensuring that our futures markets continue to have the liquidity they need to function properly. No one has said there is not an important role for our futures markets, it is making sure that they are regulated properly to protect consumers and investors.

This bill will also rein in excessive speculation by ensuring that hedging exemptions are granted only to commercial market participants seeking to

hedge their actual physical risk, rather than to speculators facing only financial risk.

Mr. MORAN mentioned the recent report by the CFTC, and I would point out there was a recommendation they made which really follows a provision that we make in this bill, and that is to make sure that we, with respect to the commodity swap dealers and index traders, that we remove the swap dealers from the commercial category of market participants. We do that in this bill.

Additionally, in recognition of the numerous instances where the same CFTC staff report found traders effectively circumventing position limits they would ordinarily face on regulated exchanges by going to the over-the-counter market, in some cases exceeding those established positions by substantial amounts, the CFTC report proposes requiring swap dealers to certify that they are noncommercial clients that do not exceed established position limits with their over-the-counter trades. We do that here.

Mr. Speaker, we have a fundamental choice here. It is a choice between transparency and keeping things hidden behind the curtain. It is a choice between whether we want our futures markets to reflect the fundamentals of supply and demand, or whether we want our futures markets to be continuously whipsawed by massive inflows of speculative money.

We have a job to do. We have seen in recent days and weeks on Wall Street the effects of taking our eye off the ball and not providing regulators with the tools they need and them not following through with what they have. Let's make sure that we don't make that mistake in the commodities futures trading market. We have already seen the impact of not giving those complete tools. Let's make sure that those folks have what they need and are empowered to do the job on behalf of the American public. I thank the committee for their work on this.

Mr. GOODLATTE. Mr. Speaker, I am pleased to recognize the gentleman from Connecticut (Mr. SHAYS) for such time as he may consume.

Mr. SHAYS. Mr. Speaker, I thank my colleague for giving me this time to speak on what I think is important legislation.

I believe the Commodity Futures Trading Commission, the CFTC, must investigate speculation in the energy futures market and respond to any manipulation in price distortions.

While opinion is not unanimous, I believe the increased positions of institutional investors, such as pension funds and endowments and sovereign funds in this market are contributing to the escalating price of oil at an alarming rate. The CFTC should level the playing field and apply position limits to the institutional investors, such as the New York Mercantile Exchange has required of its members for years.

Investigating market manipulation will give us temporary relief, but the high gas prices of today compel us to confront the inconvenient truth of our energy needs in other ways. We clearly need to increase domestic energy production, including solar, wind, geothermal, biofuel, nuclear power; and yes, oil and natural gas. It is truly insane to transfer $700 billion of our wealth, our income, to other nations, most of whom are, frankly, unfriendly to us.

Alongside increased conservation and energy efficiency, I believe we must drill for oil and natural gas miles off our coast in an environmentally responsible way, and build new nuclear power plants. Bringing more supply online will send a strong signal to the market and help bring down high energy costs even in the short term. The rest of the world needs to know that the United States is serious about energy.

Mr. ETHERIDGE. We have just a couple more speakers we are waiting on, but in the meantime I would take this opportunity, Mr. Speaker, to just share with my colleagues that this bill has substantial support from the Air Transportation Association, the Air Line Pilots Association, Tyson Foods, Sierra Club, Environmental America, League of Conservation Voters, the Wilderness Society, National Chicken Council, National Corn Growers Association, National Cotton Council, National Farmer Unions, National Grains, National Milk Producers Federation, National Sorghum Producers, Southern Cotton Shippers Association, Southern Peanut Farmers Association, Southwest Council of Agriculture, Texas Cotton Association, United Egg Producers, United States Cattlemen Association, U.S. Rice Producers Association, U.S. Rice Federation, Western Cotton Shippers, Western Peanut Growers Association, Women Involved in Farm Economics, the American Agriculture Movement, American Association of Crop Insurance, American Corn Growers, American Cotton Shippers, the Atlantic Cotton Association, the Minnesota Corn Growers Association, National Association of State Departments of Agriculture, and I think at the end of the day, Mr. Speaker, the American people.

□ 1300

The American people only ask of us in this body to do what's right and be fair. I think they want markets to work. They want them to work fairly because they don't want them working against us. Today we have an opportunity to make these markets, once again, work for the American people.

We heard testimony in our committee of grain elevators who were caught in the wedge. When the prices ran so high, they were unable to get financing to be able to assist farmers. When you're looking at finding a real price through the futures, that's what they're supposed to do. But you can't do it when the markets aren't working the way they should work.

Mr. Speaker, if the gentleman from Virginia has any other speakers, I would be willing for him to call his speakers while I wait for a couple of folks here.

Mr. GOODLATTE. Will the gentleman yield?

Mr. ETHERIDGE. I would be happy to yield.

Mr. GOODLATTE. I have only myself to close. If the gentleman is thinking that we're close to closing, then I am prepared to do that.

Mr. ETHERIDGE. I am prepared to close, unless we get one more speaker. If you will go ahead and proceed, and then as soon as our speaker comes, I will let them do it and I'll close.

I reserve the balance of my time.

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

As I say, I appreciate working with the gentleman from North Carolina and the gentleman from Minnesota on this legislation.

I think this legislation gives to the Commodity Futures Trading Commission the necessary tools for appropriate oversight and enforcement. I think this is a light touch. I do not think that it interferes in the marketplace.

And I think that the evidence that was brought forth by the recent report submitted by the CFTC is very strong evidence that the marketplace is working very well, but it needs constant vigilance. We can see that with the difficulties that are being experienced around the country and around the world in other types of markets.

Certainly in the mortgage area and other financial areas, the risk of not giving the regulatory agencies the appropriate authority to do oversight and to act is certainly a grave concern. But I think we are doing that in this area. I think the CFTC is doing that in this area, and I think this legislation will help to enhance their ability to remain vigilant in making sure that this market operates properly; that there is not excessive speculation; that there is not manipulation of this marketplace.

Having said all of that, I will say, once again, that this is not the issue that we should be debating here today. I support this legislation. I will vote for it. But we deserve an opportunity to vote on what the American people want. And poll after poll have shown that they want to see a real energy act. They know that the problem with the high price of energy is the lack of supply. They know the problem with the disruption of our energy supply that just occurred due to Hurricane Ike is because we have not enough refinery capacity in this country, and that it is not distributed around the United States.

The American Energy Act provides for using abandoned U.S. military bases to build new refineries. We haven't built a new one in more than 30 years. And the bill that was brought to the floor of the House by the Democratic leadership earlier this week did absolutely nothing in that area.

We're now importing refined petroleum products, paying a higher price. We're seeing more and more billions of dollars going out of this country every week, costing America jobs, harming our economy because we are so dependent upon foreign oil, at the same time that we have huge resources, not just oil, but natural gas, coal, the potential of new nuclear power, as well as a whole array of alternative sources of energy like wind and solar and geothermal and biomass and hydrogen. All of these things are available to us if we will take the leadership here in this Congress and get the American Government out of the way of developing these new sources of energy. But, instead of doing that, we bring a no drill, no energy bill to the floor that was clearly a sham, a hoax on the American people.

We have abundant resources in oil. The estimates are that we could be producing 3 to 4 million barrels of oil from the Outer Continental Shelf. The bill that was brought forth on the floor of the House shuts off 80 to 90 percent of that oil from access to the marketplace because they don't allow drilling.

I introduced legislation, as have other people, to allow drilling off the coast of our respective States. I've introduced one for Virginia that has strong support in our delegation. And yet the legislation that was brought forward earlier this week does not provide any royalties for the States. So our Governor, Democratic Governor of the State has already indicated that if the State can't benefit from deriving royalties that can be used for developing better transportation systems, alternative forms of energy, public education and so on, if it can't be used for that, he's not interested in participating. So that bill was meaningless. It was a sham.

We need to bring forth real legislation like the American Energy Act that shares those royalties with the States so that they're able to do that.

It's estimated that we could have a million barrels of oil a day coming down the pipeline that already exists in Canada, if we would drill for oil in the Arctic National Wildlife Refuge, an area the size of the State of South Carolina; and the area that would be utilized for drilling for oil is about 2,000 acres, like a postage stamp on a football field. That's how much of this land of this huge area would be utilized. The people of Alaska support it. The Governor of Alaska, Sarah Palin, supports it.

Are we doing that?

No. Wouldn't even bring it up. Wouldn't bring up a bill that we could even offer an amendment to to allow for that to take place.

Meanwhile, the oil that comes from the Prudhoe Bay area is declining. It was 2.1 million barrels a day at its peak. It's now down to 700,000 barrels a day. We're told that when it gets down to 300,000 barrels a day, we'll have to close down the pipeline because it's not economically efficient to transport the oil.

At the same time we could be adding a million barrels of oil a day for an estimated 30 years, we're at risk of losing not just that million, but an additional 300,000 barrels of oil a day, about 6 percent of the consumption in this country every day for 30 years.

And then look at the oil shale available in the Rocky Mountain States. Here we have an estimated somewhere between 800 billion and 2 trillion barrels of oil that can be extracted from that oil shale, much like the Canadians are extracting oil from tar sands in Canada. So while they're doing that in Canada, this Congress last year passed legislation that prohibits the United States Government from buying that oil from Canada.

And then in terms of our own reserves which are huge, to just give you an idea, since the first oil well was drilled in Pennsylvania in 1859, until today, the entire world has used about 1 trillion barrels of oil. And yet we're leaving untapped, because legislation was not brought forward to address it, untapped, 800 billion to 2 trillion barrels of oil available to us in that oil shale deposits in the Rocky Mountain States. It's a shame, Mr. Speaker, that we're not doing that today.

Coal reserves. We have more coal reserves than any other nation in the world. New technology exists to convert it to liquid that can be used for transportation purposes. We have new technology that is cleaner burning coal, and yet we're not doing anything in the legislation that was offered here earlier this week to tap into that.

Nuclear power. It's been correctly noted here today that while the United States still derives 20 percent of its electricity from nuclear power, France today gets close to 80 percent of its electricity from nuclear power. They continue to develop that technology. We haven't, for 30 years. We haven't for 30 years built a single new nuclear power plant. There are now some on the drawing boards, thanks to legislation that the Congress adopted 2 years ago to incentivize that.

But because of regulations that stand in the way, we will not have the opportunity to see a single kilowatt hour of electricity generated from those new nuclear power plants for at least 10 years. Why?

Because this Democratic leadership would not bring up legislation like the American Energy Act that enables that.

The same thing with the development of alternative fuels like wind and solar and geothermal and hydrogen and biomass. What do they do to incentivize? They increase taxes. That's the last thing we need right now when the American economy is in the condition that it's in, to have tax increases to pay for something that we could pay for with the royalties that would come from drilling offshore, from drilling in Alaska, from tapping into that oil shale, from drilling for natural gas where the largest deposit known in the world is in the Gulf of Mexico, and yet we can't have access to it.

There's natural gas all down the eastern coast of the United States. We can't have access to that. Why? Because they won't share the royalties with the States and it won't happen. And they've kept some of these areas off limits in their legislation as well.

This is a travesty, Mr. Speaker. We should be having the American Energy Act on the floor today. That's what the American people want. That's what will create millions of American jobs in creating this new energy, and in revitalizing our industry and revitalizing manufacturing and strengthening agricultural production in this country and strengthening all of American commerce, making us more competitive with the rest of the world if we would simply seek to be energy independent, which we could accomplish in 10 or 15 years if the leadership of this Congress would simply bring forward legislation that would enable us to empower America to have real energy independence and real American jobs and save this economy.

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

Mr. ETHERIDGE. Mr. Speaker, I ask for a time check.

The SPEAKER pro tempore. The gentleman has 14½ minutes remaining.

Mr. ETHERIDGE. Mr. Speaker, I yield 4 minutes to the gentlelady from Connecticut, someone who has worked hard in this area, Representative DELAURO.

Ms. DELAURO. Mr. Speaker, our economy is struggling. We know the price at the gas pump is killing middle class families trying to make ends meet, farmers harvesting their crops, truckers traveling our highways.

I rise in support of this bill. It's an important first step to address the concerns of millions of Americans who fear something more than just supply and demand is at play and our energy markets are not operating as they should.

I want to commend Chairman PETERSON for being so open and available as he worked with myself and my colleagues, Congressmen STUPAK, LARSON and VAN HOLLEN throughout the summer to make this bill a priority and to bring transparency back to our futures market.

This is a complex issue. Our responsibility as a Congress and the Nation is serious, however. Excessive speculation occurs when the market price for a given commodity no longer accurately reflects the forces of supply and demand. Today we can point to loopholes and exemptions that have allowed interested parties with special access to information to improperly speculate on the price of energy without oversight. That excessive speculation has contributed to rising gas prices.

This bill begins to confront that speculation, providing the Commodity

Futures Trading Commission new authority to gather information from currently unregulated over-the-counter energy transactions. And if it finds improper speculation is driving up the prices, the agency has the authority then to act to reduce the speculation. This is new, it's long overdue authority that will shed light on once hidden markets.

The bill also makes sure we know who is participating in the market to what extent by requiring detailed trading information from index traders and swap dealers. It works to make sure hedge exemptions are not exploited, making clear only legitimate hedgers may use them.

This vote follows the report last week from the Commodity Futures Trading Commission which suggested the need for a legislative fix to restore balance to the energy marketplace, recommending a significant increase in the transparency of energy markets, more careful analysis of data, and even a reclassification of swap dealers.

A day earlier, hedge fund managers Michael Masters and Adam White released their own report pointing to institutional investors pouring money into energy futures and contributing to rising prices. Later, by pulling those funds out of the market, the rush for the exits helped bring the prices down. And this decline may continue, according to yesterday's Wall Street Journal which reported, and I quote, ''Evaporating access to credit, fears of an economic washout are taking a toll on oil prices, forcing speculators using borrowed money out of the market.''

Whether prices are up or down, the bottom line that growing volatility, a growing disconnect between where the market is and where supply and demand would normally put it.

We have a responsibility to protect consumers from excessive speculation. We can no longer allow random speculators free rein to play these games while our entire economy hangs in the balance. It is time to empower the Commodity Futures Trading Commission to do its regulatory job and provide the kind of relief that we need to get Americans who are in great need in this faltering economy, we need to provide relief to middle class Americans and American taxpayers, and not provide relief or profit for those who are already taking the profits and making a fortune with them.

Let's pass this bill.

□ 1315

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Thank you for yielding the time.

Congratulations to you, Mr. GOODLATTE and Chairman PETERSON, for this bill. I voted for it last time, and I will vote for it again today.

But the difficulty is that we find ourselves with about 5 days left in this 110th Congress. There was a famous emperor of Rome, Nero, who fiddled while Rome burned. I just want to talk a little bit about what we've been doing for 2 years since gas prices went up and the Democratic majority took over in January.

When they took over in January, gas was at $2.20 a gallon which was high, but people still said, ''Okay. I can still get by on that.'' But Congress, rather than dealing with what was going to begin to happen, on that day, January 29, we congratulated the University of California, Santa Barbara soccer team for doing swell stuff. I like soccer. I bet everybody that's on that team, their moms and dads, are proud of them. But when gas is going up, what are we doing that for?

Next one, February 6, it's gone up 60 cents a gallon. February 6, 2008, we declare National Passport Month here on the House floor. That's the most important issue in America, apparently, to the majority.

It passed $3 for the first time in my lifetime, and we're commending another soccer team, the Houston Dynamos. I bet they're a great soccer team, too, but gas is $3. The most important issue that we're debating on the floor of the House of Representatives is congratulating the Houston Dynamos.

Then $3.77. That should have gotten our attention. So what did they debate? Did we debate this bill or an energy policy? No. We declared National Train Day on that particular day with gas at $3.77.

Goes up on May 20, $3.84. On that particular day, I gotta tell you, we passed—and I don't even know what these are—Great Cats and Rare Canids Day. Maybe, Mr. Speaker, you know what a canid is. Somebody told me maybe it's a dog. But we're not debating energy. Our constituents are paying $3.84 a gallon for the first time in their lives, and we're recognizing great cats and canids.

Well, surely at $4 a gallon we have America's attention, the mighty House of Representatives, the new majority is going to debate energy. Nope. We declare the International Year of Sanitation.

I gotta tell you, Mr. Speaker, then it hits $4.14 on June 17, 2008. I bet we're going to debate energy now. I bet we're going to do this bill. No. We did the Monkey Safety Act. Folks, I love monkeys. They're cute, they're cuddly, they're everything else; but for crying out loud, when it costs $80 to fill up your gas tank, the most important issue in the United States of America is not the Monkey Safety Act.

It's time for this majority to quit monkeying around with our gas prices. It's no coincidence, Mr. Speaker, that at the same time we're doing the Monkey Safety Act, unemployment in this country goes from a little over 4½ percent to where it is today, over 6 percent.

Quit fooling around. Quit horsing around. Some people say, Well, this chart doesn't go far enough. We also did some other important things after we got back. We declared National Watermelon Month, and we also indicated that we were going to recognize Bo Diddley. He's a great guy. I'm all for honoring him. But it's time that we tell our friends on the other side, You haven't done diddley about oil and gas.

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

As I said when we first considered this bill in July, this is a great bipartisan effort that Mr. GOODLATTE and I have worked on. This bill addresses the realization that the trading volume and the futures market for physical commodities has increased dramatically in recent years. This increase includes vast amounts of capital from parties that are not traditional futures market participants, and this has been my concern, these participants, such as the index funds, pension funds, and some hedge funds.

The presence of this additional capital has raised concerns in our committee that the resulting futures market prices may not accurately represent the forces of supply and demand, nor may they fundamentally support at the local selling points where those in the producing and selling of the commodities are doing business.

Mr. Speaker, this debate is more than just the presence of speculators in the futures market. As I said on the floor in July, this lack of convergence—and this is one of the big problems that I am concerned about—the lack of convergence that we're getting in some of these agricultural markets where we have a $2.40 difference between the futures price and the actual cash price of wheat in some of our markets, these are the things that really concerns us on the committee.

So we have put forward transparency so that we know what's going on in these markets, and we're giving the authority for some position limits on these nontraditional investments that were created that really have nothing to do with the underlying commodity market. And in my opinion, the more I learn about this, I think this has some effect on why we're not getting convergence in those markets.

We believe this is a modest step that addresses the concerns that have been identified to the committee, and we're going to continue to work on this. We're going to continue to get information from the CFTC and other sources as to what is going on in these markets, and we will see how this progresses through this Congress.

But I can tell people if this is not resolved in this Congress, we will take this up in the next Congress to address these issues.

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

Mr. GOODLATTE. Mr. Speaker, I have no further speakers. I will reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I am now pleased to recognize

the vice chairman of our caucus and the leader on this issue, the gentleman from Connecticut (Mr. LARSON) for 2 minutes.

Mr. LARSON of Connecticut. Thank you, Mr. Chairman.

I want to commend Chairman PETERSON for the extraordinary work that he's done in this area and the sensitive manner in which he's approached a very oftentimes complex issue.

I'm especially pleased that the Ag Committee adopted a provision that addressed the Inspector General and elevating that Inspector General to independent status. I understand why it had to be removed. I'm pleased, though, that Mr. WAXMAN has indicated that we intend to bring the bill to the floor under suspension because of the bipartisan agreement that, especially in this day and age, the need to make sure that we have referees on the field in lieu of everything that's happening to guarantee that we don't have the foxes guarding the henhouse but that we provide an opportunity for independent overview.

Lastly, I would like to close by saying this. Again, my thanks to the committee and the chairman. But it's voices outside this Chamber; and, specifically, I want to credit John Mitchell, former Republican mayor of South Windsor, Connecticut, for coming to me with the independent petroleum dealers talking about actually what happens to people because of speculation, talking about women turning over their entire Social Security check to pay for their home heating oil and the system being broken and that the issues of supply and demand not working.

These came from main street businesses who aren't in the Beltway, who care deeply about the citizens they serve and represent. I want to commend them and this committee for its sensitivity in passing a comprehensive step—not a silver bullet, not a panacea—but an appropriate step towards restoring what we need in terms of the oversight and review that must go on to restore integrity in the marketplace.

I thank the chairman again for the opportunity.

Mr. GOODLATTE. Mr. Speaker, I am prepared to close if the gentleman from Minnesota is.

I would again thank the gentleman for his hard work on this legislation. This is not legislation that this committee has in any way taken lightly over the past several years. We've conducted oversight into the activities of the Commodity Futures Trading Commission and the futures markets. We've done it in a bipartisan way. We have watched closely to make sure that the commission has the resources it needs to do its job.

We found some areas where we think it could use some additional help in terms of personnel, in terms of the authority to gather information, and in a few instances in giving them additional authority to act if they find that there are indicators in the marketplace that it's not functioning properly, that there is excessive speculation and that there is manipulation; and this legislation does that, and I support that. Although I do have some reservations about the legislation, I think it is legislation that deserves to be passed into law.

However, I will say it once again that this is not the legislation that the American people want and expect to see us debating on the floor of the House today. They want real energy legislation, not the sham bill that was offered 2 days ago, but legislation that would allow for real drilling for American oil and natural gas and would allow for utilizing new clean-burning coal technologies, that would expand our nuclear power generation of electricity, that would expand our alternative forms of energy.

And as we move in that direction, utilizing the resources that are created by producing American energy to accomplish more in the areas of wind and solar and geothermal and hydrogen and biomass and tidal energy production and a whole array of others, that we are simply neglecting because this Congress, the Democratic leadership, refuses to bring to the floor for a vote the American Energy Act, which would command very, very overwhelming bipartisan support if it were brought to the floor for a vote.

But it's more than just what consumers are paying at the gas pump. It's more than what they're worried about having to pay to fill their tanks with oil or kerosene to heat their homes this winter or their natural gas bills or their electric bills that are going up and up. It's more than that. It's about the American economy, and it's about American jobs.

This legislation would create millions of American jobs, not only in energy production but also in manufacturing and agriculture, in a whole host of areas that would make America more confident, would make America more competitive with the rest of the world. We need this legislation. We need it badly. It will be a shame, Mr. Speaker, if we leave town without passing the American Energy Act.

I yield back the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, again I want to thank my good friend, Mr. GOODLATTE, for the great work he did with us on this bill. Like any bill, it's not perfect but it's, I think, a step in the right direction. We take very seriously our responsibility and the jurisdiction that we have in making sure that the CFTC is doing the proper oversight, the proper job, and that we're getting convergence of these markets so that they work for people that need them on a day-to-day basis.

This is almost the exact same bill that received 275 votes on a bipartisan basis on July 30. At one time we were up to 291 votes. At one time we had two-thirds, but it eroded away. I'm confident today that we will have the support to move this bill through the House, and hopefully our friends in the other body will move because I believe we have uncovered some things that need to be addressed in legislation, and we are doing that in this legislation.

With that, Mr. Speaker, I ask everybody to support the bill.

Mr. DINGELL. Mr. Speaker, H.R. 6604, the "Commodity Markets Transparency and Accountability Act" will help restore integrity to commodity futures markets. Lax regulation has allowed prices to become divorced from fundamental supply and demand. Lax regulation has allowed speculative bubbles to form in food and energy prices. And lax regulation has caused billions of dollars in damage to businesses and consumers.

Oil prices doubled from $72 per barrel on July 11, 2007, to $145 on July 11, 2008, even though supply and demand was fundamentally unchanged. While excess capacity was reduced and the dollar had dropped, there were no oil shortages, and inventories were ample. Fundamentals alone do not explain a 100 percent price increase.

What has changed over the past few years is that oil has been transformed from a basic commodity into a financial asset, and traded for its speculative value by institutional investors who want to diversify portfolios, hedge the dollar, or make a fast buck. The Washington Post reports that speculators control as much as 81 percent of the futures market, up from an estimated 37 percent in 2000.

Investment banks and futures exchanges claim that institutional investors are providing badly needed liquidity to the futures market, that futures prices reflect supply and demand, and Congress should not turn them into a scapegoat.

Wall Street's commodity brokers told their investors privately, however, that supply and demand did not explain the doubling of oil prices.

Just yesterday, Michael Cembalest, J.P. Morgan's global chief investment officer, wrote:

> the Peak Oil crowd promoting crude oil . . . at $200 should concede what we've been saying: there was an enormous amount of speculation pent up in energy markets (e.g., an 8-fold increase in bank OTC oil derivative exposure in the last 3 years), and it wasn't just the supply-demand equation. Oil will rise again, and we need solutions to energy supplies, but $140 in July 2008 was ridiculous.

Yet on the same day, Blythe Masters, Managing Director and Head of Global Commodities for J.P. Morgan submitted testimony before the Senate Energy Committee stating:

> we fundamentally believe that high energy prices are a result of supply and demand, not excessive speculation.

Lehman Brothers told its investors in May that it is seeing "the classic ingredients of an asset bubble" in oil. It linked it to an inflow of $90 billion in commodity index investments.

The cost to our economy from excessive speculation is destructive.

For every penny increase in the price of a gallon of gasoline, consumer costs jump by $1 billion a year, according to Moody'sEconomy.com. The run-up since last September has added nearly $1 per gallon, costing consumers $100 billion absorbing the

economic stimulus package enacted earlier this year.

The Industrial Energy Consumers indicate that natural gas consumers paid an extra $40.4 billion this year already. They support this bill.

The airlines have lost 36,000 jobs and retired 746 planes this year, while eliminating 635 routes, due to jet fuel prices. They support this bill.

Petroleum marketers have seen oil prices come unhinged from supply and demand. They support this bill.

Some institutional investors are now starting to unwind their massive positions. Nearly 127 million barrels of oil futures valued at $40 billion were liquidated by institutional investors between July 15, 2008, and September 2, 2008, according to a recent analysis of the CFTC's public data. Oil futures prices plunged $53 per barrel to $92 in only two months, yet fundamental supply and demand was not changed materially in the past 60 days.

What did change in mid July is that Congress in both Houses took up legislation to rein in excessive speculation—particularly in the unregulated dark markets—which may have spurred some speculators to get out early.

The central issue is whether pension funds, endowments, and sovereign wealth funds should be allowed to hijack commodity markets and set oil and food prices, or whether consumers and producers should set prices based on supply and demand. If speculators can drive prices back up to $140, they can really turn the lights out on the U.S. economy.

Some may argue that given the crisis in financial markets, this is not the time to start regulating Wall Street. Beginning with the repeal of the Glass-Steagall Act, however, deregulation has allowed recklessness to compromise our entire financial system.

The recent collapse of Fannie Mae, Freddie Mac, Bear Stearns, AIG, and Lehman Brothers are a product of lax regulation which has led to systemic risk for the entire financial system.

This legislation puts a cop on the beat and codifies some of the transparency measures recently recommended by the CFTC. I commend Chairman PETERSON and ETHERIDGE, as well as Representatives STUPAK, VAN HOLLEN, DELAURO, and LARSON for their leadership on forging this bill and urge its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in today in support of the H.R. 6604, the Commodity Markets Transparency and Accountability Act of 2008, introduced by Congressman PETERSON of Minnesota.

BACKGROUND ON H.R. 6604

This legislation will bring greater transparency to commodity and futures markets. It will improve price discovery and risk mitigation functions working to benefit producers, processors and consumers. This bill toughens position limits on oil and other futures markets as a way to prevent potential price distortions caused by excessive speculative trading. H.R. 6604 extends Commodity Futures Trading Commission, CFTC, oversight to previously exempt over-the-counter markets, and it calls for new full-time CFTC staff to improve enforcement, to prevent manipulation, and to prosecute fraud.

Closes the "London Loophole"—Foreign boards of trade that offer electronic access to U.S. traders for energy or agricultural commodities settled by physical delivery in the U.S. are not currently subjected by statute to the same speculative position limits traders are subject to on domestic exchanges.

H.R. 6604 requires foreign boards of trade to adopt speculative position limits on these contracts similar to exchanges under U.S. regulation and to share large trader reporting data with the CFTC.

Foreign boards of trade must have the authority to require traders to limit, reduce, or liquidate a position in order to prevent excessive speculation or price distortion.

Increases Transparency in Dark Markets—H.R. 6604 requires the CFTC to get a complete picture of the swaps markets by defining and classifying index traders and swap dealers, and subjecting them to strict reporting and recordkeeping requirements. Position reporting will become mandatory for over-the-counter trading in agricultural and energy contracts, similar to on-exchange contracts.

The commission will also disaggregate and publicly provide data to examine the true extent of index and other passive fund participation in futures markets for energy and agricultural products.

Speculative Position Limits—Currently, speculative position limits are set by regulated exchanges for energy contracts and the CFTC for some agricultural futures contracts. H.R. 6604 requires the CFTC to set position limits for all energy and agricultural futures markets. This bill will limit traders' ability to amass huge positions that would otherwise allow them to distort the market.

Restrict Hedge Exemptions to Bona Fide Hedgers—H.R. 6604 will reform the process for granting hedge exemptions from position limits. Exemptions would be available only for bona fide market participants who actually engage in the commercial use, production, or distribution of the physical commodity. While position limits are currently granted to bona-fide hedgers, who are using the futures markets to offset their price risk, the CFTC has also granted hedge exemptions to swaps dealers who are not taking delivery of the physical commodity. This loophole has allowed institutional investors to take, through a series of trades, larger positions, than they would be able to take if they traded on the exchanges directly.

Strengthens CFTC Enforcement Resources—The CFTC was created in 1974 as the chief regulator of futures and options markets. It does this with a full-time enforcement staff that monitors large trader positions, prevents scams, and prosecutes and prevents market manipulation. Trading volume has increased 8,000 percent since the CFTC was created, but the agency is operating at its lowest staffing levels since 1974. H.R. 6604 calls for a minimum of 100 full-time CFTC employees to enforce manipulation and fraud in the commodities markets.

CONCLUSION

Mr. Speaker I urge my colleagues on both sides of the aisle to support H.R. 6604. I fully support Representative PETERSON and the Agriculture Committee.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1449, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

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

□ 1330

MOTION TO RECOMMIT

Mr. MORAN of Kansas. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MORAN of Kansas. In its current form, yes, sir.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Moran of Kansas moves to recommit the bill H.R. 6604 to the Committee on Agriculture with instructions to report the bill back to the House promptly with the following amendment:

At the end of the bill, add the following:

SEC. 16. EFFECTIVE DATE.

The provisions in this bill shall become effective only after the Commodity Futures Trading Commission determines that the imposition of any position limits that would be authorized by this Act or the amendments made by this Act for any agreement, contract or transaction involving a pension fund would not result in an equity loss for any party to an agreement, contract or transaction as a direct result of the imposition of any such position limits.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas is recognized for 5 minutes in support of his motion.

Mr. MORAN of Kansas. Mr. Speaker, as I indicated in my earlier comments here on the House floor concerning this legislation, I think our goal has been to make certain that we do no harm, and I have concerns that we will do harm with the legislation that's before us. And by harm, I don't mean harm to the industry, not speculators, not swap dealers, but harm to the consumers, harm to the American people, harm to the United States economy.

One of those concerns we have is concern with those who have invested their retirement in pension funds. And so this motion to recommit simply is a requirement that CFTC, before they impose those position limitations, would make certain, would certify that the imposition of those payment limitations would not reduce the value of a person's pension fund.

The effort here is to make certain that no harm is caused, a goal I'm sure we all share, and in particular, make certain that we know what we are doing does not damage the value of the American people's retirement accounts.

Mr. Speaker, I yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman for yielding, and I would join him in supporting this motion to recommit because it would help to assure a great many Members on our side of the aisle that the concerns raised about the legislation that somehow

this might prove to be disruptive of the markets would indeed not occur. It would simply require that the CFTC examine that and certify that they do not believe that that would be the case, and then the legislation could proceed to be fully implemented, and I think this is a wise consideration.

The evidence that we have before us from the findings of a recent CFTC report is that these markets are functioning well. I think this legislation will enable them to continue to function well, but it does not, I think, in any way hurt and could, in fact, indeed enhance the operation of CFTC for them to require to make this investigation and make this certification that people, millions, tens of millions of Americans whose pension funds may include some investment in commodity futures markets will be unaffected by the legislation in terms of empowering the CFTC to conduct further oversight and to take further action as is allowed by the legislation.

Again, I would point out that the best thing we can do to secure the pension funds of Americans would be to create more energy in this country that would meet the supply demands that are necessary, would help to hold down the cost of oil and natural gas and electricity and everything else that drives this economy, both in terms of our transportation, our manufacturing, the heating of our homes. All of these things would be greater enhanced if we would have the American Energy Act brought before us.

Unfortunately, I believe the American Energy Act would not be a germane motion to recommit. Otherwise, we'd be offering it right now, but I believe the gentleman's alternative is a good one, and I support it.

Mr. MORAN of Kansas. Mr. Speaker, again, I would ask the House of Representatives to approve our motion to recommit.

Again, as the gentleman from Virginia says, we believe there's a better policy that hasn't even been debated upon the House floor in dealing with energy prices than the bill that's before us today. That's the American Energy Act. We wish that motion could be made in order today so that we could have a clear debate and vote upon the issue that is compelling to the American people and damaging to the United States economy.

In lieu of that, we would ask that we take this additional step to make certain no unintended consequences occur and we protect the retirement accounts, the pension accounts of Americans.

I yield back my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. PETERSON of Minnesota. Mr. Speaker, first of all, we were delayed in getting something done with this bill back in July when, at one time, we had the votes to pass this under suspension, and then the votes eroded away. This is going to delay the process again. And beyond delay because it says ''promptly,'' it will have the effect of us not being able to move this bill in the House before we're out of here for the elections.

As chairman of the committee and somebody that's worked on this, I disagree with that. I think we need to move this, irrespective of whatever's going to happen in the other body or with the administration. I think this has the effect of killing the bill because we won't have the time to deal with this.

Lastly, I think the CFTC has the ability to do this under the legislation. Apparently Mr. MORAN doesn't trust the CFTC. We have people over here that don't trust the CFTC, but I think they could deal with this. I don't think there's anything that precludes them from accomplishing this in the underlying legislation.

I would ask people to oppose the motion, and I would say that I believe this kills the bill for this session.

I yield back my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. MORAN of Kansas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; ordering the previous question on House Resolution 1441; and adopting House Resolution 1441, if ordered.

The vote was taken by electronic device, and there were—yeas 196, nays 221, not voting 16, as follows:

[Roll No. 607]

YEAS—196

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
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, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
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
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
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)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—221

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
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
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
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)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—16

Brady (TX)
Burgess
Conyers
Cubin
Dreier
Grijalva
Hastings (FL)
Hulshof
Issa
Jackson-Lee (TX)
King (NY)
Lampson
Pence
Pitts
Poe
Sestak

□ 1400

Messrs. BERMAN, JOHNSON of Georgia, MURTHA, RODRIGUEZ, GUTIERREZ, MURPHY of Connecticut, ROSS, BAIRD, Mrs. CAPPS, and Mr. RUPPERSBERGER changed their vote from ''yea'' to ''nay.''

Messrs. CANNON, CARTER, WILSON of South Carolina, SIMPSON, WOLF, GERLACH, and TANCREDO changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. HUNTER. 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 283, noes 133, not voting 17, as follows:

[Roll No. 608]

AYES—283

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clay
Cleaver
Clyburn
Cohen
Costello
Courtney
Cramer
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Marchant
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—133

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Boyd (FL)
Broun (GA)
Brown (SC)
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Clarke
Coble
Cole (OK)
Conaway
Cooper
Costa
Crenshaw
Crowley
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Tom
Doolittle
Drake
Everett
Feeney
Ferguson
Flake
Fossella
Foster
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Granger
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Johnson, Sam
Jordan
Kind
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Maloney (NY)
Manzullo
Matheson
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
Melancon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Petri
Pickering
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Renzi
Reynolds
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Sullivan
Tancredo
Tauscher
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Walden (OR)
Weiner
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Young (AK)

NOT VOTING—17

Brady (TX)
Burgess
Conyers
Cubin
Dreier
Grijalva
Hastings (FL)
Hulshof
Issa
Jackson-Lee (TX)
King (NY)
Lampson
Pence
Peterson (PA)
Pitts
Poe
Sestak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes.

□ 1411

Messrs. BURTON of Indiana, MICA, CRENSHAW, and ROGERS of Michigan changed their vote from ''aye'' to ''no.''

Ms. FALLIN and Mrs. MCMORRIS RODGERS changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk, and I ask for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. ROSS). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 1460

Whereas the Committee on Ways and Means has jurisdiction over the United States Tax Code;

Whereas The New York Times reported on September 5, 2008, that, ''Representative Charles B. Rangel has earned more than $75,000 in rental income from a villa he has owned in the Dominican Republic since 1988, but never reported it on his federal or state tax returns, according to a lawyer for the congressman and documents from the resort'';

Whereas in an article in the September 5, 2008 edition of The New York Times, his attorney confirmed that Representative Rangel's annual congressional Financial Disclosure statements failed to disclose the rental income from his resort villa;

Whereas The New York Times reported on September 6, 2008 that, ''Representative Charles B. Rangel paid no interest for more than a decade on a mortgage extended to him to buy a villa at a beachfront resort in the Dominican Republic, according to Mr. Rangel's lawyer and records from the resort. The loan, which was extended to Mr. Rangel in 1988, was originally to be paid back over seven years at a rate of 10.5 percent. But within two years, interest on the loan was waived for Mr. Rangel.'';

Whereas clause 5(a)(2)(A) of Rule 25 of the Rules of the House defines a gift as, ''. . . a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value'' and prohibits the acceptance of such gifts except in limited circumstances;

Whereas Representative Rangel's acceptance of thousands of dollars in interest forgiveness is a violation of the House gift ban;

Whereas Representative Rangel's failure to disclose the aforementioned gifts and income on his Personal Financial Disclosure Statements violates House rules and federal law;

Whereas Roll Call newspaper reported on September 15, 2008 that, ''The inconsistent reports are among myriad errors, discrepancies and unexplained entries on Rangel's personal disclosure forms over the past eight years that make it almost impossible to get a clear picture of the Ways and Means chairman's financial dealings.'';

Whereas Representative Rangel's failure to report the aforementioned gifts and income on Federal, State and local tax returns is a violation of the tax laws of those jurisdictions;

Whereas disclosure of these improper acts follows an announcement on July 31, 2008 by the House Committee on Standards of Official Conduct that it is reviewing unrelated allegations that Representative Rangel has violated House gift rules, financial disclosure regulations and rules barring the use of official resources to solicit funds for private ventures;

Whereas an editorial in The New York Times on September 15, 2008 stated, ''Mounting embarrassment for taxpayers and Congress makes it imperative that Representative Charles Rangel step aside as chairman of the Ways and Means Committee while his ethical problems are investigated.'';

Whereas clause 1 of rule XXXIII of the Rules of the House of Representatives provides, ''A Member, Delegate, Resident Commission, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House'';

Whereas on May 24, 2006, Speaker Nancy Pelosi cited ''high ethical standards'' in a letter to Representative William Jefferson asking that he resign his seat on the Committee on Ways and Means in light of ongoing investigations into alleged financial impropriety by Representative Jefferson: Now, therefore, be it

Resolved, That—

(1) pursuant to its authority under clause 3(a)(2) of House Rule XI, the Committee on Standards of Official Conduct, within 10 days of adoption of this resolution, shall establish an Investigative Subcommittee in the matter of Representative Charles B. Rangel or report to the House the reasons for its failure to do so; and

(2) upon adoption of this resolution and pending completion of the aforementioned investigation, Representative Rangel is hereby removed as chairman of the Committee on Ways and Means.

□ 1415

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I move to table the resolution.

The SPEAKER pro tempore. The question is on the motion to table.

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

Mr. BOEHNER. 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 motion to table will be followed by 5-minute votes on ordering the previous question on House Resolution 1441, by the yeas and nays; and adoption of House Resolution 1441, if ordered.

The vote was taken by electronic device, and there were—yeas 226, nays 176, answered ''present'' 11, not voting 20, as follows:

[Roll No. 609]

YEAS—226

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

NAYS—176

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

ANSWERED ''PRESENT''—11

Barrett (SC)	Doyle	McCaul (TX)
Bonner	Green, Gene	Roybal-Allard
Burton (IN)	Hastings (WA)	Scott (VA)
Delahunt	Kline (MN)	

NOT VOTING—20

Brady (TX)	Hastings (FL)	Lampson
Burgess	Hulshof	Pence
Conyers	Issa	Pitts
Cubin	Jackson-Lee (TX)	Poe
Dreier		Renzi
Fossella	Kennedy	Sestak
Grijalva	King (NY)	Snyder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1436

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3036, NO CHILD LEFT INSIDE ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1441, 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 227, nays 188, not voting 18, as follows:

[Roll No. 610]

YEAS—227

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
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
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
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
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Cazayoux
Chabot
Childers
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
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
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Peterson (PA)
Petri
Pickering
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
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)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—18

Berman
Brady (TX)
Burgess
Conyers
Cubin
Dreier
Grijalva
Hastings (FL)
Hulshof
Issa
Jackson-Lee (TX)
King (NY)
Lampson
Pence
Pitts
Poe
Sestak
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining on this vote.

□ 1447

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 221, nays 182, not voting 30, as follows:

[Roll No. 611]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
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)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
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)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—182

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)

Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
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
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Petri
Pickering
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
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)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—30

Bachus
Berkley
Berman
Biggert
Brady (TX)
Burgess
Buyer
Conyers
Cubin
Dreier
Ellison
Green, Gene
Grijalva
Hastings (FL)
Hulshof
Issa
Jackson-Lee (TX)
Kennedy
King (NY)
Lampson
McCrery
Melancon
Neal (MA)
Pence
Peterson (PA)
Pitts
Poe
Sestak
Waters
Young (AK)

□ 1454

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.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, today, I was called away on personal business. I regret that I was not present for the following votes:

Ordering the previous question on H. Res. 1449. Had I been present, I would have voted "aye."

On agreeing to H. Res. 1449. Had I been present, I would have voted "aye."

On the motion to recommit with instructions H.R. 6604. Had I been present I would have voted "nay."

On passage of H.R. 6604. Had I been present I would have voted "aye."

On the motion to table H. Res. 1460. Had I been present I would have voted "yea."

On ordering the previous question on H. Res. 1441. Had I been present I would have voted "yea."

On agreeing to H. Res. 1441. Had I been present I would have voted "yea."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 6604, COMMODITY MARKETS TRANSPARENCY AND ACCOUNTABILITY ACT OF 2008

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 6604, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

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

S. 3001. An act to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S. 3002. An act to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S. 3003. An act to authorize appropriations for fiscal year 2009 for military construction, and for other purposes.

S. 3004. An act to authorize appropriations for fiscal year 2009 for defense activities of the Department of Energy, and for other purposes.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material into the RECORD on H.R. 3036.

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

There was no objection.

NO CHILD LEFT INSIDE ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1441 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3036.

□ 1455

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3036) to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

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

The gentleman from Maryland (Mr. SARBANES) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. SARBANES. Mr. Chairman, it is my pleasure to rise today to speak in support of the No Child Left Inside Act of 2008 which I was privileged to sponsor and which really, I think, sets a new foundation for focus on environmental education in this country as we move forward at a critical time in our Nation's history.

Before I speak to the merits, I want to make sure that I thank Chairman GEORGE MILLER, chairman of the Education and Labor Committee, for his strong support of the No Child Left Inside Act and for being a champion throughout his career for environmental education. His involvement in this bill and his strong support signals that we are setting a foundation today to make sure that when it comes time to reauthorize the Elementary and Secondary Education Act next year that environmental education will be a critical and important component of that reauthorization.

I also want to thank Chairman DALE KILDEE, chairman of the subcommittee that had jurisdiction over the No Child Left Inside Act, as well as Chairwoman MCCARTHY whose committee has jurisdiction with respect to the National Environmental Education Act which this extends.

We persuaded Chairman KILDEE to conduct a field hearing in Maryland at the Patuxent Wildlife Refuge, and we did it outdoors. I am not sure that he had done that before, but it went off beautifully. We got very, very powerful testimony from children and parents, teachers and environmentalists and other advocates for this legislation.

I want to salute the coalition, the No Child Left Inside Act Coalition, which consists at last count of more than 700 organizations across the country, national organizations, regional organizations, and local organizations who came together to support this important piece of legislation representing over 40 million members in these organizations. That coalition, and this gives you a sense of what this legislation means, that coalition included public health advocates, environmentalists, educators, sportsmen, zoos, parks and other outdoor education centers, faith-based organizations, as well as businesses.

I want to give some special recognition to my home State of Maryland and their role in leading and helping organize this coalition and to the Governor of Maryland, Governor O'Malley, and the Secretary of Education, Nancy Grasmick, for also stepping up and doing at the State level what we are trying to effect across the country.

Finally, I have to salute the children and parents who came to the rallies and to the hearings that we have conducted on No Child Left Inside Act over

the last year because it was in the eyes of those children, in their whole body language and the enthusiasm and excitement they had when they were outdoors participating in these environmental activities. That was reason enough for us to be steadfast in supporting this legislation and moving it forward.

□ 1500

And of course, the many parents who I think look at the fact that their children are spending so much time indoors on television, the Internet, video games, and remember a time when they used to play outside and want to get their kids back out and into nature.

Let me just briefly address the contents of No Child Left Inside, what it seeks to do. It is an extension of the National Environmental Education Act, and it has a number of key components.

The first is to enhance the teacher training programs and teacher development programs that have existed and been overseen by the Environmental Protection Agency. We've enhanced them in this bill so that there's more of a focus on training teachers on how to deliver environmental education at the school level. We've enhanced it by putting in new provisions to recruit teachers, particularly in underserved areas to enter the field of environmental education.

In addition, this bill establishes, or asks, rather, that States across the country develop environmental literacy plans, in other words, a framework on how that State is going to make sure that when children graduate from high school, they have a fundamental awareness of the environment and the need to preserve our environment.

Lastly, and I think in some ways most importantly, this creates a new grant program, a National Capacity Environmental Education grant program which will allow local and State education associations, institutions of higher education and nonprofits, to apply competitively for grants that would fund a variety of environmental education initiatives, including developing new policy approaches to environmental education, developing curriculum framework, academic content standards and achievement standards focused on environmental education, and replicating and distributing information about tested and model programs that get children into nature and really have them experiencing the environment.

I'm so very pleased because I think this legislation reflects the commitment in this body, in this House of Representatives, in the people's House, but it also reflects the commitment that exists across our Nation today to environmental education and to the importance of focusing on the environment and getting our children out and into nature.

There's many, many benefits of this legislation and the programs that it will fund. I will turn to those shortly, Mr. Chairman.

For the moment, I will reserve the balance of my time.

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

Since 1990, the Federal Government's environmental education programs have been coordinated by the Environmental Protection Agency and have been well supported, receiving approximately $9 million in 2008.

The bill before us aims to strengthen that investment. It would incorporate scientifically-based and technology-driven teaching methods into environmental education, align programs with challenging State and local content standards, and support integrated and interdisciplinary studies. It would also create opportunities for professional development and encourage participation among underrepresented populations. These are all positive steps that I support.

This bill also creates a new National Capacity Environmental Education Program, under the Department of Education, to develop elementary and secondary environmental education programs. Unfortunately, this program is duplicative of the existing environmental education program already being run by the EPA, which has provided more than 3,200 grants to States, local schools and nonprofit organizations to increase environmental education. By creating a new program administered by the Secretary of Education, I'm concerned that the bill could create a more fragmented system of promoting environmental education on the Federal level.

Still, on the whole, I think this is a modest bill with good intentions, and I do not intend to oppose its passage. I appreciate Chairman MILLER's willingness to work in a bipartisan fashion, and plan to vote ''yes'' because of that cooperation.

But let me say one thing to the education reform opponents who blame No Child Left Behind for all the world's ills. Our schools are free to teach environmental education or music or history or the Constitution or any number of other important subjects today under the No Child Left Behind act. We don't need a new bill with a clever name to make that happen.

So while I will be voting ''yes'' on this bill, I must confess that I'm not entirely sure why we're here today devoting several hours to debating it under a rule.

Only a handful of bills are brought up under the rules process each week. Generally, those are the bills that are of greatest concern to the American people. This week, for example, this rather minor environmental education bill is one of just four bills that will be brought up under a rule. Dozens of other minor bills are easily considered under a suspension of the rule each week, giving us more time for those issues that are complex or consequential.

The only reason I can think of to bring a bill like this to the floor under a rule is because the majority is trying to fill the time and avoid a debate on other issues.

On the schedule that we've been given by this Democratic leadership that pledged to work harder in this new Congress, in the last 5 months of this year, 15 days were scheduled to work. Last week one of those days was eliminated, bringing it down to 14. We just heard that another day has been eliminated tomorrow, bringing it down to 13; 13 working days in the last 5 months of the year.

One of the issues that we could be debating, or should be debating, I think it is very important to the American people given the price of gasoline at the pump and the tremendous problems that we have facing us, this issue is energy, and it's an issue that we won't allow the majority to ignore. In fact, I believe this bill to improve environmental education is the perfect place to talk about energy.

That's why we've proposed amendments to advance the understanding of the environmental and economic benefits of clean coal and oil shale production, energy production in ANWR, and energy production on the Outer Continental Shelf.

We've proposed amendments to advance the understanding of the environmental and economic benefits of nuclear power, and of American-made energy, and of an all-of-the-above strategy, an energy production strategy that would increase production, promote conservation and expand innovation.

Feeling the pressure to acknowledge these important issues, the majority hastily revised their manager's amendment on Tuesday for this bill, more than a week after the amendment deadline for the bill. And they added a half-hearted mention of issues of American energy production.

While it's a small step in the right direction, I can't help but wonder if this last-minute change was made not because they agree that we need to explore these issues, but because they simply didn't want to vote on our other stronger amendments. Time and again, this majority has skirted the issue and avoided a real debate about real energy problems.

The bill we passed on Tuesday was a sham. It was about offering political cover, not about making America energy independent.

Mr. Chairman, I would urge the American people to watch the progress of this bill. I've heard many speeches during the last couple of days about how we've expanded areas where we can explore and we can bring more production on-line and we can move towards energy independence, and this is what we have done to help the American people.

I would encourage the American people, Mr. Chairman, to watch the

progress of this bill to see how it moves forward the rest of this afternoon; tomorrow we won't be in session so they won't be able to work on it, and then all of next week. We'll be here, maybe all week, and then this Congress will end. And let's see if the American people see that the things that were promised in these speeches the last couple of days come to bear, or if it was just more political rhetoric to try to win the upcoming election.

I'm not surprised that they incorporated a fig leaf reference to energy production in this bill at all. It becomes par for the course. But I'm here to tell you that we're not buying it and the American people aren't buying it, either.

Our schools are suffering because of high energy prices, and any time we debate a bill to help our schools, we ought to be talking about how to ease their pain at the pump as well.

Earlier today I joined Republican Leader BOEHNER to release the results of our Back to School Energy Survey. The results were eye opening. We heard from nearly 1,000 Americans, principals, teachers, school board members from across country, and they overwhelmingly agreed that Congress needs to be doing more to bring down energy prices.

Ninety percent of those surveyed said high energy costs were impacting their schools. Nearly half reported that high fuel costs have forced schools in their community to cut field trips and afterschool activities. One-third told us that high costs forced schools to limit bus routes. And nearly a quarter reported that rising energy costs have led to higher school lunch prices.

Mr. Chairman, the American people deserve better and our schools deserve better.

I reserve the balance of my time.

Mr. SARBANES. Mr. Chairman, I just want to point out that one of the things that is so exciting about this bill and the advancing of environmental education that it represents, and we heard this in some of the hearings we conducted, is you're going to get young people very interested in the environment from the standpoint of what business opportunities, economic opportunities exist. And some of these folks are going to go out and come up with cutting-edge ideas in terms of energy, new energy technologies and so forth.

In fact, we heard from one young man who testified that when his interest in environmental education developed, he took that and he channeled it into his own start-up business which is looking at biofuels. And so I expect to come from this sort of legislation which gets our kids focused more on environmental education all sorts of new economic opportunities and things that advance us when it comes to energy.

Before I yield, I just want to make one other point. This legislation, in my view, is really responding to initiative and creativity that is coming forth from the citizenry all across this country. Many communities and schools have, on their own, sort of stepped forward and started to pilot things in the environmental education arena. But they need some help. They need some resources to jump that up to the next level. I view as a very appropriate role of government to step forward and offer some leverage and help facilitate good ideas when they emerge from the public.

It's been 27 years since the U.S. Department of Education had a meaningful role with respect to environmental education. This bill will make sure that that happens, and that's one of the reasons we're so excited about it.

At this time I would like to yield, Mr. Chairman, 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a member of the Education and Labor Committee.

Ms. WOOLSEY. Thank you, Mr. SARBANES, for yielding time.

I rise in support of H.R. 3036, the No Child Left Inside Act. My district is just across the Golden Gate Bridge from San Francisco, Marin and Sonoma Counties. We've been leaders in bringing environmental education into schools for quite some time now. These wonderful educators have done this through programs like the School Garden Projects and the Students and Teachers Restoring a Watershed, the STRAW project. These programs have given children hands-on opportunities to learn about the environment, and it's given teachers an opportunity to integrate other subjects; they integrate math and science and writing so students see real world applications in what they are learning.

This bill will help States. It will help them expand efforts to promote environmental education in our Nation's schools, and to promote efforts to teach our children to be good stewards of the Earth, and, in turn, they teach their parents, quite often.

Environmental education is a great way to tie together all the important subjects and lessons for growing up, while also teaching students about the environment, how to play a key role in preserving it for our future, for their future and for their children's future.

As we look for the best ways to prepare our children for the future, we cannot forget that the best education teaches the whole child.

□ 1515

Children must continue to have access to all subjects, including environmental education. I urge my colleagues to support H.R. 3036, the No Child Left Inside Act.

Mr. MCKEON. Mr. Chairman, I am happy to yield at this time to the gentleman from Delaware, the subcommittee ranking member on the Elementary and Secondary Education Committee, Mr. CASTLE, 4 minutes.

Mr. CASTLE. I thank the distinguished gentleman from California for yielding to me, and I do rise in support of H.R. 3036, the No Child Left Inside Act.

This legislation builds upon a strong foundation of the National Environmental Education Act, NEEA, a law originally passed in 1990 to coordinate the Federal Government's environmental education programs through the Environmental Protection Agency, which we know as the EPA.

I believe strongly in the need for environmental education—our dependence on fossil fuels, growing global warming pollution, and skyrocketing energy costs are all major concerns that require multi-pronged approaches. I believe environmental education is the tool of choice in tackling many of these issues. Never before has it been more imperative that we educate not only the next generation of scientists, but also the next generation of environmental stewards.

Environmental education fosters greater appreciation among Americans, beginning in the classroom and extending throughout their adult lives, for the role we all play, collectively and as individuals, in shaping a greener world. Through the NEEA, the Federal Government is playing a strong role in environmental education, promoting science to meet the challenges of the 21st century, and helping to foster a green economy.

I believe this legislation takes a number of steps which work to bolster environmental education and ultimately benefit our Nation's students, such as extending for one year the NEEA, strengthening the existing environmental education and training programs so that it focuses on creating opportunities for enhanced and ongoing professional development, and developing a National Capacity Environmental Education Grant Program under NEEA to develop elementary and secondary environmental programs.

I am also pleased that this bill includes language that I offered before the Committee on Education and Labor to ensure that the programs and activities funded under the NEEA are, in fact, quality programs and activities by requiring participants to report on and subsequently making public the progress they make on a number of quality indicators. Important indicators which foster the understanding and appreciation of the environment, such as enhancing the understanding of the natural and built environment, fostering an appreciation of environmental issues, increasing academic achievement in environmental issues and in related areas of national interest such as mathematics and science, increasing the understanding of the benefits of natural environmental exposure, increasing the understanding of how human and natural systems interact with one another, and broadening the awareness of environmental issues for funded programs and activities.

As I stated earlier, I believe strongly in improving educational achievement

and believe environmental education is an important component. Resulting from the No Child Left Behind Act, which I coauthored, all 50 States have implemented accountability measures in response to increasing concerns about the quality of our Nation's students' elementary and secondary education. I believe this amendment follows this trend by ensuring that environmental education, too, is of a high standard in this country.

While I believe the underlying legislation will help strengthen environmental education in our country, I also believe it is necessary for Congress to move forward with a broader reauthorization of the National Environmental Education Act.

I look forward to working with my colleagues on this vital piece of legislation as we head into next year.

I would just point out with all the discussion we've had on the floor in the last 2 or 3 months about energy and the environment, that education such as this could be very helpful in terms of future Congresses as well.

I urge my colleagues to support H.R. 3036.

Mr. SARBANES. Mr. Chairman, I do want to thank Ranking Member MCKEON and Congressman CASTLE for their support here today for the bill, as well as in committee, and thank Representative CASTLE for his very helpful amendment during the markup.

Ms. WOOLSEY just a moment before mentioned just how this brings children alive, and I want to make one point before I yield to Representative ANDREWS. That is, we had testimony in our hearings for all those who are concerned about this, you know, whether introducing in a meaningful way back into our curriculum things like environmental education and other subjects are somehow going to detract from this important focus on math and reading proficiency, for example.

The testimony that we had from one teacher was that her fourth graders are writing grant applications to local foundations for funding that can help support local projects that they're involved in with their local watershed right there in their own backyard, backyard streams and so forth. And nothing is enhancing their reading and verbal proficiency more than engaging in that exercise. But it's all motivated by their love of the environment.

It is my pleasure now 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. Mr. Chairman, I rise in support of this very well-thought-out piece of legislation. School districts across our country are struggling economically to pay their bills for their basics, to do the basic things that we've established schools to do. And sometimes some things that they would like to do that are somewhat extra fall by the wayside. Very often they do.

This program builds a competitive grant program where school districts around the country can compete for the most innovative and effective environmental education programs.

This is the field trip that the students might not otherwise have; this is the summer course for the teacher that he or she might not otherwise have; this is investment in the learning materials for the technology that the students might not otherwise have; this is the science fair competition that is centered upon environmental issues that the students might not otherwise have. The beneficiaries of this well-thought-out bill are not simply the students and the teachers and the schools who will benefit from the program, it's the U.S. economy and all of us who depend on it.

The jobs of the future will be jobs that generate new ideas, particularly in the area of alternative energy production. So much of that is intricately tied to environmental education. And it's today's students, today's young people, for whom these ideas will be enlightened and from whom new products will come.

So this is not simply an assistance to America's schools today. I believe it's also an investment in the jobs of the future that the country so badly needs.

I congratulate Mr. SARBANES for his excellent work on this bill. I would hope both Democrats and Republicans support it, and I would urge a ''yes'' vote.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Ms. CLARKE) assumed the Chair.

MESSAGE FROM THE PRESIDENT

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

The SPEAKER pro tempore. The Committee will resume its sitting.

NO CHILD LEFT INSIDE ACT OF 2008

The Committee resumed its sitting.

Mr. MCKEON. Mr. Chairman, I am happy to at this time yield to the gentlelady from North Carolina (Ms. FOXX) such time as she may consume.

Ms. FOXX. Mr. Chairman, I want to thank my colleague from California for yielding me time.

He made a couple of comments earlier, I won't try to repeat everything that he said, but he asked a question; he doesn't know why we're here dealing with this bill that normally would be under suspension and certainly wouldn't be a rule bill, but I agree that we know why we're here: it's to fill time because the majority has so little of consequence for us to deal with when we should be dealing with consequential things such as the American Energy Act.

However, I want to also point out the fact that this bill is not going to solve all of the problems of the world. It's not going to create the alternative energies that we need. I read the Constitution. I read it fairly frequently. Yesterday we celebrated Constitution Day. And I have searched in vain for the word ''education'' there. Nowhere did our Founding Fathers just think that the Congress of the United States should be involved in education. That was an issue that they thought best left to the States, and I think it is best left to the States and is not something that we should be dealing with here in the Congress.

Almost every day someone from the majority party comes to the floor and decries the deficit that we're facing. Well, one of the reasons that we're facing a terrible deficit is because the majority party is involved in everything and many things it should not be involved in, especially in education. That is something we should leave to the States. If we did that and left the hard-working people's money at the State level, we would be able to do a lot more than we're currently doing.

But I want to point out the fact that we should be dealing with the American Energy Act. We had a chance this week to do that, and we refused. Bipartisan passage of the American Energy Act would demonstrate to the world that America will no longer keep its rich energy resources under lock and key as the Democrats want to do. Not only will it help bring down the price of gasoline now, but it will make needed investments in the alternative fuels that will power our lives and our economy in the future.

Now as my colleague also mentioned earlier, there's been a very fine survey done. Mr. Chairman, I would like to submit the entire survey for the RECORD today. I want to just point out some of the things that came out in the survey that my colleague had not pointed out.

This survey was launched in July by the Republicans on the Education Committee. It was provided via the Caucus Web site and was sent to education stakeholders all across the country. We asked those people to give us their reactions and the impact on the high cost of energy to the schools. Ninety percent of the people who responded indicated that high gas prices are having an impact on schools in their community. Ninety-six percent of these respondents demanded that Congress do more to address the energy crisis.

''Nearly half of the respondents reported that high fuel costs have forced schools in their community to cut field trips and after-school activities; one-third of respondents reported that high costs forced schools to limit bus routes, and nearly a quarter of respondents reported that rising energy costs have led to higher school lunch prices.''

We don't need to create more programs to encourage students to go on field trips. They're not going to be able to go on field trips because there's no

money to buy gas for the buses to take them on field trips.

This is just one of the most ridiculous things that we've been talking about in this session of Congress.

''Since Democrats took control of Congress''—and I'm quoting again from the survey—''in January 2007''—they took control of Congress, and I think it's very important the American people know who's in charge—''the energy crunch has been swift and severe. Gas prices have risen from an average of $2.33 per gallon in the first days of the Democrat majority to more than $3.75 per gallon today while diesel prices—particularly important for school transportation purposes—have risen from $2.44 a gallon to more than $4 per gallon today.''

Even the liberal New York Times has talked about the problem that the schools are facing. We don't usually find ourselves agreeing with the New York Times on issues, but they talked about the pain that schools are feeling. ''As the cost of diesel fuel has soared well past what many districts budgeted for last spring, school officials are rethinking their transportation needs, making big-ticket spending cuts and a host of surgical trims.''

They go on to quote, ''In a national survey of superintendents released in July by the American Association of School Administrators, 99 percent said that rising fuel costs had forced across-the-board cuts.'' This was the New York Times, September 5, 2008.

Here we are setting up programs, new programs, that cost a lot of money in bureaucracy and administration to try to do something we could do very, very easily by passing the American Energy Act.

□ 1530

That's all within our power here to do, and here are some individual comments in their own words from Americans who demand energy reform.

This is from Robert in Hamilton, Ohio: ''Yes, drill, build new refineries, solar, nuclear and anything else to break the dependence on foreign oil.''

That is exactly the position of Republican Members of this House. We want to break our dependency on foreign oil and we can do this. We are pro-American energy. Our colleagues, the Democrats, are anti-American energy. They will not do things that help us increase the supply in this country.

Here's another comment from Lori from Middletown, Ohio: ''I work at (a local) Head Start program. Our families are struggling to get their children to preschool. They must choose between gas in the car or food in many cases.''

I listened to these platitudes by our colleagues across the aisle, and frankly, they sound pretty hollow to me when we hear comments like this. The American people are suffering. They are doing nothing.

Another comment from Reeves in Gastonia, North Carolina: ''The rising cost of energy is impacting our school district in many ways: pupil transportation, employee travel, staff development, cost of goods/services, et cetera. It is getting increasingly difficult to reduce costs and not have an impact on the instructional day.''

Again, the American people are hurting and the Democrats are turning a deaf ear.

From Thomas from Joelton, Tennessee: ''We have to increase the supply of domestic oil. When my family grew in size, I did not reduce the amount of food provided to each member, I increased the supply. Gasoline is the same way.''

The American people are very, very smart and the Democrats are selling them short. They understand the issue. They understand that the issue is supply and demand, and this report concludes:

''Education stakeholders overwhelmingly report they are being hurt by the energy squeeze and demand that Congress do more. But instead of doing more, rank-and-file Democrats voted overwhelmingly with their leadership to kill a Republican measure that would have given schools relief and continue to block a comprehensive plan to bring down fuel prices. The House Republicans' 'back-to-school' energy survey confirms a New York Times report from earlier this month: 'School officials are rethinking their transportation needs, making big-ticket spending cuts and a host of surgical trims.' How much longer will the Democrat-led Congress wait to give them—and families, seniors, and small businesses—the relief they are demanding from today's high energy costs?''

It is time that the Democrats listened to the will of the American people and provide an opportunity for us to provide more supply for the American people and give relief to them.

I say to them again, you're either pro-American energy or you're anti-American energy. So far, the position you've taken is anti-American energy, and I don't believe that's where the American people want you to be.

STRAPPED: STUDENTS AND SCHOOLS PAY THE PRICE FOR DEMOCRATS FAILED ENERGY POLICIES

SUMMARY AND KEY FINDINGS

A survey launched in late July by House Republicans has yielded some eye-opening results as the Democratic leadership of the 110th Congress has refused to allow a vote on the House Republicans' American Energy Act (H.R. 6566), which aims to lower gas prices by increasing production of American energy, encouraging more conservation and efficiency, and promoting the use of more alternative and renewable fuels.

The survey—provided via the Education & Labor Committee Republican caucus' website—was made available to education stakeholders across the country, from parents and students to teachers and administrators and sought their input on the impact of today's high gas prices on schools, colleges, and universities as the 2008–09 academic year begins. Key findings of the survey follow:

90 percent of the survey's nearly 1,000 respondents indicated that high gas prices are having an impact on schools in their community.

96 percent of respondents demand that Congress do more to address the energy crisis.

Nearly half of respondents reported that high fuel costs have forced schools in their community to cut field trips and after-school activities; one-third of respondents reported that high costs forced schools to limit bus routes, and nearly a quarter of respondents reported that rising energy costs have led to higher school lunch prices.

In spite of these stark findings, the Democratic leadership of the House has refused to schedule the American Energy Act for a vote and defeated Republican proposals on June 4, June 26, and September 16, 2008 to assist schools feeling the greatest impact from high energy costs. In fact, the Democrat-led Education & Labor Committee has not even held a single hearing on this issue.

SCHOOLS FEEL THE PAIN OF HIGH ENERGY COSTS

American families, seniors, and small businesses are hurting amid high gas prices and heating costs that are poised to rise this fall and winter. But they are not alone. As schools across the country settle into the 2008–09 academic year, they too are feeling the pain of today's energy crunch. Indeed, from elementary and secondary schools to community colleges and universities, schools at every level are grappling with this crisis and making all-too-often painful adjustments just to get themselves through the year.

Since Democrats took control of Congress in January 2007, the energy crunch has been swift and severe. Gas prices have risen from an average of $2.33 per gallon in the first days of the Democratic Majority to more than $3.75 per gallon today, while diesel prices—particularly important for school transportation purposes—have risen from $2.44 per gallon to more than $4.00 per gallon today.

Simply put, the surge in energy costs has been dramatic, and the Majority has yet to offer the ''commonsense plan'' to lower gas prices then-Minority Leader Nancy Pelosi (D–CA) promised during the 2006 campaign season. Instead, the Speaker and her colleagues in the Democratic leadership have offered one ''no energy'' bill after another—proving themselves more interested in votes to provide political cover for vulnerable Democrats than they are in giving the American people an ''all of the above'' energy strategy to lower fuel costs. And all the while, families, seniors, small businesses, and—yes—schools are left to pay the price . . . literally.

Earlier this month, the New York Times put the pain schools are feeling into perspective:

''As the cost of diesel fuel has soared well past what many districts budgeted for last spring, school officials are rethinking their transportation needs, making big-ticket spending cuts and a host of surgical trims.

''Some districts are eliminating field trips and after-school buses. Many are consolidating routes, causing some students to walk farther to their stops and others to lose their buses altogether. They are holding off on new teachers, counselors and textbooks, and teaming with neighboring districts for pre-kindergarten, special education and private school transportation . . .

''In a national survey of superintendents released in July by the American Association of School Administrators, 99 percent said that rising fuel costs had forced across-the-board cuts.'' (New York Times, ''Fuel Prices Squeeze School Districts,'' September 5, 2008)

HOUSE REPUBLICANS LAUNCH INNOVATIVE ''BACK-TO-SCHOOL ENERGY SURVEY''

To help understand the scope of this problem, House Republicans launched a web-based initiative in late July focused on how high energy prices are impacting schools all across the nation. Housed at the Education & Labor Committee's Republican website, this survey gathered input from school officials, teachers, and families over a period of six weeks to determine the extent of the energy crisis for schools at all levels—input that Republicans hope will provide both parties even more of an incentive to come together in these final days of the 110th Congress and pass an ''all of the above'' plan to increase American energy production, encourage more efficiency and conservation, and promote the use of alternative and renewable fuels. The survey follows:

1. Are high gas prices having an impact on back-to-school preparations in your community?
Yes, a very significant impact.
Yes, somewhat of an impact.
No, not much of an impact.
No, not at all.
2. If you answered ''yes'' above, how are your local schools coping with high energy prices?
Limiting bus routes.
Cutting field trips/after-school activities.
Increasing school lunch prices.
Moving to a four (or fewer) day week.
Expanding online course offerings.
Other (please describe below).
3. Should Congress be doing more to lower gas prices and promote long-term American energy independence?
Yes.
No.
No comment.
4. Additional comments:
5. Name:
6. E-mail (optional):
7. City, State:
8. May we share your story with others?

OVERSTRETCHED SCHOOLS WANT ACTION FROM DEMOCRATIC CONGRESS

The above-referenced New York Times article depicts the types of problems being experienced nationwide. In fact, according to the ''back-to-school'' energy survey, 90 percent of all respondents indicated that high gas prices are having an impact on schools in their community (72 percent responding that gas prices are having ''a very significant impact,'' with 18 percent responding that they are having ''somewhat of an impact''). The most common ramifications of high fuel costs are cutting field trips and after-school activities (provided by 48 percent of respondents), limiting bus routes (33 percent), and increasing school lunch prices (23 percent).

As a result, nearly every respondent to the survey (96 percent) indicated that Congress should be doing more to lower gas prices and promote long-term American energy independence. Congress, however, has not answered the call, in spite of the fact that House Republicans unveiled the comprehensive American Energy Act to lower fuel prices nearly two months ago. Democrats also turned back a House Republican effort to provide more funding to assist schools dealing with high energy costs.

HOUSE REPUBLICAN PROPOSALS FOR REFORM DEFEATED BY DEMOCRATIC MAJORITY

As the recently-completed survey suggests, schools across the country are feeling the pain from rising energy costs. Even before the survey was launched, however, House Republicans attempted to provide more assistance to those schools feeling the greatest pain from today's energy crunch.

On June 4, 2008, the Democratic leadership scheduled for House consideration the 21st Century Green High-Performing Public School Facilities Act (H.R. 3021), a bill that takes $20 billion in taxpayer dollars away from low-income students and students with disabilities and creates a massive, unproven school construction program run by bureaucrats in Washington. During consideration of the legislation, Rep. Cathy McMorris Rodgers (R–WA) offered a motion to recommit proposal to allow schools that have seen their energy costs rise by more than 50 percent since January 4, 2007—Rep. Pelosi's first day as Speaker—to use funds under the bill to help cover their energy expenditures. Unfortunately, Democrats killed the proposal, leaving the schools to fend for themselves. (Rollcall Vote 378, with 225 Democrats voting against the proposal.)

On June 26, 2008, during consideration of the Saving Energy Through Public Transportation Act (H.R. 6052), Democrats blocked a Republican proposal to assist rural schools and students. The measure—offered by Rep. Greg Walden (R–OR)—would have required that in any area where school bus services are being cut back because of high fuel prices, the funds under the Democratic bill must be used to help restore those services. Walden's proposal gave preference to rural and suburban areas where school buses have to travel greater distances to transport students. (Rollcall Vote 466, with 217 Democrats voting against the proposal.)

On September 16, 2008, Democrats turned back a bipartisan plan—co-sponsored by 38 Democrats, 24 of whom inexplicably voted against it—that would have aided schools suffering from the effects of the energy crisis as well. During consideration of the Democrats' so-called Comprehensive American Energy Security and Consumer Protection Act (H.R. 6899), Rep. John Peterson (R–PA) offered a bipartisan plan he originally authored with Rep. Neil Abercrombie (D–HI) to begin taking steps toward lower gas prices and energy independence. The plan, in part, would have enabled states to enter into revenue-sharing agreements with the federal government as part of increased energy production far off of their coasts. Under the bipartisan plan, states would be permitted to use revenues to increase funding to schools feeling the impact of the energy crunch. But once again, the Democratic Majority blocked the plan, depriving schools of critical funding to help them cope with rising energy costs. (Rollcall Vote 598, with 216 Democrats voting against the proposal.)

IN THEIR OWN WORDS: AMERICANS DEMAND ENERGY REFORM

Following is a sampling of remarks left by respondents to the ''back-to-school'' energy survey detailing exactly what parents, teachers, and students are facing while the Democratic Congress refuses to act on meaningful legislation to bring down gas prices and other energy costs:

''Yes, drill, build new refineries, solar, nuclear and anything else to break the dependence on foreign oil.''—Robert from Hamilton, OH.

''I work at [a local] Head Start program. Our families are struggling to get their children to pre-school. They must choose between gas in the car or food in many cases.''—Lori from Middletown, OH.

''The rising cost of energy is impacting our school district in many ways: pupil transportation, employee travel, staff development, cost of goods/services, etc. It is getting increasingly difficult to reduce costs and not have an impact on the instructional day.''—Reeves from Gastonia, NC.

''What are schools to do? The price of diesel, which most school buses use, is even higher than the price of gasoline. The option of passing or even sharing the cost of the fuel increase with the consumers (parents) is not an option. Levies are increasingly more difficult to pass. Field trips and busing for athletics are either eliminated or the parents are charged a fee to help offset the transportation cost. Lengthening the school day and providing a 4-day week is vehemently opposed by many parents who do not want to pay for child care for that 5th weekday the child would not be in school. Freezing wages and cutting back on insurance benefits for teachers and support personnel deters people from teaching at a time when the country desperately needs to be focusing on Math, Science and Technology so its students are better prepared for employment in our global economy . . . I repeat—what are schools to do?''—Shari from Medway, OH.

''We cannot believe Congress went on vacation. We must have a complete policy. Drill for oil, build new refineries, build nuclear plants, and anything else that will work. Everything is being affected, cost of groceries and all other goods. Please help. Keep up the fight for us. We need an energy policy.''—Ruth from Vacaville, CA.

''We have to increase the supply of domestic oil. When my family grew in size, I did not reduce the amount food provided to each member, I increased the supply. Gasoline is the same way.''—Thomas from Joelton, TN.

''As an educator I am very concerned on the impact of budget cuts for all students and staff operating in our school system.''—Tessa from Waleska, GA.

''Being a rural community where most of the students come to school on buses, high fuel prices cause a big problem.''—Edward from Wapato, WA.

''The high price of fuel and energy costs [has] significantly reduced the amount of funding we have for educating our children to be competitive in a world class economy.''—Pam from Medical Lake, WA.

''Every school child that I know has had their bus route increased. My 6 year old is now on the bus for more than 2 hours a day.''—Claudia from Stevenson Ranch, CA.

''This year we may not be able to go on any field trips because the school bus rates have gotten so expensive. Families are having a tough time as it is. It is sad because the kids are missing out on those experiences.''—Tar from DeLand, FL.

CONCLUSION

Education stakeholders overwhelmingly report they are being hurt by the energy squeeze and demand that Congress do more. But instead of doing more, rank-and-file Democrats voted overwhelmingly with their leadership to kill a Republican measure that would have given schools relief and continue to block a comprehensive plan to bring down fuel prices. The House Republicans' ''back-to-school'' energy survey confirms a New York Times report from earlier this month: ''School officials are rethinking their transportation needs, making big-ticket spending cuts and a host of surgical trims.'' How much longer will the Democrat-led Congress wait to give them—and families, seniors, and small businesses—the relief they are demanding from today's high energy costs?

Mr. SARBANES. Mr. Speaker, I want to share with the gentlewoman that I am and I know my party is pro-American energy. In fact, the more I listen to testimony on the other side, the more convinced I am that this legislation that we're debating right now is exactly what we need to make sure that the advances with respect to energy technology are there.

With respect to education stakeholders and their view of No Child Left

Inside, this is a list of over 700 organizations nationally representing 40 million members. Many of these organizations are education organizations who understand how important it is for our young people to get this sort of opportunity.

We can all agree, Democrats and Republicans, in this debate that we've been having over energy for the last few weeks and months that it's important for us to develop alternative sources of energy, renewable sources of energy. To do that, of course, we're going to need the scientists and the entrepreneurs who can make it happen, and they are not going to land on a spaceship from outer space. We are going to have to develop them right here, and the next generation is where we are going to find those scientists and those entrepreneurs that are going to make those sort of advances. But they are not going to be able to do it if we don't put the resources behind the kind of environmental education that this will provide.

And then just the last point I wanted to make is, yes, there are field trips that will be funded by this, but a lot of what this has to do is getting kids outside, and you don't have to take a bus from inside of the classroom to outside of a classroom. You can walk. And a lot of these young students are doing things right there in their own backyard, right there around their school, right there in a stream that's a quarter mile away, and they can use the walk. The idea is to get them outside and experiencing the environment.

It is my pleasure now to yield 2 minutes to the gentlewoman from New York (Ms. CLARKE), a member of the Education and Labor Committee and someone who brought a very important amendment regarding environmental justice to this bill in the committee.

Ms. CLARKE. Mr. Chairman, today I rise in support of H.R. 3036, the No Child Left Inside Act of 2008. The effects of global warming and climate change, as evidenced by wildfires, tornadoes, hurricanes, and floodings has been experienced by hundreds of thousands of Americans. These things, coupled with the energy crisis, are calling out for investment in renewable energy.

We must be ever cognizant that future generations will inherit a myriad of complicated environmental challenges. By encouraging schools to incorporate environmental education into their curriculum, H.R. 3036 will give future generations a solid understanding of environmental issues and a knowledge base that will equip and empower them with the tools needed to overcome the environmental problems that plague our civil society and our environs.

I am pleased to have language from my bill, H.R. 5902, the GREEN Act, incorporated into this bill. My bill's language would give schools the option of integrating an environmental justice curriculum into their own educational program.

Located in my congressional district, the Brooklyn Academy of Science and the Environment provides an innovative example of how environmental justice concepts can be used as an integrating context for learning. Created through a partnership with the Brooklyn Botanic Gardens, Prospect Park Alliance, and the New York City Department of Education, this is one of New York City's first public environmental education high schools.

In closing, I want to thank Congressman SARBANES for being a champion for America's scholars and for his consistent leadership on environmental education and for including my bill, H.R. 5902, as part of the No Child Left Inside Act of 2008, a bill that I believe will greatly transform our Nation in the years to come.

Mr. MCKEON. Mr. Chairman, I am happy to yield at this time 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman for yielding to me.

I am rising in support of H.R. 3036, the No Child Left Inside Act, which would authorize a grant program to provide States the resources to include environmental literacy education programs in their K–12 curriculum.

Protecting the environment is one of the most important jobs I have as a Member of Congress. We simply will not have a world to live in if we continue our neglectful ways.

It is imperative we instill the need for environmental responsibility upon the next generation, and I can't think of a better place to foster a sense of environmental stewardship than in the classroom.

Just this week, Congress finally debated a bill to begin reducing our dependence on foreign oil and encouraging alternative energy solutions. The repercussions of the debate we had this week will not be dealt with by us, but rather, by our children. By ignoring our environmental and energy crisis for so long, we have passed significant challenges on to the next generation to find solutions. The time to invigorate our youth to tackle these challenges is now.

I have heard from teachers and school administrators throughout Connecticut's Fourth Congressional District, and from across the country, who have felt a narrowing of school curricula in the wake of No Child Left Behind's (NCLB) high stakes testing requirements. It seems to me this bill should have been considered in the context of a larger No Child Left Behind reauthorization. Unfortunately, the majority has yet to bring comprehensive reform to the floor for consideration, and I am hopeful these types of curricular enrichments remain a priority as we work towards reauthorizing this critical bill.

In the absence of reauthorization efforts this Congress, I am pleased we are providing the resources school districts need to enrich their curricula and cultivate an awareness of environmental issues in our public schools.

I support No Child Left Behind because it is forcing us to improve and deal with gaps in our public education, but I realize there are several improvements that need to be made in the reauthorization process. I look forward to a reauthorization of this bill that reevaluates priority curricula to ensure our students are not only achieving in the areas of math, reading, and science, but are well-prepared to engage in a 21st century, global society.

Mr. SARBANES. May I inquire as to whether the other side has any more speakers?

Mr. MCKEON. I will be concluding for our side, if we could inquire how much time we have left.

The CHAIRMAN. The gentleman from California has 5½ minutes remaining. The gentleman from Maryland has 12 minutes remaining.

Mr. SARBANES. Mr. Chairman, I will reserve my time to allow the gentleman to close.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

One week before the 110th Congress is scheduled to adjourn, we are devoting precious legislative hours to debating a noncontroversial bill to extend a minuscule environmental education program for 1 year. I think we all agree that environmental education is important now and for future generations, and I want to commend the gentleman from Maryland (Mr. SARBANES) for the work that he's done on this bill. I think, as he has eloquently stated, environmental education is very important. But how we spend our time in this Chamber is a reflection of our priorities, and today, our priorities are all wrong.

Chairman MILLER and I work well together on the Education and Labor Committee, and we often reach agreements before bills are brought to the floor. On this bill, we worked together to resolve our differences, and we agreed that while important, this bill was straightforward and noncontroversial—most of our Members will vote for it—enough that it should be considered on the suspension calendar. I believe that two-thirds of this body would easily have supported the legislation, making these hours of debate unnecessary.

For whatever reason, whether to mask their continued failure to offer comprehensive energy solutions or simply to avoid a debate on the issue altogether, the majority has opted to bring this bill to the floor today under a rule. So let me just take a moment to reflect on H.R. 3036.

The Federal Government has a role to play in education. That role is to provide support and assistance to ensure that all children are provided a quality education. It is to support the academic achievement of disadvantaged children, children with disabilities, and other at-risk students who might otherwise be left behind. In pursuing these goals, we must be careful

not to create too much bureaucracy nor too many Federal programs that could undermine local control.

That's why I appreciate the efforts that were made to limit the scope of this bill, extending an existing program at the EPA and supplementing it with similar activities through the Department of Education rather than establishing a massive new environmental education bureaucracy as some had originally proposed.

□ 1545

This is a reasonable bill, and at the end of the day, I will support it. But, Mr. Chairman, if I had my choice, we would not be here debating this legislation today. Although environmental education is important, this Congress has a limited amount of time to challenge our mammoth problems facing this Nation.

As of a few minutes ago, when we found we won't be in session tomorrow, if we work all of next week, we will have 5 days left to finish the work of this Congress. Instead of tinkering around the edges of an existing environmental education program, we ought to be debating comprehensive, all-of-the-above approaches to reform our Nation's energy policy and put America on the path to energy independence.

Here we are, going into the last week of this Congress. We've been here 2 years, we only have now 13 days of work scheduled for the last 5 months of this year—and that, after our Democrat leadership, during the last election, said that we would be a harder working Congress, we would be a more open Congress, we would be one that would follow regular order, we would be open to the way this House was meant to function.

At this point, we have not passed one spending bill. The spending bills that were passed last year run out on September 30, the new year starts October 1, and not one spending bill to continue to fund the Government through the next year has yet been passed. We did pass one on this floor, but not one has been passed through the whole process—the House, the Senate, and been sent to the President's desk, not one spending bill.

I guess the people throughout the country will be watching and seeing what happens on October 1. Will the Government be shut down? I don't know. I don't know how they plan to solve this problem. I just know that at this point they have not brought one spending bill to completion for the President to sign.

We have not finished our work on this committee on No Child Left Behind. That was a very, very important piece of legislation. We worked on it last year. We haven't talked about it for over a year now. And I guess that's just going to be let go into next year, when a new Congress will be here.

I am greatly disappointed, Mr. Chairman, with the work product of this Congress. We had the ability. We had new leadership that came in with lots of promises, lots of enthusiasm, lots of things that were going to be done to make things better for the American public. The most important issue facing us today is the energy issue. Every one of us in America sees that every day when we fill our tanks or at least drive by the gas stations and see how the price has gone up—or maybe down a couple cents, depending, but it's a couple dollars more than it was when the Republicans were in charge here a couple years ago.

We had the opportunity this year, even this week, to address an all-of-the-above energy solution: More conservation, more alternative fuels, more biomass, more wind, more solar—yes, and more oil, more coal, more shale.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SARBANES. Mr. Chairman, the desire to move forward with the reauthorization of No Child Left Behind is one that certainly we shared on this side of the aisle, and we are prepared to do that this year. The problem is that the administration, for the last 2 years, sent budgets which suggested there wasn't going to be the resources behind that effort that needed to be there, and so we're where we are. But that doesn't mean that we can't, as we're going to do with this bill, begin to set the table for what can be a very comprehensive and meaningful reauthorization of the Elementary and Secondary Education Act next year. And what I'm so excited about is, if we put our stamp on this bill today, we're going to be sending a very powerful message that environmental education should be part and parcel of that reauthorization next year.

I would like to thank, again, the members of the No Child Left Inside Coalition, as I noted, over 700 organizations across the country representing upwards of 40 million people. These are folks who just want to see this happen. They understand how important it is to get our children outdoors and into nature. I want to thank them for all the work that they did to make this possible, to get this to the floor. It would not be here without the work that they have done.

I want to close by noting some of the benefits of this. I've talked about the contents of the bill, but I want to talk more generally about the benefits that it offers.

Many of the witnesses that we heard from, many of the advocates who are behind this bill are public health advocates. They're pointing to epidemic levels, for example, of childhood obesity that we see now across the country. Kids just aren't active. One of the benefits of getting children outdoors, getting them engaged in environmental activities is they start to become more active, and that is going to be good for their health and the health of our Nation.

We've talked about the economic development benefits; that environmental education spurs interests, it leads to children wanting to go into science, into technology, and so forth. And so we are going to be unleashing a tremendous economic potential if we put resources into the No Child Left Inside Act.

It is a great way for kids to learn. There is all the evidence that shows that when kids are outdoors, it activates all their senses, it fully engages them, and their performance increases across the board because of that experience. And of course it raises awareness in the next generation of the environment and the need to preserve our environment. The fact of the matter is that the only way we're going to save our environment, the only way we're going to preserve treasures like the Chesapeake Bay in the State of Maryland is if millions of people develop good habits in dealing with the environment. That's what we can impart to our young people, to the next generation.

Let me just finish with two articles, or anecdotes. The first is from the Rochester, Minnesota Post-Bulletin. It's an article titled, ''Program urges kids to ditch couches for canoes.'' It talks about a program that a woman named Sara Grover founded, Project Get Outdoors, where she brings kids outside. She talks about a fifth grader on his first camping trip. She said he was practically crying and he said, ''This is the best day of my entire life.'' There are a lot of good days ahead for a lot of great kids if we get this legislation in place.

Just to put a punctuation mark on this notion of kids going into science as a result of their experiences outdoors, I just got this e-mail on my BlackBerry notifying me that a young man from my district was named a finalist in the science competition for middle school students. His project was, ''The Effectiveness of Limestone Aggregates to Mitigate Acid-Mine Drainage.'' He came up with the idea for this project while rafting and kayaking on the Cheat River in West Virginia.

This is what I'm talking about. This is what's going to happen if we provide our children, our young people, the next generation with the environmental education that they deserve and integrate it fully into the instructional program in their schools.

That's why I'm supporting this bill. That's why I introduced it. That's why the coalition of advocates that supports it is so excited about it. I urge this House to pass H.R. 3036, the No Child Left Inside Act.

Mrs. MALONEY of New York. Mr. Chairman, I rise in opposition to H.R. 6604, the Commodity Markets Transparent Accountability Act.

Before I outline my opposition to this legislation, I want to be clear that I am seriously concerned about the cost of oil and the cost Americans are paying at the pump. To this end, I have been proud to support a series of other bills that this House has considered to

help bring down the cost Americans are paying at the pump as well as efforts to create new alternative and renewable sources of energy. I have been a long-term supporter of reforming the royalties the oil and gas industry pays for the natural resources they extract from public lands. Last year I was proud to stand with my colleagues as we, for the first time in a generation, increased the fuel efficiency standards on cars sold here in the United States. Just yesterday, I was pleased to vote in favor of H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act. The legislation is a bold step forward, helping end our dependence on foreign oil and increase our national security. It launches a clean renewable energy future that creates new American jobs, expands domestic energy supply—including new offshore drilling—and invents and builds more efficient vehicles, buildings, homes, and infrastructure. It will lower costs to consumers and protect the interests of taxpayers. It is a comprehensive strategy and the product of bipartisan compromise.

I want to be clear that I am completely opposed to energy manipulation, which is a crime, but what we are talking about here is the role of legitimate investors in the commodities market. To that end, my main concern with this legislation is that it would crack down on legitimate trading practices, resulting in the loss of American jobs.

Additionally, I am concerned that this legislation will significantly reduce liquidity in the U.S. futures and derivatives markets and drive trading overseas at a very precarious time for U.S. financial markets. This legislation also could create legal uncertainty and could also increase market disruption in the over-the-counter, OTC, markets. Moving this trading overseas and creating legal uncertainties could result in lost jobs here in the United States, especially for our constituents who work in these markets. At a time we are fighting to keep New York City and the United States as the financial capital of the world, any measure that could cost our economy quality jobs without providing any benefit in return is not a measure I can support.

Joining me in my skepticism that speculators have been able to manipulate the oil market is what many may consider an unlikely source, Paul Krugman of the New York Times.

In a May 12, 2008 column, titled ''The Oil Nonbubble'', Krugman writes:

''The only way speculation can have a persistent effect on oil prices, then, is if it leads to physical hoarding—an increase in private inventories of black gunk. This actually happened in the late 1970s, when the effects of disrupted Iranian supply were amplified by widespread panic stockpiling.

But it hasn't happened this time: all through the period of the alleged bubble, inventories have remained at more or less normal levels. This tells us that the rise in oil prices isn't the result of runaway speculation; it's the result of fundamental factors, mainly the growing difficulty of finding oil and the rapid growth of emerging economies like China. The rise in oil prices these past few years had to happen to keep demand growth from exceeding supply growth.''

To be clear, I stand ready to support legislation that will reduce the cost Americans are paying at the pump, and I am fully in support of efforts to create new, affordable and renewable energy options that will move us towards energy independence. However, this legislation, while certainly well intentioned, could potentially create more harm than good and lead to the loss of American jobs.

Mrs. BACHMANN. Mr. Chairman, today, the House will consider H.R. 3036, the No Child Left Inside Act. I rise in strong opposition to this legislation.

First of all, H.R. 3036 continues our Nation down the ill-fated road of shifting control of school curricula away from the parents and teachers and local school boards who best know what their children need into the hands of Federal Government and its one-size-fits-all approach. To best serve our children's educational needs, local school boards need flexibility to target resources where they are needed most—from school construction and class size reduction efforts to higher teacher salaries and technology in the classroom. The needs of individual school districts are dynamic and complex. They are not homogenous and are most certainly not best understood by bureaucrats in Washington.

I fervently believe that parents and teachers and local school boards know best how to educate our children, and it is time for Congress to stop removing them further and further from the equation. Congress must move back down the path to control, accountability, and authority at a local level for education. H.R. 3036 leads us away from this crucial goal.

Furthermore, while I agree it is important to promote conservation and environmental literacy, especially as America faces a crippling energy crisis, I do not agree that public school is the place to do it. H.R. 3036 would simply add another layer of bureaucracy and Federal mandates to our Nation's already overburdened schools, displacing important educational building blocks with questionable environmental education programs. At a time when American test scores continue to lag behind our global counterparts, can we honestly say that we need less time for the fundamentals of reading, writing, arithmetic? Church groups, scouting, extracurricular organizations, and the family promote conservation, love of and respect for the outdoors, and environmental messages daily. Let the teachers teach; let parents instill values.

Finally, let us not forget that Congress has already allotted funds for environmental literacy through an Environmental Protection Agency, EPA, grant program. Since 1992, that program has allocated over $40 million, or roughly $2.5 million per year. H.R. 3036 would spend an additional $14 million to create an additional grant program administered by a whole new executive branch agency, the Department of Education. Can there be any question that this represents an expansion of the Federal bureaucracy, a duplication of efforts, and a wholly irresponsible distribution of taxpayer dollars?

The No Child Left Inside Act represents a step in the wrong direction, adding the weight of increased Federal bureaucracy to an already sinking educational outlook. Forcing local school districts to direct scarce resources away from core curricula to serve a political agenda will only further suppress the academic performance of America's next generation. I urge my colleagues to oppose this legislation.

Mr. HONDA. Mr. Chairman, I rise today in support of the ''No Child Left Inside Act,'' H.R. 3036.

The 21st century global economy increasingly requires scientific and environmental literacy. Unfortunately, due to the narrowing of curriculum under ''No Child Left Behind,'' schools are struggling to offer a comprehensive curriculum inclusive of environmental education.

I applaud Representative SARBANES for championing H.R. 3036, to help ensure our students are prepared to make informed decisions that impact our future, and I am proud to be a cosponsor of this important bill.

I share the gentleman from Maryland's passion for environmental literacy and environmental education, which are also priorities in a bill I introduced, H.R. 1728, the ''Global Warming Education Act.''

I believe that education is essential to ensuring that the public understands both the short- and long-term environmental consequences of dangers such as global warming.

In my bill, I sought to establish a grant program to create educational materials, develop climate change curricula, and improve the dissemination of scientific developments in the area of global warming, along with providing practical learning opportunities for people of all ages and from diverse backgrounds.

The ''No Child Left Inside Act'' will also establish grants to help environmental education become more effective and widely practiced, and it will provide professional development and training for teachers to incorporate environmental education activities as part of school curricula.

It is critical that America fosters an environmentally aware citizenry equipped to make informed decisions that will ensure a secure environment for our future generations.

This is why I urge my colleagues on both sides of the aisle to recognize the importance of environmental education by supporting H.R. 3036.

Mr. VAN HOLLEN. Mr. Chairman, I rise today to support the No Child Left Inside Act. I thank my colleague from Maryland, JOHN SARBANES, for his efforts on this important initiative.

Mr. Chairman, our Nation faces great environmental challenges. We need to combat global warming, curb pollution, and expand conservation and energy efficiency. And to confront these challenges, we need to ensure that students graduate from our schools with an understanding of the environment. We need hands-on outdoor learning opportunities to inspire students to enter science fields and develop innovative solutions.

Today's bill extends the authorization for the National Environmental Education Act and enhances the Environmental Education and Training Program with teacher training and the opportunity for partnerships between teachers and working professionals in environmental fields. It also establishes the National Capacity Environmental Education Grant Program to assist States and local education agencies as they work to develop environmental literacy plans and student academic achievement standards. It encourages partnerships between states, schools, and institutes of higher education and creates and disseminates best practices for environmental education programs.

No Child Left Inside will give our students the opportunity to interact with and understand their environment. It will encourage their interest in science and prepare them to solve 21st century environmental challenges. I urge my colleagues to join me in voting for this bill.

Mr. BRALEY of Iowa. Mr. Chairman, I rise in strong support of H.R. 3036, the No Child Left Inside Act. This legislation is vitally important to better prepare our students for the environmental, energy and natural resource challenges facing our country, and also for the career opportunities these challenges open up.

Mr. Chairman, I am proud to represent Iowa's First Congressional District. Our district is noted for its rolling farmlands of corn, soybeans and other crops, our border on the Mississippi River, the largest river in North America, and for the businesses that have come to the Quad Cities, Dubuque, and the Cedar Valley. Our citizens have a deep appreciation and respect for our natural resources and recognize the important opportunities that are opening up in the fields of bio-energy and other agriculture-based, renewable energy resources. That's why I introduced the National Endowment for Workforce Education in Renewables and Agriculture Act to help our community colleges support the education and training of technicians in these areas. I was happy to see this bill included in the 2008 Farm Bill which was signed into Public Law.

I also recently toured the University of Dubuque's Environmental Science Education center, a great example of college level environmental education. This center provides college students with State, regional, and national benefit through educating undergraduate- and graduate-level students in the environmental sciences, and helping to create the next generation of science professionals. The Environmental Science Center allows the University to expand on its proven record of educating national scientific leaders. The Center specializes in hands-on, applied learning for current science teachers, environmental agency personnel, undergraduate environmental science majors, and education majors to teach the next generation of American scientists.

I'm proud to represent a University that has taken a leading role in educating the next generation of scientists and environmentalists, and I'm pleased to support this bill because schools like the University of Dubuque will benefit from the competitive grant program authorized in this legislation. These grants would be awarded to higher education institutions and would be used directly for the study of environmental education. The University of Dubuque could use this grant program to better improve their already succeeding Environmental Education Center.

In addition to higher education, we also need to ensure that our next-generation of leaders have a basic understanding of the environment and our natural resources, before they graduate from high school. These are the students currently in our elementary and secondary schools and the students who will be coming to our community colleges and universities in the coming years. This legislation will also provide learning opportunities for these students.

This bill authorizes much-needed resources to educate students at the K–12 levels about the environment, energy and natural resources and to help teachers, schools and school districts provide the best experiences and instruction for their students. It would begin to implement the recommendations of several reports by the National Science Foundation, the National Environmental Education Advisory Council, and the National Council for Science and the Environment to enhance environmental education in our schools. And it would help improve student achievement and enthusiasm for learning as several studies have demonstrated.

Mr. Chairman, I rise in strong support of this legislation that will improve environmental education for both K–12 students, and students in our Nation's colleges and universities. I urge my colleagues to join me in supporting this legislation.

Mr. HOYER. Mr. Chairman, I rise today in support of H.R. 3036, the No Child Left Inside Act. This legislation, introduced by Representative JOHN SARBANES, would provide sorely needed assistance to States, elementary and secondary schools and others to help teach our children about the environment and instill within them an appreciation and sense of stewardship for our planet.

The case for extending and enhancing environmental education is quite clear. Several recent studies indicate that students perform better in science, reading, math and social studies, when environmental education is integrated into the core curricula. Indeed, Hollywood Elementary School, located in Maryland's 5th Congressional District, was part of an intensive study by the State Education and Environment Roundtable published in 1998 that documented how 40 schools in 12 States achieved remarkable results by implementing an environmental education program. The study also found that environmental education increased students' enthusiasm for learning and enhanced their creative thinking skills.

Getting kids outdoors to exercise, play and experience their natural world is also an important tool to prevent childhood obesity, reduce attention deficit disorder, and address other related health problems. Research shows that kids today are spending more than 6 hours a day inside plugged in to electronics—but only minutes a day outdoors. That could have serious consequences for our children's physical and mental development.

Just as important, environmental education prepares children to be responsible stewards and citizens. We face enormous environmental challenges including global warming and pollution in the Chesapeake Bay. To take on those challenges, the next generation needs a solid understanding of environmental Science.

But even though environmental education is desperately needed, for all of those reasons, our Nation has seen it go into decline. In recent years, the overall level of federal support for environmental education in both policy and funding has unfortunately been woefully inadequate.

The No Child Left Inside Act seeks to remedy this situation by providing new support and funding for environmental education in the Nation's public schools in three areas: teacher training, enhanced programs, and the development and implementation of State environmental literacy plans.

Specifically, this legislation reauthorizes the National Environmental Education Act of 1990 and authorizes funding for the Environmental Protection Agency's Environmental Education and Training Program. It also creates a new National Capacity Environmental Education Grant Program to be administered by the Department of Education, awarding matched grant funds to local and State educational agencies, colleges and universities, and nonprofit groups to develop curricula, disseminate information about model programs, and increase the number of environmental educators.

Our looming environmental problems demand a strong generation of scientists, researchers, public servants, and citizens. By passing this bill, we can help to build that generation and improve our children's health and quality of life at the same time.

I commend Representative SARBANES for introducing this measure and I urge my colleagues to join with me in voting for the No Child Left Inside Act.

Mr. GRIJALVA. Mr. Chairman, I wish to express my strong support of H.R. 3036, the No Child Left Inside Act, and the opportunities it provides students for a strong environmental education. I have been a strong supporter of the No Child Left Inside Act. As a member of Education and Labor and Chairman of the Subcommittee on National Parks, this act represents an important confluence of my interests, and I am happy to support this legislation. I attended the field hearing for this legislation, and have taken a personal interest in its passage through the many steps it has taken to the floor. Though I am unable to participate in the vote on final passage today, I wish to make it clear that I remain a steadfast proponent of the No Child Left Inside Act, and am pleased with its consideration by the House today.

This act will promote environmental literacy and hands-on educational experiences, while at the same time promoting core learning of critical skills. These programs have also been linked to meaningful improvements in student cooperation, conflict resolution, motivation to learn and positive behavior. Additionally, these programs add to the encouragement of a healthy and active lifestyle of outdoor recreation.

No Child Left Inside promotes environmental literacy where it is most effective—in nature. This, in turn, promotes children's health, increases their knowledge of the natural world, and encourages students' interests in the lesson. NCLI provides educators with the necessary skills to teach environmental education, and provides grants for State and local agencies to acquire the needed capacity for effective environmental education.

The benefits of this program have a measureable impact on students' core curriculum—improving performance in science, math, reading and social studies. The No Child Left Inside Act is important for our environment, as it educates the next generation, who will inherit a planet whose fragile habitats will increasingly need our help and protection.

Mr. HARE. Mr. Chairman, I rise today in strong support of H.R. 3036, the No Child Left Inside Act, introduced by my good friend and freshman colleague, Representative JOHN SARBANES of Maryland.

Mr. Chairman, global warming is one of the greatest environmental challenges facing our Nation today. But, as the impact of global warming becomes more and more visible, our children are increasingly disconnected from nature and the world around them.

Kids today spend less time playing outdoors than any previous generation. The Kaiser Family Foundation found kids ages 8 to 18 spend an average of 6½ hours a day glued to the TV, playing video games, surfing the Internet, and talking on cell phones, leading to what has been called a ''nature deficit disorder''.

The No Child Left Inside Act addresses critical environmental challenges by strengthening and expanding environmental education in the classroom. This bipartisan bill provides schools with more resources and teacher training for environmental education.

Using environmental education in the classroom, we can transform playgrounds and parks into learning laboratories and recapture the interest and enthusiasm of students in the world around them.

Not only has environmental education raised test scores in math and reading, but it has also inspired school age children to become future stewards of the Earth.

Mr. Chairman, H.R. 3036 is an important step toward combating childhood obesity, promoting an environmentally-conscious society and improving the health of our planet.

I am proud to be a cosponsor of this bill, and I strongly urge my colleagues to vote for the No Child Left Inside Act.

Mr. LANGEVIN. Mr. Chairman, I rise in strong support of H.R. 3036, the No Child Left Inside Act, which would amend the Elementary and Secondary Education Act of 1965 to promote the expansion and development of environmental education in our classrooms from kindergarten to grade 12.

Environmental education is so important for our students, especially with the growing crisis facing our climate. Yet across the country, these types of programs are facing cuts due to school budget woes. H.R. 3036 helps alleviate this problem by extending the National Environmental Education Act through 2009 and strengthening the Environmental Education Training program under current law. This legislation also establishes the National Capacity Environmental Education Grant Program, which would authorize the Secretary of Education to award 1–3 year competitive grants to nonprofit organizations, state educational agencies, local education agencies, or institutions of higher education.

The No Child Left Inside Act will help our students see the real world beyond the classroom and better prepare them for the 21st century. I am proud that my home State of Rhode Island already stands out in this area because of its steadfast commitment to protecting its resources—the Narragansett Bay, beaches, parks and forests, lakes and rivers, and other beloved spaces. Rhode Island has been ahead of the curve in promoting renewable energy sources and conducting climate change research. Now we must work to make sure this legacy is passed on to future generations. Just as we have worked in our cities and towns to preserve the environment, we must ensure that our national policies build on these actions. With so many teachers and students already involved, the No Child Left Inside Act will only boost our work in Rhode Island.

I would like to thank my colleague, Congressman SARBANES, for introducing this bill, as well as my colleague and fellow Rhode Islander, Senator JACK REED, for introducing the companion bill.

Mr. Chairman, this bill has bipartisan support and both environmental groups and schools are ready to implement these programs. I encourage my colleagues to support this bill.

Mr. BLUMENAUER. Mr. Chairman, I rise in strong support of H.R. 3036, the No Child Left Inside Act of 2008. This bipartisan legislation extends the National Environmental Education Act through 2009 and strengthens the Environment Education Training Program. It also establishes a capacity building grant program to help States and school districts expand environmental education.

Today's students are our future workforce and they must be quipped to face the myriad of challenges that threaten our Nation. Our country faces an energy crisis, air quality concerns, climate change, and diminishing natural resources. It is vitally important that environmental education become an integrated part of the curriculum, and that our students be trained in the tools necessary for future careers in green technology.

In my home State of Oregon, Portland State University has a renowned sustainability program that has just been boosted by a $25 million foundation challenge grant. PSU already partners with schools throughout the community to teach children about environmental sustainability. Because of today's legislation, schools across the country will have similar opportunities as those students in Oregon to learn the value of our resources and gain the skills necessary to be key players in America's future green economy.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise today in full support of passage of H.R. 3036, the No Child Left Inside Act.

I worked with Chairman MILLER and Mr. SARBANES, the sponsor of the bill and a member of my subcommittee which has jurisdiction over environmental education.

It is a pleasure to support the professional development of environmental educators and expand the capacity of these teachers and the States in which they work to bring environmental education to our Nation's young people through this bill.

The No Child Left Inside Act seeks to improve the professional development opportunities of our Nation's environmental educators. We know that teachers make the difference in the educational experience of young people and their educational outcomes. By creating professional development opportunities that are meaningful and relevant for our teachers, they in turn will make environmental education meaningful and relevant for their students. These students evolve into the voting citizens who will craft our Nation's future. The bill contributes to ensuring a scientifically literate society through ensuring a more scientifically literate teaching force.

The National Academies of Science recently released a report titled ''Public Participation in Environmental Assessment and Decision Making.'' The first conclusion states that ''When done well, public participation improves the quality and legitimacy of a decision and builds the capacity of all involved to engage in the policy process. It can lead to better results in terms of environmental quality and other social objectives. It also can enhance trust and understanding among parties. Achieving these results depends on using practices that address difficulties that specific aspects of the context can present.''

This is a description of democracy at work.

It is important to ensure that our society is scientifically literate and therefore capable of not only understanding, but critically assessing, scientific data and weighing the societal consequences of these decisions. Science education is critical for the future of our Nation. So many of the skills taught and utilized in science are used and necessary for success in the global knowledge economy. We know that students learn so much and may even be more inspired when presented with opportunities outside the classroom and programs like these are often what sparks a student's interest in science. H.R. 3036 has a role here.

Beyond professional development, the bill contains a grant program to make environmental education more effective and more widely practiced. These grants will have local, regional, and national impact, and will increase the number of young people who understand the importance of the environment and our interaction with it. To keep American competitive and number one, we must have a scientifically literate society, and H.R. 3036 works to ensure this. I ask my colleagues to join me in a yes vote on this bill.

Mr. HOLT. Mr. Chairman, I rise today in support of H.R. 3036, the No Child Left Inside Act of 2008.

Today our Nation faces a number of pressing environmental issues, including clean water, clean air, open space preservation, and the looming threat of global warming. Addressing these problems will become one of the dominant issues and challenges in the 21st century and our workforce needs the knowledge and skills to understand and address these complex environmental issues.

I would like to commend my colleague from Maryland, Representative JOHN SARBANES, for his hard work on H.R. 3036, to expand and enhance environmental education. This Federal investment in environmental education will help prepare our Nation's youth as responsible citizens who will value and protect America's resources and landscapes. Environmental education is about more than just science; these programs can be designed to have a positive effect in reading, math, and social studies.

Environmental education is best understood by those who have had the opportunity to touch it, breathe it, and live it. Where better to learn about the importance of our national resources than in our Nation's most special and protected places? Imagine seeing the effects of climate change firsthand at Glacier National Park rather than learning about it in the abstract in a classroom, or learning about the ecosystems in Great Swamps National Wilderness Refuge in my home State of New Jersey, or learning about the human genome project in Yellowstone where crucial breakthroughs about DNA were made.

As a member of the Committee on Education and Labor, I had the privilege of working on this legislation when it passed through our committee. My colleague from Indiana, Representative MARK SOUDER, and I successfully offered an amendment to H.R. 3036 which would allow schools and local education agencies to partner with Federal agencies, including national parks, when developing and administering their environmental programs.

I would like to share a letter of support from one of my constituents. John from Pennington,

New Jersey, wrote "As parents of a 7-year-old, we see how positive is the time he spends out back building his tree fort, or playing in Curliss woods, or attending summer camp at the Watershed . . . and how often his time before the TV seems deadening by contrast."

I firmly support H.R. 3036, and I urge my colleagues to support it.

Mr. SARBANES. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Ms. DEGETTE). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3036

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 ''No Child Left Inside Act of 2008''.

SEC. 2. NATIONAL ENVIRONMENTAL EDUCATION ACT AMENDMENTS.

(a) DEFINITIONS.—Section 3 of the National Environmental Education Act (20 U.S.C. 5502) is amended—

(1) in paragraph (12), by striking ''and'' at the end;

(2) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(14) 'principles of scientific research' means principles of research that—

''(A) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

''(B) present findings and make claims that are appropriate to, and supported by, the methods that have been employed; and

''(C) include, appropriate to the research being conducted—

''(i) use of systematic, empirical methods that draw on observation or experiment;

''(ii) use of data analyses that are adequate to support the general findings;

''(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

''(iv) strong claims of causal relationships, only with research designs that eliminate plausible completing explanations for observed results, such as, but not limited to, random-assignment experiments;

''(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

''(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

''(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions;

''(15) 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research;

''(16) 'State' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965; and

''(17) 'State educational agency' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.''.

(b) ENVIRONMENTAL EDUCATION AND TRAINING PROGRAM.—Section 5 of the National Environmental Education Act (20 U.S.C. 5504) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''creating opportunities for enhanced and ongoing professional development and'' before ''classroom''; and

(ii) by inserting ''(including integrating scientifically valid research teaching methods and technology-based teaching methods into the curriculum)'' after ''practices'';

(B) in paragraph (3)—

(i) by striking ''curriculum, including'' and inserting ''curriculum (including'';

(ii) by striking ''groups;'' and inserting ''groups) which—''; and

(iii) by adding at the end the following:

''(A) are aligned with challenging State and local academic content standards to the extent such standards exist; and

''(B) advance the teaching of interdisciplinary courses that integrate the study of natural, social, and economic systems and that include strong field components;'';

(C) in paragraph (7), by striking ''and forums;'' and inserting ''forums, and bringing teachers into contact with working professionals in environmental fields to expand such teachers' subject matter knowledge of, and research in, environmental issues;'';

(D) in paragraph (8), by striking ''; and'' and inserting '', including environmental education distance learning programs for teachers using curricula that are innovative, content-based, and based on scientifically valid research that is current as of the date of the program involved;'';

(E) by redesignating paragraph (9) as paragraph (13);

(F) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(G) by inserting after paragraph (3) the following:

''(4) encouraging individuals traditionally under-represented in environmental careers to pursue postsecondary degrees in majors leading to such careers;''; and

(H) by inserting after paragraph (9) (as so redesignated) the following:

''(10) establishment of programs to prepare teachers at a school to provide environmental education professional development to other teachers at the school and programs to promote outdoor environmental education activities as part of the regular school curriculum and schedule in order to further the knowledge and development of teachers and students;

''(11) summer workshops or institutes, including follow-up training, for elementary and secondary school environmental education teachers;

''(12) encouraging mid-career environmental professionals to pursue careers in environmental education; and''; and

(2) in subsection (c)(1), by inserting '', in consultation with the Secretary,'' after ''Administrator''.

(c) AUTHORIZATION.—Section 11(a) of the National Environmental Education Act (20 U.S.C. 5510(a)) is amended by striking ''Act'' and all that follows through the period at the end and inserting ''Act, except for section 11, $14,000,000 for fiscal year 2009.''.

(d) NATIONAL CAPACITY ENVIRONMENTAL EDUCATION GRANT PROGRAM; ACCOUNTABILITY.—The National Environmental Education Act (20 U.S.C. 5501 et seq.) is amended—

(1) by redesignating section 11 as section 13; and

(2) by inserting after section 10 the following:

''SEC. 11. NATIONAL CAPACITY ENVIRONMENTAL EDUCATION GRANT PROGRAM.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to non-profit organizations, State educational agencies, local educational agencies, or institutions of higher education that have demonstrated expertise and experience in the development of the institutional, financial, intellectual, or policy resources needed to help the field of environmental education become more effective and widely practiced. Notwithstanding any other provision of this section, a State educational agency, a local educational agency, an institution of higher education, or a not-for-profit organization may use funds provided under this section to coordinate with any program or unit operated by a Federal Natural Resource Management Agency to carry out environmental education programs based on the full range of the resources and mission of the Agency.

''(2) DURATION.—The Secretary shall award each grant under this section for a period of not less than 1 year and not more than 3 years.

''(b) USE OF FUNDS.—Grant funds made available under this section shall be used for 1 or more of the following:

''(1) Developing and implementing challenging State academic content standards, student academic achievement standards, and State curriculum frameworks in environmental education, including the need to balance conservation of the environment with the development of the Nation's energy resources.

''(2) Replicating or disseminating information about proven and tested model environmental education programs that—

''(A) use the environment as an integrating theme or content throughout the curriculum;

''(B) provide integrated, interdisciplinary instruction about natural, social, and economic systems along with field experience that provides students with opportunities to directly experience nature in ways designed to improve overall academic performance, self-esteem, personal responsibility, community involvement, personal health (including addressing child obesity issues), or their understanding of nature;

''(C) provide integrated instruction on waste reduction, reuse, recycling, and composting programs and, when possible, promote such activities within the school; or

''(D) address issues of environmental justice, including policies and methods for eliminating disparate enforcement of environmental laws and regulations with respect to minority and low-income communities, with particular attention to the development of environmental justice curriculum at the middle and high school level.

''(3) Developing and implementing new policy approaches to advancing environmental education at the State and national level.

''(4) Conducting studies of national significance that—

''(A) evaluate the effectiveness of teaching environmental education as a separate subject, and as an integrating concept or theme;

''(B) evaluate the effectiveness of using environmental education in helping students improve their assessment scores in mathematics, reading or language arts, science, and the other core academic subjects; or

''(C) evaluate ways to coordinate activities under this Act with existing Federal science teacher in-service training or professional development programs.

''(5) Executing projects that advance widespread State and local educational agency adoption and use of environmental education content standards, including adoption and use of such standards in textbook selection criteria.

''(6) Developing a State environmental literacy plan that includes the following:

''(A) A description of how the State educational agency will measure the environmental literacy of students, including—

''(i) relevant State academic content standards and content areas regarding environmental education, and courses or subjects where environmental education instruction will take place; and

''(ii) a description of the relationship of the plan to the secondary school graduation requirements of the State.

''(B) A description of programs for professional development for teachers to improve the teachers'—

''(i) environmental content knowledge;

''(ii) skill in teaching about environmental issues; and

''(iii) field-based pedagogical skills.

''(C) A description of how the State educational agency will implement the plan, including securing funding and other necessary support.

''(7) Developing evidence-based approaches to build capacity to increase the number of elementary and secondary environmental educators.

''(c) APPLICATIONS.—Each nonprofit organization, State educational agency, local educational agency, or institution of higher education desiring a grant under this section shall submit to the Secretary an application that contains a plan to initiate, expand, or improve environmental education programs in order to make progress toward meeting State standards for environmental learning (to the extent such standards exist) and environmental literacy and contains an evaluation and accountability plan for activities assisted under this section that includes rigorous objectives that measure the impact of activities funded under this section.

''(d) REQUIREMENTS.—

''(1) ANNUAL REPORT.—In order to continue receiving grant funds under this section after the first year of a multi-year grant under this section, the grantee shall submit to the Secretary an annual report that—

''(A) describes the activities assisted under this section that were conducted during the preceding year;

''(B) describes the results of the grantee's evaluation and accountability plan; and

''(C) demonstrates that the grantee has undertaken activities to accomplish at least one of the following:

''(i) Responsibly preparing children to understand and address major challenges facing the United States, such as increasing the supply of clean energy, climate change, environmental health risks, and environmental disaster and emergency preparedness.

''(ii) Supporting systemic education reform by strengthening environmental education as an integral part of the elementary school and secondary school curriculum.

''(iii) Helping ensure that all students meet challenging State academic content and student academic achievement standards in environmental learning.

''(iv) Supporting efforts to enable students to engage in environmental education.

''(v) Leveraging and expanding private and public support for environmental education partnerships at national, State, and local levels.

''(vi) Awarding grants to initiate, expand, or improve environmental education programs for elementary and secondary students.

''(vii) Restoring and increasing field experiences as part of the regular school curriculum and schedule in order to improve students' overall academic performance, self-esteem, personal responsibility, community involvement, personal health (including addressing child obesity issues), and understanding of nature.

''(2) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the grant funds made available to a nonprofit organization, State educational agency, local educational agency, or institution of higher education under this section for any fiscal year may be used for administrative expenses.

''(3) STATE ENVIRONMENTAL LITERACY PLANS.—

''(A) IN GENERAL.—A State educational agency receiving a grant under this section shall—

''(i) have a State environmental literacy plan that is consistent with the requirements of subsection (b)(6) and that is peer reviewed within the State by a panel composed of experts in environmental education and representatives from other related State agencies; or

''(ii) develop a State environmental literacy plan described in subsection (b)(6) with funds made available under this section prior to using the grant funds for any other purpose.

''(B) PEER REVIEW.—If an environmental literacy plan described in subparagraph (A)(i) has not been peer reviewed within the State, the State educational agency, notwithstanding subsection (b), shall use funds made available under this section to complete such review, as described in such subparagraph, prior to using the grant funds for any other purpose.

''(C) OTHER GRANTEES.—An applicant for a grant under this section that is not a State educational agency and applies for funding to be used for the purpose described in subsection (b)(6) shall demonstrate in the application that the applicant has consulted with the State educational agency about such use of funds.

''(e) ADMINISTRATIVE PROVISIONS.—

''(1) FEDERAL SHARE.—The Federal share under this section shall not exceed—

''(A) 90 percent of the total cost of a program assisted under this section for the first year for which the program receives assistance under this section;

''(B) 75 percent of such cost for the second; and

''(C) 50 percent of such cost for each subsequent such year.

''(2) REPORT TO CONGRESS.—Not later than one year after enactment of this bill, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that—

''(A) describes the programs assisted under this section;

''(B) documents the success of such programs in improving national and State environmental education capacity; and

''(C) makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this section.

''(3) AVAILABILITY OF FUNDS.—Amounts made available to the Secretary to carry out this section shall remain available until expended.

''(f) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, any other Federal, State, or local funds available for environmental education activities.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009.

''SEC. 12. ACCOUNTABILITY.

''(a) QUALITY INDICATORS.—The Administrator, the Secretary, and the Foundation each shall establish indicators of program quality for the programs and activities funded under this Act (other than fellowship awards funded under section 7) that such official or entity administers.

''(b) MINIMUM INDICATORS.—Such indicators of program quality, at a minimum, shall—

''(1) enhance understanding of the natural and built environment;

''(2) foster a better appreciation of the interdisciplinary nature of environmental issues and conditions;

''(3) increase achievement in related areas of national interest, such as mathematics and science;

''(4) increase understanding of the benefits of exposure to the natural environment;

''(5) improve understanding of how human and natural systems interact together;

''(6) broaden awareness of environmental issues; and

''(7) include such other indicators as the Administrator, Secretary, or Foundation may develop.

''(c) REPORT.—Each recipient receiving funds under this Act, other than fellowship recipients under section 7, shall report annually to the Administrator, the Secretary, or the Foundation regarding progress made in meeting the minimum indicators of program quality established under subsection (b). The Administrator, the Secretary, and the Foundation shall disseminate such information widely to the public through electronic and other means.''.

(e) RESTRICTIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.—The National Environmental Education Act (20 U.S.C. 5501 et seq.), as amended by subsection (d), is further amended by adding at the end the following:

''SEC. 14. RESTRICTIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

''(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, specific instructional content, academic achievement standards, assessments, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

''(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—No funds provided to the Administrator or Secretary under this Act may be used by the Agency or Department of Education to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

''(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—No State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

''(d) RESTRICTIONS ON PARTISAN POLITICAL INFLUENCE.—

''(1) IN GENERAL.—In carrying out the activities described in this Act, the Administrator and Secretary shall ensure that such activities—

''(A) conform to high standards of quality, integrity, and accuracy;

''(B) are objective, neutral, and nonideological and are free of partisan political influence; and

''(C) do not advocate a particular political viewpoint.

''(2) ACTIONS TO IMPLEMENT AND ENFORCE.—The Administrator and Secretary shall take such actions as are necessary to ensure that the provisions of this section are vigorously implemented and enforced.''.

(f) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the National Environmental Education Act (20 U.S.C. 5501 note) is amended by striking the item relating to section 11 and inserting the following:

''Sec. 11. National capacity environmental education grant program.
''Sec. 12. Accountability.
''Sec. 13. Authorization.
''Sec. 14. Restrictions on Federal Government and use of Federal funds.''.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–854. Each amendment shall be considered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SARBANES

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–854.

Mr. SARBANES. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. Is the gentleman from Maryland the designee of the gentleman from California (Mr. MILLER)?

Mr. SARBANES. Yes, Madam Chairman.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SARBANES:

Page 10, strike lines 1 through 8 and insert the following:

''(D) address issues of environmental justice, including policies and methods for eliminating disparate enforcement of environmental laws and regulations, including with respect to low-income communities.

Page 10, strike lines 9 through 11 and insert the following:

''(3) Developing and implementing new policy approaches to environmental education, which shall include a discussion of—

''(A) the benefits and costs to the environment and to consumers regarding increasing the supply of energy produced in the United States from—

''(i) oil and gas drilling;

''(ii) nuclear power;

''(iii) new coal technologies; and

''(iv) clean renewable and alternative sources of energy, including wind, solar, geothermal, hydropower, and advanced biofuels; and

''(B) the best strategies for reducing energy consumption through an enhanced emphasis on efficiency and conservation.

The Acting CHAIRMAN. Pursuant to House Resolution 1441, the gentleman from Maryland (Mr. SARBANES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. SARBANES. Madam Chairman, this amendment would seek to strengthen and improve the legislation in a number of ways.

First, it clarifies that funds that are issued under the National Capacity Environmental Education Grant Program, which is the new program that's being created here under the U.S. Department of Education, that those funds can be used to address environmental justice issues that may arise in low-income communities.

We heard earlier from Representative CLARKE of New York, who has made this issue a passion of hers and introduced the underlying amendment in the mark-up at the committee level. This is an important additional element for the bill.

Secondly, the amendment clarifies that funds used to develop and implement new policy approaches to environmental education will include a discussion of the benefits and the costs to the environment and to consumers with respect to increasing the supply of energy produced in the United States from a variety of sources.

This is, again, an important amendment. It signals, I think, that good quality environmental education—almost by definition—is going to focus the next generation on dealing with these very challenging issues and what the proper balance needs to be between developing our energy sources and conservation and other environmental issues, which is, frankly, at the heart of much of the debate that we're having these days. So this is also, I think, an important addition to the bill.

And thirdly, the amendment that we are proposing here provides that the policy approaches developed under this bill must also include a discussion of the best strategies for reducing energy consumption. Again, any meaningful environmental education should include looking at all of these various policy approaches.

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

Mr. MCKEON. Madam Chairman, I claim the time in opposition to the amendment, although I will not oppose it.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

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

I want to thank Chairman MILLER for offering this amendment, and Mr. SARBANES for filling in.

This amendment clarifies that the Federal Government will not impose an environmental justice curriculum on our Nation's schools. This issue was debated during the committee consideration of the bill and it was an issue on which there was disagreement between the majority and the minority. I believe that the bill approved by our committee went too far in this regard because it could have required State and local officials to develop specific environmental justice curricula.

We have long believed that specific curricula—which is taught in individual classrooms—is best determined at the local level. And while this bill contains a broad prohibition on Federal curriculum development, I believe it was necessary to clarify the environmental justice language as well so that there would be no confusion as to what the Federal Government is or is not demanding of our schools. Chairman MILLER worked closely with me to refine this language, and I want to thank him for his willingness to do so.

This amendment also contains some interesting language that was added earlier this week, presumably in response to efforts on our side of the aisle to ensure this bill does not ignore critical energy issues.

Republicans proposed amendments to advance the understanding of the environmental and economic benefits of clean coal and oil shale production, energy production in the ANWR, and energy production on the Outer Continental Shelf. We proposed amendments to advance the understanding of the environmental and economic benefits of nuclear power, and of American-made energy, and of the all-of-the-above energy strategy, which would increase production, promote conservation, and expand innovation. We think that each of these issues deserves a full and open debate because an all-of-the-above energy strategy does not ignore any aspect of energy reform.

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Although our amendments were not made in order, I was pleased to see that the Miller amendment now includes language to ensure that environmental education programs include a discussion of the costs and benefits of oil and gas drilling, of nuclear power, of new coal technologies, and of renewable energy sources. While this language is not as strong and comprehensive as what the Republicans had offered, I appreciate its inclusion nonetheless.

The truth is we need to be talking about energy more, not less. We passed an energy bill earlier this week that won't increase energy production. We passed an energy bill that puts American resources under lock and key instead of opening them up to environmentally safe production that will create jobs and that will bring down energy prices. This sham of a bill that we passed raises taxes and stands to drive consumer prices up, not down.

So I'm glad we're going to be talking to our children about the benefits of American energy production. It's a conversation we should be having here in Congress as well.

Once again, I want to thank Chairman MILLER for working with me to clarify the environmental justice aspect of this legislation, and I look forward to supporting this amendment.

I reserve the balance of my time.

Mr. SARBANES. Does the gentleman have any additional speakers? I'm prepared to yield back, and I would reserve the right to close.

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

Mr. SARBANES. Madam Chairman, again, I would urge the passage of this amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. SARBANES).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. SARBANES. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland will be postponed.

The Acting CHAIRMAN. The Chair understands that amendments No. 2 and 3 will not be offered.

AMENDMENT NO. 4 OFFERED BY MR. WELCH OF VERMONT

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–854.

Mr. WELCH of Vermont. Madam Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. WELCH of Vermont:

Page 8, line 7, insert ''municipalities,'' after ''agencies,''.

Page 8, line 15, insert ''a municipality,'' after ''education,''.

Page 12, line 8, insert ''municipality,'' after ''Each''.

The Acting CHAIRMAN. Pursuant to House Resolution 1441, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH of Vermont. My amendment is quite simple.

It would add municipalities to the list of entities eligible for the National Capacity Environmental Education Grant Program. Keep in mind, anyone who is going to be successful has to go through a competitive grant process.

The reason for that is the municipalities are the ones that at the grassroots level oftentimes provide these services. Obviously, we all live in towns or in cities, and this environmental education initiative outlined in the legislation is being offered, in many cases, by small towns in rural America and in large towns elsewhere. In fact, in smaller towns, it's the local Parks and Recreation Department. That's a subset, obviously, of the municipality and who is the ultimate intended beneficiary of this opportunity. It's the Parks and Rec Department that takes the lead in providing environmental education to our kids. This amendment would allow those agencies to participate.

According to the National Park and Recreation Association, an entity that has endorsed this amendment, municipal park systems are the best and most logical partners for schools and for other educational agencies across the country to develop effective environmental education programs.

In my own State of Vermont, environmental education programs are offered by almost every town during their summer programming. The programs are great for the kids in helping them appreciate the environment and the value of protecting it. The town of Colchester, for instance, boasts four summer environmental education offerings. Killington, Vermont did a survey, and it revealed that the majority of citizens thinks their town should offer through parks and recreation such an education program.

Such programs are committed to providing diverse, accessible and effective environmental education at the grassroots. This amendment will bolster these efforts by assuring properly trained staff and the best materials. Tested instruction strategies are available for and are integrated into environmental programming.

I ask my colleagues to support this amendment and the underlying bill.

I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

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

The bill before us is about environmental education. Specifically, it is about teaching elementary and secondary students about the world in which they live, about the natural resources of our great Nation and about the stewardship of our environment and of our resources for the future.

This legislation provides grants to State and local education agencies, to institutions of higher education or to nonprofit organizations. The resources are targeted to ensure they will directly benefit students. This amendment, as I understand it, would make ''municipalities eligible for these grants as well.'' Unfortunately, that term is not defined, leaving open to interpretation just exactly how far we would be expanding this program.

Without a clear and narrow definition, this amendment could open up the funding to any number of entities, including cities, townships, districts or county governments, to name just a few. In other words, this amendment opens the limited resources under the bill to organizations that may or may not provide the direct services to students that we're seeking.

I support local control and local partnerships. That's why I support the Courtney amendment, which allows partnerships with State and local park departments. Through that model, we provide grants directly to educational organizations, which can then partner with the local organizations we're talking about now that can enrich the environmental education experience.

I understand what the gentleman is trying to accomplish with this amendment, and I'd like to work with him to see if we can get there, but at this time, I'm opposed to this amendment because it's not clear enough about prioritizing funds for educational entities that provide direct services to students. I know that the majority is working with us to clarify the definition of ''municipality.''

As this bill moves forward, I look forward to working with them to ensure we do not dilute the limited resources of this program away from the students they're intended for.

I reserve the balance of my time.

Mr. WELCH of Vermont. I appreciate the concerns expressed by the gentleman from California, but I think I can assure him that the definition won't dilute the program, and there are two reasons.

One, the term ''municipality'' does have a legal definition. It's a city, basically, or an entity as defined in the code of the applicable State. In Vermont—and I think this is pretty much true around the country—you have subdivisions. You have the Parks and Rec Department. The point here is that it is the Parks and Rec Department that is oftentimes doing this kind of work.

So what this amendment would do, I think, is it would achieve that goal of local control and delivery at the most elemental and local of levels, which I think is an objective that the gentleman from California and I share.

The other thing that gives me some reassurance—and it may not quite reach the level of assurance that the gentleman from California looks to—is that the grants will be competitive, so there will be a process that applicants have to go through, whether they're a municipality or whether they're any other entity making an application. It will be reviewed by an impartial authority. Let's certainly hope that's the case. Then the merit-based decision will be that this application looks like it's going to help a lot of kids and be effective, and it will be granted on that basis, not on the name of the applicant or on that of the particular entity.

So I really do appreciate the concerns that were offered. I have more comfort with the constraints of the definition of ''municipality,'' apparently, than does my friend from California, but ultimately, the backstop here is that independent review that is going to be the final arbiter of who gets these competitive opportunities.

I reserve the balance of my time.

Mr. MCKEON. I appreciate the gentleman. As I said, I appreciate his amendment, and I appreciate his effort in this regard.

This points out, once again, to me that we have a large country with 435 congressional districts. Just within my congressional district, we have cities; we have counties; we have towns; we have towns that really don't have a government responsibility, but they're kind of granted that, and that's just in my district. I haven't had the opportunity to visit your district. I'm sure that in each of the 435 districts we would find different ways that this would be treated, and that is my concern is how we define that.

I think the gentleman's bill is directed towards students to help students get the education of environmental studies that he would like to see and that I support. The concern that I have again is that, if we direct it as your amendment would, it may be directed away from students. I think that this could be worked out. As we know, we are not going to finish this up in this Congress anyway, so it will be something that will carry over next year. Should we all happen by some circumstance to win our elections, we'll be back here in a few months, working on this again, but at this point, I would still have to oppose the amendment, hoping that we could work this out in the future.

I reserve the balance of my time.

The Acting CHAIRMAN. The gentleman from California has the right to close.

Mr. WELCH of Vermont. I yield back the balance of my time.

Mr. MCKEON. I think I've said everything I needed to say.

I would yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. COURTNEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–854.

Mr. COURTNEY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 12, line 19, after ''section.'' insert the following: ''Such application may describe how the applicant has partnered, or intends to partner, with a State and local park and recreation department.''.

The Acting CHAIRMAN. Pursuant to House Resolution 1441, the gentleman from Connecticut (Mr. COURTNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. COURTNEY. Madam Chairman, this is the ultimate friendly amendment to this very solid bill, on which I commend the gentleman from Maryland for his leadership. Based on Mr. MCKEON's positive comments earlier, I should probably make this very short and sweet.

In a nutshell, what this amendment does is it encourages organizations that apply for this environmental education grant program to describe on their application for Federal grants how they have partnered or how they intend to partner with a State or with a local park and recreation department.

As was mentioned in the earlier colloquy, Park and Recreation Departments all over the country already are very involved in environmental education programs, and that certainly holds true also for State park systems.

In Connecticut, we actually have a program, by coincidence, called the No Child Left Inside Program, which was instituted in 2006 by the Republican Governor of Connecticut, Jodi Rell, and by her outstanding commissioner of the Department of Environmental Protection, which again is following exactly the same mission that Mr. SARBANES' bill is following, to encourage children to get outside, to experience nature, to learn about nature, and to hopefully stimulate an interest in environmental science, which again, as has been said many times here during the earlier debate, is an important way to make sure that we get children engaged and involved in science, technology, engineering, and math, which the education committee has spent many hours wrestling with because we clearly have an educational system which is not producing enough scientists and engineers to meet the workforce challenges of our country.

The Connecticut program utilizes State park systems which, again, are perfectly established right now to provide trained personnel, transportation equipment and programs funding to again provide a very solid and an enriching experience in nature. They work together with school systems in a variety of programs.

The Appalachian Connection program, which again uses the Appalachian Trail which goes through Connecticut, works collaboratively with school systems to bring children out to the Appalachian Trail. It's just an extraordinary part of Connecticut's environment.

In Bolton, Connecticut, they have the geography in October program. In Preston, Connecticut, there is a recycling program, which again is operated through the No Child Left Inside Program.

There are many examples of where working in collaboration between the State's park system and local school boards has really, again, provided a perfect model and an example of what this legislation seeks to achieve.

The National Recreation and Park Association and local parks departments all over the country have endorsed this amendment. It's a ''may'' not ''shall'' amendment, so it is purely voluntary in terms of encouraging local school districts to participate.

□ 1615

In conclusion, I just wanted to comment on some of the prior discussion regarding the energy needs of this country and how come we are taking up a bill like this.

In my State, where we have an active nuclear power plant that provides 40 percent of the power of the State, we build nuclear submarines in my district, if you talk to people in the industry, an industry which in America has not built a nuclear reactor since 1973, in fact the biggest challenge is not financing or national energy policy, because we have over 20 new applications for new nuclear reactors before the NRC today. If you talk to the people in the industry, their biggest challenge is human capital, that the average age of a nuclear engineer in this country is over age 55.

Because of that gap, which has existed because for a million different reasons, if we are really serious about promoting nuclear power as an avenue in the future, and with the cap and trade debate that is looming on the horizon in the future I believe it is going to be part our energy portfolio, the fact of the matter is we have to get serious about getting kids engaged and involved in science and engineering. And Mr. SARBANES' legislation is all about that. It is exactly focused on the real energy needs that we have in this country, which is to create the scientists and engineers that are going to provide the solutions in all of the above avenues.

Madam Chairman, with that, I reserve the balance of my time.

Mr. MCKEON. Madam Chairman, I claim the time in opposition to the amendment, although I will not oppose it.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Madam Chairman, as I stated earlier, I support the gentleman's amendment and commend him on it.

Madam Chairman, over the last several years, the National Park Service has increasingly relied on partnerships with outside entities to fulfill its mission and foster a shared sense of stewardship for our environment and natural resources. In fact, a number of National Park Service programs operate almost exclusively through partnerships.

One way the National Park Service is supporting environmental education is through professional development opportunities for teachers. These include helping teachers utilize park resources in the classroom or preparing classes for a park visit. Most of these workshops are accredited and can be taken for college credit, and are structured to meet the needs of today's teacher—teaching to academic content standards while making the material engaging and relevant.

Because of the existing commitment on the part of the National Park Service to provide educational enrichment, the bill allows grantees to enter into National Park Service partnerships as a means to increase the knowledge and understanding of environmental education.

The Courtney amendment goes beyond this focus on the National Park Service, by allowing grant applicants to discuss through the grant application process how they have partnered, or intend to partner, with a state and local park and recreation department.

I support this amendment because it maintains the current funding structure—in which we provide grants to educational organizations—while making clear that students can benefit from the creativity, experience, and resources of local programs. These types of partnerships could benefit students by enriching their environmental education experience, and I thank the gentleman for offering this amendment to clarify that these partnerships are permissible, and welcome, under the legislation.

This amendment builds on the existing emphasis we have placed on partnerships with the National Park Service, and I am happy to support it.

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

Mr. COURTNEY. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. COURTNEY).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. SARBANES

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on amendment No. 1 printed in

House Report 110–854 by the gentleman from Maryland (Mr. SARBANES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 383, noes 23, not voting 32, as follows:

[Roll No. 612]

AYES—383

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

NOES—23

Aderholt
Akin
Boyda (KS)
Broun (GA)
Burton (IN)
Cannon
Cantor
Conaway
Deal (GA)
Doolittle
Duncan
Foxx
Gingrey
Hoekstra
Johnson, Sam
Lewis (KY)
Manzullo
Miller (FL)
Miller, Gary
Moran (KS)
Paul
Tancredo
Weldon (FL)

NOT VOTING—32

Biggert
Bishop (UT)
Brady (TX)
Burgess
Castor
Cramer
Crowley
Cubin
Dreier
Faleomavaega
Feeney
Fortuño
Grijalva
Hastings (FL)
Hastings (WA)
Hulshof
Issa
Jackson-Lee (TX)
King (NY)
Kingston
Lampson
Mahoney (FL)
Marchant
Nunes
Pence
Peterson (PA)
Pitts
Poe
Pryce (OH)
Sestak
Udall (CO)
Wu

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in the vote.

□ 1647

Messrs. CANTOR, MORAN of Kansas, ADERHOLT, MILLER of Florida, MANZULLO, Mrs. BOYDA of Kansas, Messrs. GINGREY and BURTON of Indiana changed their vote from ''aye'' to ''no.''

Messrs. TIAHRT, CAMPBELL of California, GOHMERT, FLAKE, BONNER, KING of Iowa, WALBERG and ROHRABACHER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Ms. DEGETTE, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3036) to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes, pursuant to House Resolution 1441, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PRICE of Georgia. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Price of Georgia moves to recommit the bill H.R. 3036 to the Committee on Education and Labor with instructions to report the same back to the House forthwith, with the following amendments:

Page 20, after line 17, insert the following:

(f) PRIORITIES FOR AND PROHIBITIONS ON THE USE OF FEDERAL FUNDS.—The National Environmental Education Act (20 U.S.C. 5501 et seq.), as amended by subsections (d) and (e), is further amended by adding at the end the following:

''SEC. 15. PRIORITIES FOR AND PROHIBITIONS ON THE USE OF FEDERAL FUNDS.

''(a) PRIORITY FOR FEDERAL FUNDS.—In distributing funds under this Act, priority shall be given to applications from local educational agencies before funds are awarded to other eligible applicants.

''(b) PROHIBITION ON LOBBYING.—No funds made available under this Act may be made available to an organization, defined to include any affiliated organization, that lobbies or retains a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer, including lobbyists

employed or retained to advocate against the production and exploration of American energy.

''(c) BALANCED PRESENTATION OF INFORMATION.—No funds made available under this Act may be made available to an organization, defined to include any affiliated organization, that, in its information and publications (including paper, electronic, web-based and any other format), fails to provide a balanced presentation of environmental issues by providing readers with the full spectrum of scholarly viewpoints on the subjects examined.''.

Page 20, line 18, strike ''(f)'' and insert ''(g)''.

Page 20, in the matter following line 21, after the table of contents item relating to section 14, insert the following:

''Sec. 15. Priorities for and prohibitions on the use of Federal funds.''.

Mr. SARBANES (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

Mr. PRICE of Georgia. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, environmental education increases awareness and knowledge about environmental issues while providing needed skills to make informed decisions. When utilized appropriately, it enhances critical thinking and problem solving but does so without advocating a particular viewpoint or a course of action.

But the bill before the House today is establishing a framework that could become ripe for abuse, with outside factions directing learning in the classroom. It is why Republicans are offering this motion to recommit in order to ensure there is no undue political influence in the classroom while protecting the interest of taxpayers.

This motion to recommit is a commonsense package of safeguards aimed at protecting taxpayers' wallets, limiting special interest influence, and taking partisanship out of the classroom. Currently, none of those safeguards are present in this bill.

The first safeguard ensures that priority funding goes to local school districts first. Since 1992, more than 50 percent of environmental education grants have gone to nonprofit organizations. American taxpayers are paying for these programs, so it makes sense that their dollars go to local schools and children before third parties.

The second safeguard prohibits funding to any organization that lobbies or retains a lobbyist, especially those special interests that routinely advocate against more American-made energy for Americans. It is no coincidence that the same groups and affiliates which are suing to block oil and gas leases are also lobbying and receiving funds for environmental education.

And the final safeguard makes certain that information in the classroom is fair and balanced. Its aim is to ensure that classrooms remain free of partisan or political influence and that science, not a political or ideological agenda, is what students are taking away from their learning experiences.

In committee I raised the point that certain organizations, textbooks, and curricula have misinformed students by advocating erroneous specific measures to address environmental problems. Even worse, environmental information has been presented with unbalanced or scientifically inaccurate data.

On this side of the aisle, Republicans do not want such uneven portrayal. But there is a greater reason for offering this package of reforms: Republicans do not want the very same radical special interests that are directing energy policy in the United States to have the same influence in our classrooms.

The high price of gasoline is squeezing family budgets. And this Congress has yet to cast a vote during this energy crisis that truly expands exploration and the production of American-made energy.

Republicans have a plan to increase domestic production, provide tax credits to promote clean and reliable sources of energy, and encourage conservation to ease demand for gasoline. But roadblock after roadblock has been erected.

Mr. Speaker, it has been nearly 50 days since the Speaker and this majority, the majority party, turned off the microphones, turned off the cameras, and turned down the lights and silenced the will of the American people on the House floor. Nearly 50 days since the good folks across the aisle made it abundantly clear that election year special interests are more important than the public interests.

Republicans are going to continue to champion for an all-of-the-above energy solution. But this is a moment in which the House can make certain that those who are writing our Nation's anti-energy policies are not directing learning in the classroom as well.

Republicans want to hold these programs to the highest standards of quality, accuracy and neutrality. This will only happen if funding is going to schools first, special interests are not shaping the education agenda, and there is a balanced presentation of information.

In conclusion, this motion to recommit is a trio of commonsense ideas that keeps children at the forefront while maintaining high standards for science in the classroom.

I urge my colleagues to adopt this forthwith motion to recommit.

I yield back the balance of my time.

Mr. SARBANES. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 5 minutes.

Mr. SARBANES. Mr. Speaker, there are two ways to effectively kill a bill. One is to make a motion ''promptly,'' which would send it back to committee. That is not what has happened here. This is a ''forthwith'' motion which brings it right back with the instructions that have been put on it. But the other way to kill a bill is to put instructions on it that essentially gut it and completely undermine what it is supposed to do, and that is the nature of this particular motion to recommit.

I object to it on a number of grounds. First of all, the provision relating to priority with respect to LEAs, there are a number of eligible entities under this bill that can participate in the competitive grant process, local education agencies, State educational agencies, higher education institutions, nonprofits and so forth. They all should be part of the same competitive bidding process to get these dollars to try to fund environmental education.

Secondly, I object because this second provision that has to do with lobbying in fact will end up having the effect that some of the very organizations that are in the best position to provide good strong environmental education to the next generation will be prohibited from delivering. And as far as that goes, it means that A and B are internally inconsistent because A would give a priority to the very kind of organization that B seeks to prevent from getting these funds. So it doesn't make sense on its face.

So I would urge very strongly that my colleagues oppose the motion to recommit forthwith.

This is a good bill. It is an important bill. You don't have to take my word for it. There are 750 organizations across the country that are part of the No Child Left Inside Coalition. This is made up of public health advocates, sportsmen, environmentalists, educators, all recognizing the need to provide this critical education to the next generation.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. SARBANES. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding, and I just want my colleagues to fully understand.

This is a bill that is designed for environmental education. I understand the gentleman doesn't like the bill. He voted against it in committee, one of the few Republicans that did. He doesn't like it. They are disappointed because we passed comprehensive energy reform and they have lost their energy debate.

But most importantly this: under this amendment, a school could not get money for environmental education. The Governors Association could not get money for environmental education, universities could not get money for environmental education, so who the hell would get the money for environmental education because

under this amendment the very organizations that are supposed to be developing the program are prohibited because they hire lobbyists. Yes, the Governors have a lobbyist; universities have a lobbyist; school districts have lobbyists for the State or what have you. They are immediately excluded.

So here we are again. The gentleman from Maryland has presented a comprehensive bill, a well-thought-out bill that has incredible support across the board by educational organizations and nonprofits and others who want to engage and step up the environmental education in this country. This amendment would absolutely prohibit these organizations from participating.

I thank the gentleman for yielding.

□ 1700

Mr. SARBANES. Just to reiterate, Mr. Speaker, I oppose this motion vehemently. This bill will provide so many benefits to the next generation, public health benefits by getting our kids outside and into nature and active, economic development benefits because we're going to be educating the next generation of scientists and entrepreneurs that are going to make the difference when it comes to pursuing alternative sources of fuel and renewable sources of fuel. It will engage kids in learning, activate all their senses.

And finally, finally, it's going to raise awareness about the environment. The only way we're going to save our environment, save treasures like the Chesapeake Bay in Maryland is if millions of people develop good habits when it comes to the environment. Our children are the ones that are going to do it, but they can only do it if we provide them with this educational support.

I urge my colleagues to vote against the motion to recommit.

I yield back.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 3036, if ordered; and motion to suspend the rules on H.R. 6460.

The vote was taken by electronic device, and there were—ayes 172, noes 230, not voting 31, as follows:

[Roll No. 613]

AYES—172

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

NOES—230

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
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
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—31

Biggert
Bishop (UT)
Brady (TX)
Burgess
Cramer
Crowley
Cubin
Dingell
Dreier
Flake
Grijalva
Hastings (FL)
Hastings (WA)
Hinojosa
Hulshof
Issa
Jackson-Lee (TX)
King (NY)
Kingston
Lampson
Marchant
Markey
Nunes
Pence
Pitts
Poe
Pryce (OH)
Ryan (OH)
Sestak
Shays
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining on the vote.

□ 1717

Mr. HALL of Texas changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SHAYS. Mr. Speaker, on September 18, 2008, I missed one recorded vote.

I take my voting responsibility very seriously. Had I been present, I would have voted "no" on recorded vote No. 613.

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 613, had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. SARBANES. 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 293, nays 109, not voting 31, as follows:

[Roll No. 614]

YEAS—293

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKeon
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
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—109

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Broun (GA)
Brown (SC)
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Drake
Duncan
Ellsworth
Emerson
Fallin
Feeney
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Heller
Hensarling
Herger
Hoekstra
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kline (MN)
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCotter
McHenry
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Paul
Peterson (PA)
Pickering
Price (GA)
Radanovich
Rehberg
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Saxton
Scalise
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Walberg
Weldon (FL)
Westmoreland
Wilson (NM)
Wilson (SC)
Young (AK)

NOT VOTING—31

Biggert
Bishop (UT)
Brady (TX)
Burgess
Cramer
Crowley
Cubin
Dreier
Everett
Flake
Grijalva
Hastings (FL)
Hastings (WA)
Hulshof
Hunter
Issa
Jackson-Lee (TX)
King (NY)
Kingston
Lampson
Marchant
McCrery
McMorris Rodgers
Nunes
Pence
Pitts
Poe
Pryce (OH)
Richardson
Sestak
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining in this vote.

□ 1725

Mr. BROWN of South Carolina changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to reauthorize and enhance the National Environmental Education Act, and for other purposes.''.

A motion to reconsider was laid on the table.

GREAT LAKES LEGACY REAUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 6460, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) that the House suspend the rules and pass the bill, H.R. 6460, 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.

RECORDED VOTE

Mr. UPTON. 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 371, noes 20, not voting 42, as follows:

[Roll No. 615]

AYES—371

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)

Moran (KS)	Roskam	Sullivan
Moran (VA)	Ross	Sutton
Murphy (CT)	Rothman	Tanner
Murphy, Patrick	Royce	Tauscher
Murphy, Tim	Ruppersberger	Taylor
Murtha	Rush	Terry
Musgrave	Ryan (OH)	Thompson (CA)
Myrick	Ryan (WI)	Thompson (MS)
Nadler	Salazar	Thornberry
Neal (MA)	Sánchez, Linda T.	Tiahrt
Oberstar	Sanchez, Loretta	Tiberi
Obey	Sarbanes	Tierney
Olver	Saxton	Towns
Ortiz	Scalise	Tsongas
Pallone	Schakowsky	Turner
Pascrell	Schiff	Udall (CO)
Pastor	Schmidt	Udall (NM)
Payne	Schwartz	Upton
Pearce	Scott (GA)	Van Hollen
Perlmutter	Scott (VA)	Visclosky
Peterson (MN)	Sensenbrenner	Walberg
Peterson (PA)	Serrano	Walsh (NY)
Petri	Sessions	Walz (MN)
Pickering	Shays	Wamp
Platts	Sherman	Wasserman Schultz
Pomeroy	Shimkus	Waters
Porter	Shuler	Watson
Price (GA)	Shuster	Watt
Price (NC)	Simpson	Waxman
Putnam	Sires	Weiner
Radanovich	Skelton	Welch (VT)
Rahall	Slaughter	Weller
Ramstad	Smith (NE)	Wexler
Rangel	Smith (NJ)	Whitfield (KY)
Regula	Smith (TX)	Wilson (NM)
Rehberg	Smith (WA)	Wilson (OH)
Reichert	Snyder	Wilson (SC)
Renzi	Solis	Wittman (VA)
Reyes	Souder	Wolf
Richardson	Space	Woolsey
Rodriguez	Speier	Wu
Rogers (AL)	Spratt	Yarmuth
Rogers (KY)	Stark	Young (AK)
Rogers (MI)	Stearns	Young (FL)
Rohrabacher	Stupak	
Ros-Lehtinen		

NOES—20

Barrett (SC)	Foxx	Neugebauer
Broun (GA)	Franks (AZ)	Paul
Campbell (CA)	Garrett (NJ)	Sali
Cannon	Johnson, Sam	Tancredo
Carter	Lamborn	Westmoreland
Coble	Lungren, Daniel E.	
Conaway	Mack	
Deal (GA)		

NOT VOTING—42

Biggert	Hastings (FL)	Napolitano
Bishop (GA)	Hastings (WA)	Nunes
Bishop (UT)	Hulshof	Pence
Brady (TX)	Hunter	Pitts
Burgess	Issa	Poe
Conyers	Jackson-Lee (TX)	Pryce (OH)
Cramer	King (NY)	Reynolds
Crowley	Kingston	Roybal-Allard
Cubin	Lampson	Sestak
Dreier	Marchant	Shadegg
Everett	McCrery	Shea-Porter
Flake	McMorris Rodgers	Velázquez
Frelinghuysen	McNerney	Walden (OR)
Gingrey		Weldon (FL)
Grijalva		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining in this vote.

□ 1733

Mr. SALI changed his vote from ''aye'' to ''no.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. ROYBAL-ALLARD. Madam Speaker, I was not present for rollcall vote 615 on Thursday, September 18, 2008. Had I been present, I would have voted ''aye'' to suspend the rules and pass H.R. 6460, the Great Lakes Legacy Reauthorization Act of 2008.

Mr. REYNOLDS. Madam Speaker, on rollcall No. 615 I was inadvertently absent. As a representative of a Great Lakes State, a cosponsor of H.R. 6460, and a strong supporter of the Great Lakes Basin, had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. NUNES. Madam Speaker, today, September 18, 2008, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: rollcall 612, ''no''; rollcall 613, ''no''; rollcall 614, ''nay''; rollcall 615, ''aye.''

REPORT ON H.R. 6947, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2009

Mr. PRICE of North Carolina, from the Committee on Appropriations, submitted a privileged report (Rept. No. 110–862) on the bill (H.R. 6947) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Ms. BERKLEY). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

LEGISLATIVE PROGRAM

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

Mr. BLUNT. I yield to my friend, the majority leader, to give us an update on what we intend to do next week.

Mr. HOYER. I thank the whip for yielding.

On Monday, the House will meet at 10:30 a.m. for morning hour and 12 p.m. for legislative business, with votes postponed until 6:30 p.m.

On Tuesday, the House will meet at 9 a.m. for morning hour and 10 a.m. for legislative business.

On Wednesday and Thursday, Mr. Speaker, the House will meet at 10 a.m. for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by close of business tomorrow. We will also consider H.R. 5244, the Credit Cardholders' Bill of Rights Act of 2008; the fiscal year 2009 Department of Defense Authorization Act; and a continuing resolution for fiscal year 2009.

In addition, we will consider any bills we get back from the Senate, including an energy tax extender bill, the alternative minimum tax bill, and the mental health parity bill.

Mr. BLUNT. I thank the gentleman.

On the Department of Defense Authorization Act, would that be a conference report we'd expect?

Mr. HOYER. We're hopeful. As you know, the Senate has passed it but has not, as I understand it, agreed to go to conference. So we may have to just have an informal conference, as I call them, or others call it ping-ponging. In other words, I think Mr. SKELTON and Mr. LEVIN and the ranking members are working to see whether they can agree on a form of the bill that would then pass from here again to them, and they would then pass it finally. It's effectively a conference, but the Senate has not gone to conference. So we can't very well have a conference report if the Senate doesn't go to conference. But both Mr. SKELTON and Mr. LEVIN and I believe the ranking members as well want to get the reauthorization bill done.

Mr. BLUNT. I thank the gentleman for that. I am tempted to go into the whole topic of the informal conference. It's so frustrating to all of us.

Mr. HOYER. I know you have time constraints that would dictate against that.

Mr. BLUNT. This may very well be the last time, certainly before the election, we have a chance to talk about the work we get done in the next few days, and so I do have some questions, and I won't go there, but I would like to see us get that Defense authorization bill done. I do think it's a shame that we can't do that in an appropriate conference and go through the regular process.

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. I yield.

Mr. HOYER. I share his angst about not getting this bill done. As you know, I gave Mr. SKELTON on May 18 of this year to do that bill. The committee brought the bill out on May 18. We passed the bill. It's been in the Senate ever since, and I think we both share a concern that that hasn't been done, but of course, as you know, the Senate just passed it a few days ago, yesterday as a matter of fact.

Mr. BLUNT. I thank the gentleman for that.

On your indication the House will and of course has to consider some way to continue funding the government with the fiscal year ending at the end of this month and no appropriation bills passed up until now, we would be considering a continuing resolution next week. Does the gentleman have a sense of whether that would be a continuing resolution with other items on it and what any of those other items might be?

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

I expect it to be a continuing resolution as opposed to an omnibus, an omnibus, of course, being the cumulative bills put into a very large bill. I don't expect that to be the case. I expect it to be a CR, but I do expect to have additional items on that continuing resolution. The extent of that has not yet been determined. There's a lot of discussion, as I'm sure you're well aware

of discussion on your side as well, about things that people would like to have on the bill.

In addition, there are discussions between the White House and the Appropriations Committee, Mr. OBEY and Mr. Nussle, the OMB director. I have had discussions with the White House about items, some are called anomalies, that is, things that otherwise would have been done if we had done the regular bills, that the White House believes need to be done. There are a number of things that are being discussed of that kind.

In addition, we're going to have discussions about anything that we may need to do in the short term with reference to the extraordinary calamity that has confronted our economy. Whether anything addressing that will be in the CR or not is unclear at this point in time, but that's a possibility.

So I tell the gentleman, it will not be an omnibus in the sense that you and I understand an omnibus and the body understands an omnibus. For the most part, we will probably be looking at spending being at last year's levels for most of the items that we're talking about.

Mr. BLUNT. The House has, I guess, passed one of the 12 appropriations bills. Would the gentleman anticipate that any other bills in addition to that one might be included in the continuing resolution, and if so, which ones might we be looking at?

Mr. HOYER. It is possible, but I think given the time frame that there is some concern about the time it will take to consider more lengthy pieces of legislation would impede getting the CR done. So that there may not be full bills, as I indicated. Obviously we do want to ensure funding of the government. We want to continue further operations of the government, both on the national defense side and the national security side, homeland security side, as well as all other departments of government.

At this point in time, I really can't answer that question, but I can tell you that my belief is at this point in time that we would be largely dealing with bills at last year's level.

Mr. BLUNT. Would the gentleman anticipate that we would be dealing with the continued funding of the government again in this session of Congress? In other words, would the time frame be mid-November or do you anticipate a time frame well into next year?

I would yield.

Mr. HOYER. I think mid-November is obviously an option. There have been discussions, as you know, on timing with the White House. I don't know whether you know, but I've had discussions with the White House on timing. I think they're relatively flexible on timing. Nobody has said this time or that time. There is obviously a wide variety of dates being discussed, mid-November being one. The Speaker and I, and I think Senator REID has also expressed himself on this issue, but the Speaker and I are hoping that we would do a February date or even a March 1 date, so there would be some clarity in where we're going, whoever is elected President.

The date, though, is still obviously not resolved. We will have to discuss that with the White House and see what we can get through the House and the Senate, but November is obviously a possibility.

I will tell the gentleman we will be back here. I hope my office has had these discussions with you. But we're looking at, as we usually do, the week before Thanksgiving, about a week-and-a-half, 10 days after the election, the week of the 17th as the date when we would come back and organize, which would also be a week available for session if it was needed.

I might also add, if I could, further, that we had discussions today and we're all very, very concerned, and you and I are going to be meeting on it later tonight, very concerned with the economic conditions that confront our Nation at this point in time. So we are going to be ready to come back in October, if necessary, depending upon what discussions we have and what, hopefully together, in a bipartisan way, we believe needs to be done to respond to the crisis.

Mr. BLUNT. I'm grateful to have that potential to be back in October, and we have very few scheduled work days from the 1st of August to the end of the year, but clearly this economic situation we're in could very well bring us back.

The gentleman mentioned that list of—we call them here anomalies, but they're really the things that wouldn't necessarily be part of or perhaps should be part of a straight extension of funding. I know one of those on the energy front that's been discussed a lot would be the moratorium on using money to begin the process of leasing and exploration on either the Outer Continental Shelf or the so-called oil shale moratorium in the West. Does the gentleman have a sense of whether those moratoriums would be included in the CR or, as the administration has asked, that they not be included in the CR?

I would yield.

□ 1745

Mr. HOYER. I thank the gentleman for yielding.

We've had discussions about this. As I said at my press conference on Tuesday, there have been no discussions about including that moratoria in a CR. I want to make it clear; there haven't been discussions about it that we won't or we will. My expectation is, though, we passed a bill, we think it is a good bill, we think it opens up drilling. And there will be some discussions both on the Senate side—we don't know what the Senate side is going to do with it—and with the White House on that issue.

We've had pretty open discussions with the White House on this issue. I know there's been a letter signed by a large number on your side about that issue. The White House is obviously sensitive to that, but I don't think that's going to be a stumbling block.

Mr. BLUNT. If it's not there, it won't be a stumbling block for our side, based on the letters you've seen and other things. That's for sure.

Tomorrow, at one point we were believing that some issues could be included in what was being called an economic stimulus package could be on the floor. That's not happening now. Would you see some of those issues also as likely things that might be added to the continuing resolution?

I would yield.

Mr. HOYER. Those are some of the items that, yes, as I said, could well be added to the CR. We're going to have discussions. I'm going to have discussions with your side—with you, in particular—on this issue.

Again, I think there's nobody who wants to shut down government. And there's nobody, frankly, that doesn't want to make sure—for instance, let me give you an example: Unemployment insurance. We're very concerned about people who are going to be running out of their unemployment insurance. If we're not here, we want to make sure that there is authorization for the dollars—that are available, obviously—to be spent for extension benefits for people that run out because they can't find employment in the context in which we are now finding ourselves. So yes, that is possible.

Mr. BLUNT. I would say, just to clarify on that topic, what they would be running out of would be the end of the first 13-week extension on top of the normal unemployment.

Mr. HOYER. That's correct.

Mr. BLUNT. So the unemployment fund would not be running out of money——

Mr. HOYER. That's correct. You would have to authorize the additional 13 weeks.

Mr. BLUNT. But the people who already used one extension, that extension we agreed to 9 or so weeks ago would reach its 13-week conclusion is what the gentleman is discussing?

Mr. HOYER. Yes, sir. We won't be here on that particular date, or week, and therefore, we might have to make accommodations for that.

There are other things, obviously, that we have talked about that we are having concerns about: creating jobs, providing for jobs in our economy. We're doing a lot of investing in, some would say ''bailing out'' companies that had a whole lot of assets, but now we have people who don't have a whole lot of assets, have lost their home and who are facing heating bills that are spiking up very seriously, facing a tough time buying groceries because grocery prices have spiked, and they may be out of a job.

There are a number of issues that we are concerned about. We have been faced with Lehman Brothers and AIG

and Fannie Mae and Freddie Mac. But there are a lot of little people who are having equal problems for them, and we want to make sure that we address them, and I know you do as well.

Mr. BLUNT. On that list of things we discussed, I don't know that we have specifically discussed it, but some kind of redefining the previously authorized loans to auto companies could be in that effort of things we look at on the CR?

I would yield.

Mr. HOYER. Redefining, as much as both clarifying what is available, and funding.

As you know, we authorized, in the 2007 bill, $25 billion in guarantees for modernization to comply with more efficient automobiles, which we believe is a very important aspect of becoming energy independent, reducing the demand for petroleum products. And, yes, that may well be there as well. Hopefully we can get agreement with the administration, your side, and our side on what that ought to be.

Mr. BLUNT. The only specific question I had from a Member right before we started was whether or not, in the suspensions for next week, the Great Lakes Compact could be included in that. I think we sent that message over that I might be asking about that.

Mr. HOYER. It's possible. I'm smiling because——

Mr. BLUNT. I was hoping for a little more definition than that.

Mr. HOYER. I understand that, and I'm sure you would like that. I'm smiling because every time I walk on the floor I have at least 50 Members who ask me if it's possible that a suspension bill will be on the Suspension Calendar next week. We're working to try to get a workable list that both sides can agree with and we can facilitate the passing of policies that are not controversial, but just need time to get done. And so I say it's certainly possible.

Mr. BLUNT. On that issue, it's my understanding, at least, that Chairman OBERSTAR and the Great Lakes delegation is substantially in favor of that. Hopefully that has removed whatever obstacle that we've been dealing with with that issue.

And I yield back.

Mr. HOYER. I thank the gentleman.

ADJOURNMENT TO MONDAY, SEPTEMBER 22, 2008

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning-hour debate.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

PERMISSION TO CONSIDER AS ADOPTED MOTIONS TO SUSPEND THE RULES

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Wednesday, September 17, 2008:

House Resolution 1432; H.R. 6681; H.R. 6229; H.R. 6338; S. 171; H.R. 6772; House Resolution 1356; House Concurrent Resolution 408; H.R. 3986; and Senate Joint 35.

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

There was no objection.

The SPEAKER pro tempore. Without objection, sundry motions to reconsider are laid on the table.

There was no objection.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–148)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2008.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 18, 2008.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING COACH DON HASKINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Speaker, I rise to honor one of the greatest figures in American sports history, a coach who shattered racial barriers and forever changed the game of basketball. He led an all-African American starting lineup to victory against an all-white powerhouse team in the 1966 NCAA Basketball Championship.

Coach Don Haskins, better known to us as The Bear, passed away on Sunday, September 7, in El Paso, Texas at the age of 78. I had the privilege of calling Coach Haskins a friend, and I join all of El Paso and his many fans across the Nation in mourning his passing.

Although he never saw it or intended to be one of the greatest civil rights pioneers in sports, his commitment to playing the most talented athletes regardless of skin color in the 1966 championship was a major turning point in American sports and the civil rights movement.

The landmark game between Texas Western College—which is now proudly known as the University of Texas at El Paso—and the University of Kentucky at that time is often regarded as one of the greatest moments in sports history and the most important game in college basketball.

For those of us from El Paso, Don Haskins was more than just a coach. He was a community icon that put a little known west Texas town in the national spotlight. He was fiercely a loyal supporter and has always been a diehard fan of the University of Texas at El Paso and could be seen often in the stands cheering on his beloved Miners.

Coach Haskins arrived at Texas Western College in 1961 and retired in 1999 after 38 seasons with a record of 719 wins and 353 losses. He led our Minors to seven Western Athletic Conference Championships, 14 NCAA Tournament appearances, and seven appearances in the National Invitational tournament. Couch Haskins also served as an assistant coach in the 1972 U.S. Olympic team.

On September 29, 1997, Coach Haskins was inducted into the Naismith Memorial Basketball Hall of Fame. Ten years later, the entire 1966 Texas Western team joined their coach in this honor, becoming just the sixth team in the history of basketball to do so.

Though known for his ferocity on the court, off the court Coach Haskins was humble, compassionate, and witty. He never relished in celebrity, even after his story and that of the 1966 Texas Western team made it to the big screen in the 2006 Disney production of Glory Road.

He touched many lives, and never hesitated to help any person in need. He was known for visiting coffee shops around our town—many of them in poor areas—and would order a single cup of coffee, but leave a $20 tip. He never once bragged or boasted about what he did for others.

At Coach Haskins' memorial service, the University of Southern California basketball coach, Tim Floyd, a former UTEP assistant coach under Coach Haskins, shared a very moving story that demonstrates the kinds of deeds that Coach Haskins did for people often in need. It is told that one day Coach Haskins was driving to El Paso from Van Horn, Texas—which is approximately 120 miles from El Paso. He was driving, as all of us that knew and loved him, in his signature white pickup truck. While driving, he noticed that a station wagon had broken down and was stranded on the side of the road; it was a single mom with four children.

□ 1800

Coach Haskins, typically, pulled over, and he asked the mother if she needed help. She told Coach Haskins that she was trying to get to Los Angeles, but her car had broken down. Coach Haskins squeezed all of the four children and the mom inside the cab of his pickup and drove them to El Paso. He put the family up in a hotel, arranged for their car to be towed and repaired, and he gave the mother $1,000 to help her get to Los Angeles.

Coach Haskins never mentioned this to anyone, including to his wife. It wasn't until the mayor of Van Horn called the coach's office and the now Coach Tim Floyd answered the phone that he found out what had occurred. Coach Floyd never shared this story while Coach Haskins was alive because he knew that Coach Haskins wouldn't want anyone to know about it.

This is but one example of the hundreds of stories that people tell about our legendary coach.

Mr. Speaker, when reflecting on his decision to start five African American players, Coach Haskins simply said, ''I just played my five best players.''

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). The time of the gentleman has expired.

Mr. REYES. I ask unanimous consent for an additional minute.

The SPEAKER pro tempore. The Chair cannot entertain that request. The gentleman will finish his remarks.

Mr. REYES. I'll file the rest for the RECORD. Thank you.

PARLIAMENTARY INQUIRY

Mr. HUNTER. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. HUNTER. Could I be recognized for 1 minute and then yield it to my friend from Texas?

The SPEAKER pro tempore. Without objection, the gentleman is recognized for 1 minute.

There was no objection.

Mr. HUNTER. Thank you, Mr. Speaker.

I would yield to the gentleman.

Mr. REYES. I thank my friend from California.

Coach Haskins never sought or wanted credit for changing college basketball, and he would always say, ''I just wanted to win the game.''

Like many of history's greatest role models, it was the humility and unassuming personality after achieving unprecedented success that, today, he inspires us all.

He is survived by his lovely wife, Mary, and was the proud father of Brent, David, Steve, and Mark. Although he is no longer with us, we know that his spirit will always live on at UTEP and that his legend and legendary stories will forever remain an important part of our country's history.

God blessed us with Coach Haskins, and now we ask for God's blessing for our coach.

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.)

AWARDING THE MEDAL OF HONOR TO SERGEANT RAFAEL PERALTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I think it's appropriate that I follow the remarks of my great friend SILVESTRE REYES, who was a great veteran of Vietnam and who was a wonderful leader, I think the best leader in the history of the Border Patrol, and who is a great Member of this body, but he is a gentleman who has been to Iraq many times and to Afghanistan many times.

Mr. Speaker, I take the well to comment on an event that occurred in San Diego, and that is regarding Sergeant Rafael Peralta, who was killed on November 14, 2004 in the now famous battle of Fallujah. He was killed, and absorbed the blast by an enemy grenade when, during house-to-house fighting, he was thrown into a small room while he and three other marines were working their way through this series of fire fights.

According to the eyewitnesses and to the citation that he received, he pulled that grenade to his body and absorbed the full concussion and the full explosive power of that grenade on his own body and, thereby, saved his fellow marines.

Now it has just been announced that he was awarded the Navy Cross, the second highest award for heroism, but not the Medal of Honor.

Mr. Speaker, the last person who did that same act, in fact, who was a marine and who did that incredible act of sacrifice in Anbar province, was Corporal Jason Dunham of Scio, New York. He was given the Medal of Honor—awarded it by President Bush in the White House—for falling on a grenade, for taking the shock and the deadly power of that grenade, thereby saving his colleagues.

That is the standard that we have traditionally placed and the metric that we have traditionally placed on this act of heroism of a soldier or of a marine who falls on a grenade or who pulls a grenade under him when it's in close proximity to his buddies, knowing full well that that grenade will most likely kill him but making that split-second decision to give his life for his colleagues and for his country.

Sergeant Rafael Peralta made that decision.

Mr. Speaker, it appears to me that he should have been awarded the same award that Jason Dunham and many before him have been awarded in Vietnam—the same theater that Mr. REYES fought in—in Korea, in World War II. Where we have recognized that standard of a soldier or of a marine who falls on a grenade or who pulls it to him to save his colleagues, we have traditionally recognized that act of heroism, that act of sacrifice with the Medal of Honor.

So, Mr. Speaker, I intend to ask the President—and I hope a number of other people join me to ask the President—to review this award and to award to Rafael Peralta, posthumously, the same award that we awarded just a few months ago to Corporal Jason Dunham.

FEDERAL FUNDING SHORTFALLS CRIPPLING NATIVE AMERICAN COMMUNITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) is recognized for 5 minutes.

Ms. HERSETH SANDLIN. Mr. Speaker, I rise today to address an issue that has reached crisis levels in many Native American communities: the Federal funding shortfalls crippling tribal law enforcement and justice systems.

Native American families, like all families, deserve safe and secure communities. Tragically, there is a pervasive sense of lawlessness in too many areas of Indian country. As the at-large Member of Congress for South Dakota, I am proud to represent nine sovereign native nations.

The Federal Government has a unique relationship with the 562 federally recognized tribes. This government-to-government relationship is established in the U.S. Constitution, is recognized through treaties and is reaffirmed through executive orders, judicial decisions and congressional action.

Law enforcement is one of the Federal Government's trust obligations to tribes. Yet, on many counts, we are failing to meet that obligation. Less than 3,000 law enforcement officers patrol more than 56 million acres of Indian country. Let me repeat: 3,000 officers for 56 million acres. That reflects less than one half of the law enforcement presence in comparable rural communities.

A recent master plan for justice services in Indian country found that crime is increasing. The report notes that drug cartels deliberately base their operations in Indian country because of the lack of law enforcement. Once drug producers gain a foothold in reservations, they can sell drugs throughout the United States. Drug trafficking demonstrates that weak tribal law enforcement systems are not just a problem for Indian country; they affect us all.

In addition to drug activity, the rates of crime against women are staggering. In June 2007, Amnesty International released their report, entitled ''Maze of Injustice,'' which documents what native women have long known before and have fought against. The figures suggest that 34 percent of native women will be raped in their lifetimes. Even more women will be victims of domestic violence. When tribal law enforcement departments are understaffed, there are delays in responding to victims and to collecting evidence.

At a 2007 Natural Resources Committee field hearing, we heard from Georgia Little Shield, director of the Pretty Bird Woman House on the Standing Rock Reservation, which was named in honor of a Lakota woman who was brutally raped and murdered in that community.

Ms. Little Shield told of a woman who was beaten by her partner and who had called her for help in filing a police report. They called the police and were told, when an officer becomes available, he would take her statement. After 2 hours of waiting, they called again. The one officer on duty had been sent to the scene of a traffic accident. After waiting 2 more hours, they called yet again. In the end, the police officer never came to take her statement.

Large land-based reservations are hit especially hard by insufficient funding. For example, the Cheyenne River Sioux tribal chairman has testified that his tribe has only three officers per shift to cover an area almost the size of Connecticut. These situations and statistics show that the extent of these problems far exceed the level of appropriations.

I applaud the interior appropriations subcommittee Chairman NORMAN DICKS and the entire Appropriations Committee for increasing tribal law enforcement and justice funding by $28.7 million from fiscal year 2007 to fiscal year 2008. However, we have much more to do.

In 2004, the Interior Department Inspector General reported on the deteriorating conditions of tribal detention facilities. Four years later, not much has changed.

Last month, the BIA jail in Pine Ridge, South Dakota was closed for safety reasons after years of insufficient maintenance by the Federal Government. It's estimated that the tribal detention system alone will require $8.4 billion to address our current deficiencies.

In conclusion, fully funding tribal law enforcement will not fix every problem such as the lack of transparency and accountability at the BIA. That is why I am proud to sponsor the Tribal Law and Order Act. This act was written by Senator DORGAN, chairman of the Indian Affairs Committee in the Senate. I look forward to working with him to ensure the bill becomes law.

The immediate challenge facing tribes is the insufficient Federal funds that leads to too few officers, to jails too unsafe for inmates and staff and to tribal courts nearly overwhelmed with caseloads.

Let me say again: Native American families, like all families, deserve to raise their children and to live their lives with a basic sense of security and safety. Congress must meet our trust responsibilities by fully funding tribal law enforcement and justice systems.

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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the 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.)

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 addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

(Mr. PAYNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

(Mr. HOLT 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 Arizona (Mr. FLAKE) is recognized for 5 minutes.

(Mr. FLAKE 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 California (Mr. HONDA) is recognized for 5 minutes.

(Mr. HONDA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY. I thank the Speaker for his recognition, and I thank the minority leader for yielding the time for me to speak on such an important issue this evening.

Of course, that is the ongoing problem with the crisis as to our price of energy, as to the price of gasoline at the pump, as to the price of heating oil, particularly as we get into the winter months approaching in the northeast, and people are continuing to struggle.

Mr. Speaker, I think it's important in any discussion about energy to let the American people know this through the Members of this great body on both sides of the aisle, at the end of this 45 minutes to 1-hour period of discussion on the issue, who hopefully will be able to go back home and in a very frank, honest way discuss with their constituents what exactly we've been doing up here in the people's House over the last couple of months. I'll tell you, from my perspective—and I think it would be hard for anybody to disagree—the answer is not very much, not very much, indeed.

As you know, Mr. Speaker, in the first week in August, we left Washington for that traditional August recess, which actually was more than a month. It was actually 5 weeks when you included the Labor Day weekend. So we were going to be out of here for 5 weeks. At the time, people were paying $4, more in some places, a little less in some places, but on average, it was $4 a gallon for regular gasoline; for diesel fuel, it was even higher than that. People certainly couldn't afford to take a vacation.

□ 1815

We didn't see nearly as many people here in the Nation's Capital during month of August because of this.

The Republican minority party had introduced a bill actually a month before that, and it was called, as you recall, Mr. Speaker, the American Energy Act, or the all-of-the-above act, which included certainly as a cornerstone drilling, and a lot of people picked up different mottos like ''drill, baby, drill,'' ''drill here, drill now,'' ''save money.''

The point of all that was to try to emphasize the fact that we do, even though we have this tremendous dependency for our fossil fuel needs, particularly petroleum and natural gas from other countries, 60 percent of what we use, our daily utilization is being imported from other countries, and they don't all like us very much, unfortunately, and that gives them sort of a stranglehold on our economy.

So this bill does have a strong component of going after our own natural resources, be they natural gas or petroleum products, or converting other things, unconventional things like shale rock or coal-to-liquid petroleum or to natural gas.

We kept asking and saying to the leadership, the Democratic leadership, look, let's don't go home on August 1st. This August recess is a 5-week period of time. Members certainly want to get back in their districts, and all of us really are up for reelection. Some have tough reelects, both Democrats and Republicans, and we all understand the need to get back and be in the community. But if we are not doing their work, if we are not solving their problems, if we are not making sure that when the school doors open the day after Labor Day, or in fact mid-August in most places, that the kids are going to be able to go to school five days a week and not four, that they are going to be able to ride the school buses and they are not going to be shut down at the school barn because there is no gasoline or diesel fuel to put in them, so let's stay here another week if it takes it, three days, whatever, we are smart people, and let's get this done. Then we can go home.

It is kind of like you don't want to leave campus until you have passed your last exam. How can you go home for, say, Thanksgiving or Christmas and relax, knowing that when you get back you have still got your work to do? It just made no sense. But, anyway, as you know, Mr. Speaker, the Democratic majority made the decision and moved for adjournment basically that day, that Thursday or Friday afternoon, cut off all debate.

So what the Republican minority decided to do, it was kind of a spontaneous thing, really, it wasn't planned ahead, we said, well, we are not going home. We are not going to take recess until we have done our homework.

So there were, I don't know, 40 or 50 Members just kind of mulling around. And, lo and behold, the lights got turned off, the microphones got turned off, the C–SPAN cameras weren't showing no video. But these brave men and women, all on the Republican side, but we kept asking for our colleagues on the Democratic side, Mr. Speaker, to join us, because we know, we know full well that there is like-mindedness on this issue on both sides of the aisle, but for the stranglehold that they have with their leadership.

So we came back. We would fly, go home, go work a couple of days, jump on a plane, come back up there, stand right here. We would bring people in from the gallery. Not just this gallery, but out in Statuary Hall. People were taking tours through the Capitol. They marched in here in droves and sat in our seats and listened to us. And Members would speak 10 minutes, 15 minutes, a tag-team approach, trying not to be partisan, but just say, look, we have a job to do and we are not doing it. And when you go back home, particularly if you are a Democrat from the Midwest or the Northeast or you are a Republican from the Southeast or the Far West, or just an independent voter, let your Congressmen and Congresswomen know, let your Senators know that you want something done about this, that you are suffering, your grocery prices are through the roof.

So this is how it all got started. We kept thinking, I kept thinking that any day people would ask, how long are you Republicans going to keep this up now? How long can you go? Is it going to be 5 weeks? I said, well, I sure hope not. I hope that Ms. PELOSI is listening, Mr. HOYER is listening. They are intelligent people, no question about it. They wouldn't be in these positions of leadership if they are not.

I thought, well, the force of public opinion, these polls taken all across this country, Mr. Speaker, are saying that 85–88 percent of the American people want us to do this. They don't want us to be dependent on Venezuela and Iran and Russia. They don't mind us importing a little oil from Canada and a little oil from Mexico, but they fully agree that if we have got this product, this natural resource right here in River City, why wouldn't we use our own? So if you believe in the law of supply and demand, you increase that supply from anywhere in the world, in fact, and you will help balance some of that demand and bring down prices. But even better, if you increase your own domestic supply, then you are a player. Then you are a player. So that is what we were all about.

Well, as we came to the end of the August recess, we began to hear little tidbits of sound bites from Ms. PELOSI, and it sounded like maybe that she finally was getting the message, either from the Republicans in Washington or maybe some individual late-night phone calls from her own conference, particularly the Blue Dog Members who I felt may have wanted to come up here and join us and speak. So Ms. PELOSI said, well, we will maybe look at drilling when we get back.

Lo and behold, we get back now, we had three weeks, three weeks, we thought 15 days, but as it turns out it is only going to be at the most 13, because they cut us short Friday of last week, they are cutting us short Friday of this week, and maybe we will go 5 days next week. But 13 days working out of five months, from August 1st. There are no plans that I know of for any kind of session after we end here next Friday. We won't come back to this body, Mr. Speaker, until after the new President, the new administrative team is sworn in.

So to think we are working full time for the taxpayer, and that by definition is what we do and we are not really permitted to go back home and have another job, and here we are working 13 days in five months, there is something wrong with that math, something very wrong with that math.

So I cannot tell you in strong enough terms, Mr. Speaker, how disappointed I was when I got back and looked at this bill, this none-of-the-above energy bill, not all-of-the-above, but none-of-the-above, that none-of-the-above, the acronym is NOTA, NOTA energy bill that was presented to us on this floor that we voted on this week, and it does very, very little in regard to drilling.

I tell you, I feel blessed tonight to have with me one of my colleagues from Tennessee, a Member that has been here probably twice as long as have. He is twice as young as I am. He

is not nearly as good looking. But he is a very good member of the Energy and Commerce Committee and he knows this subject inside out and backwards.

I am happy at this point to yield to my friend from Tennessee, ZACH WAMP. Then we will kind of do a colloquy and further discuss this issue.

ZACH, take it away.

Mr. WAMP. Well, I thank the gentleman for yielding. I even come over to the Democratic side to begin my commentary tonight, because in my 14 years here, I have developed extraordinary relationships across the aisle.

I actually grew up a Democrat. Ronald Reagan made me and many people in my family members of the Republican Party. And I constantly say here that I don't think either party has an exclusive on integrity or either party has an exclusive on ideas, and at different times both parties have really let the American people down. But I think it is important right now to analyze where we are and what the important issues are that are not adequately being addressed here in the United States Congress at a real critical time for a whole lot of people.

This is not just talk. This is a fair assessment and analysis about where we are. As a matter of fact, National Public Radio interviewed me today and asked for my honest analysis about this new Democratic Congress that took over 2 years ago, because I was very blunt and candid and critical about the Republican majority of which I was a part over the last few years of our majority, because I felt like, and I stated it, that we were more interested in protecting ourselves for a period of time than the fundamental principles that brought us into a majority in 1994, and I knew we were sinking and I knew, frankly, we were going in the wrong direction.

Sure enough, we lost. The voters really didn't vote for the new Democratic majority as much as they voted against us. So I gave a fair assessment today of this new Democratic Congress that we have been under now for almost 2 years.

The success formula in life is sometimes defined as preparation and opportunity meeting each other. You hear a lot of other definitions of what success is. One definition of success in politics and public service might be to underpromise and over-deliver. And I have to tell you that what I really have seen here in the last 2 years is over-promising and under-delivery.

This new majority, and I am not a critic, I am rarely critical, and I am not a blamer, I rarely blame, but I have to tell you, it is unbelievable how bad things have gotten here in the Congress in the last several months.

The tradition of bringing the appropriations bills to the floor, taking them through the committee, having an opportunity to amend them, has basically just been thrown out the window. They came in ballyhooing that they were going to have the most ethical Congress in the history of the country; that no earmarks would ever be dropped in straight on the floor that weren't properly vetted and gone through the committee; that nothing would come to the floor straight from the Rules Committee under a closed rule that is not an open process where the people who are rightly elected would have access to offering substitutes; that they wouldn't strong-arm their own Members to vote against things that they had actually cosponsored.

I have to tell you, all of those things that I just said they had promised were violated, not just in the last 2 years, but this week. Every single thing that I just mentioned was violated by the majority this week, and it was an ugly week here in Congress when we finally got to the most important issue of the year, which is energy.

I want to tell a couple of stories. Three years ago, after Katrina hit, I was on two appropriations subcommittees that had jurisdiction to the aftermath of Katrina, the Interior Appropriations Subcommittee and the Energy and Water Appropriations Subcommittee.

When Rita was bearing down, the second hurricane, on Galveston, they called an emergency meeting of our two subcommittees and called us into a room and they said, if Hurricane Rita continues on the track it is on and it hits Galveston head-on, we need to inform the committees that by next week we will not have gasoline across the eastern seaboard in some places. And it was an emergency crisis kind of a call.

I have to tell you that after Ike last week, in a small way, but in a very meaningful and unfortunate way, that happened in Tennessee. Prices spiked to $4.99 a gallon. In some stations there was no gas whatsoever. And that was from Ike, that did less damage than was feared, and it just proves how vulnerable we are as a nation because of energy.

This issue is now bringing us to our knees economically. So many people on fixed income are hurting so bad. And even the markets. You wonder about Wall Street and what has happened and the mortgage industry.

Listen, credit has been overextended, and those people ought to be held accountable and the government shouldn't come in and bail out the private sector. But I can tell you one reason why the credit is not being honored and the bills are not being paid, is because the cost of energy for American consumers has soared so much that they can't meet their obligations and people are being foreclosed on, credit is not being paid on time. And these big institutions like AIG and Bear Stearns and Lehman Brothers, they have all consolidated and they have overextended credit. But it is a huge problem, and most all of it is driven by energy. And if we don't diversity our supply, if we don't increase our domestic production, if we don't throw the ball deep on energy, we are going to continue to come to our knees economically.

Now, you might ask, why would the refineries not be able to give the output if one or two of them are down or if there is a hurricane that comes in? Let me just say that all of the new permit applications to explore for oil and gas or bring on new refineries face litigation from these extreme groups that are lined up with lawyers 10 deep to stop new oil and gas production in this country.

□ 1830

That's the truth. That's the truth. That is a special interest that has a foothold in the Congress with this new majority. That's the truth. They score their votes, they rate them, and this week they pressured them to vote against a new capacity bill that was bipartisan, created by dozens of Members from both parties and, frankly, they voted against the bill that they actually wrote.

Now, how can you get Members to do that unless those special interests, the radical environmental groups that file suit over all this new oil and gas supply that we have access to, but we have locked it up, and we want to unleash it, this is the critical issue of our time. Our way of life is at stake.

This is that important, and you are seeing a sinking of our economy, a loss of our competitiveness. Without natural gas resources, our manufacturing base is leaving this country, without the ability of our people to move around and make a living. Let me tell you, Dixie Produce, Lee Pittman, a small businessman and an excellent entrepreneur, pays his bills on time, works hard. He can't make a go of it because gasoline is too high for him to make a profit. He has nowhere to turn.

I feel for these people. I want this Congress to respond. I want us to throw the ball deep on energy.

Now the Democrats typically say all you all want to do is drill, and we want renewables. Listen, I am the cochairman of the Renewable Energy Caucus. I have been for 8 years. I have promoted more than anybody on our side, maybe ROSCOE BARTLETT and I, the expansion of tax credits and incentives for renewable investments, but they are not quite ready for the marketplace.

The total percentage of all energy is only 6 percent, and you can't increase it to 20 overnight. I would ask the new majority, if they really believe that much, why have they not extended the renewable tax energy credits and incentives all year long. We are still waiting for that. It's supposed to come up next week, they say.

Now today we hear they want to adjourn next Friday and put that off until after the election too. They are also talking about a new economic stimulus, which they say means unemployment compensation and other social-type programs. I know we have got

to help people that need relief, but the most important economic stimulus we can do is pass the American Energy Act, creating thousands and thousands of new production jobs in manufacturing and energy technologies for the whole world, for our country and the world. That's throwing it deep and going after it for all the right reasons.

Listen, this place is broken down to where for months now, this Democratic majority has been in retreat over this issue of energy because the radicals, the extremists, have basically convinced them that the higher the price of gas goes, the better off we are. People will quit driving and quit using fossil fuels if the prices go that high.

We don't believe that's in America's best interests. We believe we have got to build a bridge to the future by bringing on some new oil and gas supplies, diversifying our supply, go after the renewals in hydrogen and the new advancements and build nuclear plants, but we believe you have got to do it all.

This week they watered down a bill so bad that it has very, very little, if any, oil in it, even if you could do it. They passed it so the Members could go home and say we voted to drill. Please re-elect us and keep us there.

That's not really what the American people deserve or expect. I am not saying that Republicans are smart and Democrats are dumb, or we are good and they are bad. I am saying that they are not doing a good job representing what our country needs. They are not bringing the legislation to the floor, and they are playing politics with this thing, and we have got to have a bill soon to the President, because we can't put this off for any longer time.

Mr. GINGREY. I thank the gentleman for his remarks.

You know, Representative WAMP made one statement, there are actually people, I know this is hard to believe, I know it is, in these trying economic times, that want the price of gasoline to be high, that want to make it so high that we eliminate all fossil fuel. Look at this quote from Carl Pope, the executive director of the Sierra Club, a strong environmental club. ''We're better off without cheap gas.''

I mean, it's not just him. Ms. PELOSI herself has said many times that any bill that includes drilling is a hoax, and that she is more concerned with saving the planet. That is a direct quote on the national news network, my passion is to save the planet.

Then HARRY REID, the majority leader of the Senate says, and this is almost a verbatim quote, fossil fuel is poison. Fossil fuel is poison, and it needs to be eliminated completely by the year 2020. That's the kind of thing that Representative WAMP was talking about, and the nonsense that we are hearing from the other side.

Before I yield to one of my other colleagues, I just want to make this comment. When the 110th Congress began in January of 2007, I happened to sit on the Science Committee as well as the Armed Services Committee. But our first Science Committee hearing of the year, our witness was—and this is pretty unusual, I have been up here 6 years, I have never seen this happen before, that the Speaker of the House would be a witness, or the sole witness before a standing committee—Ms. PELOSI.

It was all about global warming, and it was all about her plan to save the planet from carbon dioxide and greenhouse gases. She told us about the fact that she was going to create a commission of Congress, a bipartisan commission, I think. Ultimately she did, and Mr. MARKEY assumed chairmanship of that committee, even over the objection of the most venerable, distinguished long-serving member of this body, JOHN DINGELL from Michigan, who chairs the Energy and Commerce Committee.

But that was the kind of focus that Madam Speaker had at the time, when, of course, the price of gasoline was about $2.33 a gallon.

A couple of weeks later, our second hearing in the Science Committee, who did we have again, a single witness. Guess who it was, former Vice President Al Gore just after he had gotten his Oscar award for that documentary film, ''An Inconvenient Truth,'' about global warming. That's all they wanted to talk about was Kyoto Protocol and cap and trade and how we were going to eliminate the carbon footprint from this country.

It's a little hard, I mean, as we sit here tonight, talking, we are expelling, we are breathing out carbon dioxide. There are greenhouse gases all over the environment that are not necessarily created by what human beings do.

But, again, I think that certain people had drank all of the Kool-Aid in regard to global warming. Maybe when gasoline prices are low and $2 a gallon, you can afford to do that. Do you remember the old expression, I can't be worrying about draining the swamp when I am up to my elbows in alligators?

Well, I think that's kind of the analogy of where we are right now. They are still worrying about draining the swamp, and we are up to our elbows in alligators with these prices that are literally killing the American people. They can certainly starve to death a whole lot quicker than they can choke to death from greenhouse gases over the next 100 years. I think it's important that we put that into perspective.

At this time, I see I have been joined by a couple more of my colleagues that do such a great job on the floor, one of our newest Members, but you would never know it by hearing him speak and the level of participation that he engages in, and that's my good friend from Ohio. I yield to BOB LATTA, Congressman BOB LATTA.

Mr. LATTA. Well, I thank my friend from Georgia for hosting this tonight because, once again, energy is the number-one topic on everyone's mind in this country. It has been a number-one topic since I have gotten here, and I think it's going to be topic for years to come. It's really important for me.

My district, as a lot of you already know, I represent the number-one agriculture district in the State of Ohio, and I also represent one of the top 10 manufacturing districts in Congress. If we don't have energy in my district, we are not going to survive. If we don't have energy for those farmers, they can't get out there and plant those crops.

To tell you a couple of examples that have been going on, I have had meetings across my 16 counties, talking with farmers all over the entire district. Right now I have talked to many a farmer that when they go out with their tractor in the morning, and by the time they get back at night, they have put $800 to $1,000 of diesel fuel through their equipment in 1 day.

They talk about their fertilizer, they talk about the chemicals that they have to put on that land and make that land productive. They are coming back, and they are saying, you know, we are paying two and a half to three times more than we did 2 years ago for the same product.

The question is, well, these farmers are all getting rich right now. No, they are not, because they are out there having to pay all these high prices for diesel. They have to pay all these high prices when it comes to fertilizer. They have to pay all these high prices when it comes to chemicals, and they can't afford it.

What is happening, of course, is when people go to the store, and they buy that loaf of broad, when they buy that gallon of milk, they are saying, gee, why are prices going up? I can tell you why prices are going up, because these energy prices are out of control in this country. These energy prices are out of control because this Congress, this Democrat-controlled Congress, is not acting today to make sure that we can put food on the table and keep this price cheap for Americans.

We were able a few years ago, and up to this year, say that most people within 42 to 43 days were able to pay for all of their food in those first 42 to 43 days of the year. That's what we need to do in this country, because if we don't, it's the same thing that is going to happen on manufacturing side, we are in that same situation where right now the United States is the number one manufacturing country in the world.

Well, guess what, next year we drop to number two, and we all know who number one will be, and that will be China. They have been out there making sure they have that supply, but also they have that supply of energy that they have for the future.

So it's very, very important for not only the Fifth Congressional District of Ohio, but it's also important for this country of ours, this great country, to make sure that we can meet the energy needs of the future. I know that one of

our Members not too long ago told us a story about a trucker, a long-haul trucker in his district. He said he got a load to go from Texas to California and back.

He was paid $1,700 for the entire load. Well, it cost him $1,500 in fuel, so by the time you figure the cost of insurance, buying that truck and everything else, it would have been cheaper for him to let that truck stay at home and just leave the keys in it. Now, I have had truckers call me, independent truckers, saying you know what, Bob, we have got real problems out here. We are actually turning our keys back over to the finance company because we can't afford to even run our trucks anymore. We can't afford to do our job.

In Ohio, when we have 80 percent of all products being delivered by truck, how are we going to get things to the consumer, how are we going to get the product to market? So that's what we have got, massive problems right here, not only in Ohio, but across this country.

As has been mentioned a little bit by the gentleman before from Tennessee, we are talking about renewables. I am 100 percent behind renewables, because it is kind of interesting in my district, we already have one solar manufacturing plant in business right now. We have another one that's going to be online next year.

We also have a company working on a hydrogen engine, we have the only four wind turbines. I can see from them from the backyard of my house in Bowling Green. We also have two ethanol plants in my district.

The one thing is a lot of people like to think on the other side of the aisle, and some of the environmentalists, all this is going to happen overnight. It's not.

I was privileged to be one of the Members that went up to ANWR not too long ago, but we stopped in Colorado first at the National Renewable Energy Laboratory. When we were there, it was interesting, because I was fascinated because everything I just mentioned from solar to wind to hydrogen to ethanol, that's what they are doing out there right now.

Every time that we talked about something, they showed us something, for instance, we were talking about on the hydrogen side. They said this is what we would like to do on the hydrogen. It was kind of fascinating, because, well, we could create the hydrogen, because we could take a wind turbine and break down that electricity, break them into hydrogen, and we could run it down to like a hydrogen filling station so you could fill your car up right there.

But the same question I always asked every time we got through a subject is how long and how far are we? They said, we are not there yet. We are not there yet. We are off for quite a ways. It's just like the electric cars, they showed us electric cars.

A lot of us in northwest Ohio, and I know across this great country of ours, a lot of people have to drive more than 50 miles one way to work. Well these cars, you can only go 60 miles before you have got to plug them back in. Well, that's a real problem.

You can't just go 60 miles in my district because you would never get home that night. If you are driving 100 miles one way, you have got a problem there. You know, but those are things we are working on for the future. As my friend from Tennessee mentioned earlier, these things are down the road, we are not there yet.

It's the same way when we talk about the wind side. You know, we have seen a lot of commercials on TV, from T. Boone Pickens and how much we would like to have, in the near future, by wind power. Well, the problem with that is it's going to take maybe 150,000 to 200,000 wind turbines to get us to that point. We are not there, next year or the year after, or the year after that. We are talking maybe 2020 or 2030.

We have got to have energy now. If we are not going to have energy now, we are not going to be able to manufacture. We are not going to have farmers in the field. This winter we have people telling me right now that we are not going to have the fuel to put in their tanks at home to make it through the entire winter when it comes to home heating oil.

We have a lot of work we have got to get done, and we have got to get it done now. When we went to ANWR, it was really fascinating in that when we were up there we flew up by Fairbanks into Prudhoe Bay. When Prudhoe Bay first came on line, they were talking about it might only produce around 9 to 10 billion barrels of oil. Now they have revised that, it could be up to 13 to 15 billion barrels.

The pipeline up there, you know, it's 800 miles long. That brings that lifeline down to the lower 48 to make sure that we have fuel. At its peak it was bringing down about 2.1 million barrels a day. Today it's only bringing down 700,000 barrels a day.

□ 1845

The thing that really concerns me when I hear that, when that number gets down to 300,000 barrels a day, and we are losing about 15 percent capacity every year up there, when it gets down to 300,000 barrels a day, that pipeline won't be able to flow any more. If there is oil in the pipeline, it will clog it up and they won't be able to go back in there and clean out the pipeline. That means that the pipeline is finished. When we are importing 70 percent of our oil every day into this country, we can't afford to shut that pipeline off.

It has also been demonstrated why we need diversification from where we get our oil in this country. When you have a hurricane and you have to shut down oil rigs in the gulf, and the refineries are out there, we have a problem. We have to diversify. We have to be up in Alaska. We know there is a known source of about 10.3 billion barrels.

So we have to drill and make sure that we have that oil for the future. Just real briefly in summation, when we are talking about what we want to do up there, we are talking about ANWR which is 19 million acres, the size of South Carolina. Section 10.02 land is about 1.5 million acres, and we need 2,000 acres to get this oil out. We have to make sure that we can get this done so we have a future for this country.

I applaud my friend for having this all-important special order tonight to bring up this subject about why we need energy for this country.

Mr. GINGREY. I thank my friend from Ohio. As Representative LATTA described, he and a number of Members did go up to Alaska in August and had an opportunity to meet the governor of Alaska, Governor Palin, and see what she had done in regard to getting that natural gas pipeline and that natural gas flowing down to the lower 48.

I feel refreshed and energized, not to use a pun, to think that Senator MCCAIN and Governor Palin understand this issue very well and have the wisdom and the strength of character and the force of leadership to deal with big oil, to deal with the environmentalists and to help us solve this problem as we go forward. So my colleagues, Mr. Speaker, I truly believe that hope is on the way.

Before I turn to my good friend and colleague from Louisiana, I want to say one other thing about this bill that Speaker PELOSI finally brought to us when we got back from this August recess, and certainly not by the regular process, not by going through the Energy and Commerce Committee and listening to the wisdom of JOHN DINGELL and JOE BARTON and others who have worked so well in a bipartisan manner to come up with a bill that we could all be satisfied with and that was good for nobodies' politics, or maybe everybody's politics, but more importantly, good for the American people.

It wasn't done that way. Unfortunately, the bill was drawn strictly by the Democratic leadership behind closed doors. If any of my colleagues can remember the song ''The Green Door,'' behind the green door, and it was a 290-page bill and no Republican had any input. Indeed, no committee of jurisdiction.

But the ironic thing about that was that Ms. PELOSI, when she was trying to lead her troops to the majority, to the promised land back in the fall of 2006, she made some rather outstanding quotes, very attractive quotes like ''bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority,'' that would be us Republicans, we Republicans, ''the right to offer its alternatives, including a substitute.'' This is Speaker PELOSI, a new direction for America.

How quickly we forget.

Another quote from Madam Speaker, ''Members should have at least 24 hours

to examine a bill and a conference report text prior to floor consideration. Rules governing floor debate must be reported before 10 p.m. for a bill to be considered the following day.'' A quote from Ms. PELOSI back in 2006.

We have far more important things to talk about than process, so I yield to a physician colleague of mine from the great State of Louisiana. And if anybody knows about energy and refineries and what goes on in hurricane alley, Congressman CHARLES BOUSTANY does. And he probably spent a lot of time in his home in St. Charles after Ida and Gustav and the destruction and probably working in one of the Red Cross shelters trying to help victims of the hurricanes. But he did not lose sight of the ball in regard to energy. It only strengthened his resolve, and I yield to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank my friend and colleague from Georgia. A little bit about my district. My district is the 7th Congressional District of Louisiana. It is southwest Louisiana. So I am on the border with Texas. I am on the gulf coast, and we have been a long time leader in the oil and gas industry.

We have about 3,800 drilling platforms out in the Gulf of Mexico. Most of those are located off the coast of my district. I have one of the Strategic Petroleum Reserves in my district, and it accounts for one-fourth of the oil that we hold. I also have a confluence of pipelines called the Henry Hub which is the pricing point for natural gas for the entire country.

We have a number of refineries along the Calcashoe ship channel located throughout southwest Louisiana, so we have a significant amount of the refining capacity that supplies refined products to this country.

The oil and gas industry is about jobs. Every time I fly back and forth to my home in Lafayette, Louisiana, I run into four or five gentlemen typically who work in the oil and gas industry, and when I ask them where they are working, they are telling me that they are coming from or going to countries all over the globe, Angola in Africa, Equatorial Guinea, Thailand, Vietnam, and countries throughout the Middle East.

I ask them why is that? Why are you out there?

They tell me I used to work in the oil and gas industry off the gulf coast, and after the imposition of the windfall profits tax in the 1980s which devastated the oil and gas industry, they lost their jobs in the gulf coast area and they ended up going off and working all over the globe.

We have expertise all over the world in the oil and gas industry, and every one of these gentlemen when I talk to them wishes they could come back home and work in the United States, to be close to their families, to work in an area that they are comfortable with rather than being off in foreign countries and having to do all of that travel that oftentimes takes 2 or 3 days of their time, often at their own expense.

So getting a comprehensive energy policy is about good, high-paying American jobs. It is about keeping jobs in the United States. It is about growing new jobs. It is not just about the oil and gas industry.

What we have been advocating is a comprehensive, all-of-the-above energy approach, an energy approach that looks at oil and gas because we are dependent on oil and gas for most of our transportation needs, much of our electricity, and really for a good part of all of our energy needs. Oil and gas are a critical part, but at the same time we also have to look at good, tried and true methods of conservation. And we have to look at alternative fuels and renewable energy and nuclear power and clean coal technology. All of the ideas that are out there, we should be unleashing individual American genius because that is what has made this country great and has helped to solve problems of the past, and is what will help us pull out of this energy crisis that we are seeing. Families and seniors and small businesses and our schools, our local governments are struggling with the high cost of energy.

I talked to a senior not long ago who told me it was getting difficult for her to afford gas and make the usual runs to the grocery store. And she was paying high food prices on top of that, so she teamed up with folks in her neighborhood and they are still struggling with the cost of gas. This is just unacceptable. In a country that has the brilliance that the American people have and the entrepreneurship, we shouldn't be struggling with this. The sad thing is that the only thing blocking it is good policy, and this Congress has it within itself to move forward on a good, comprehensive energy policy. It distresses me it has been blocked. We have not had an opportunity to bring a comprehensive energy bill to the floor of the House.

This country has had one energy shock after another. There have been about six of them since the end of the Second World War. A number have caused significant price spikes, when you talk about 1973 with the Arab oil embargo, 1979 when the Iranian problem came up, the 1990 gulf crisis, the windfall profits tax thrown on top of the oil industry in the 1980s, and of course recently what we have seen with real high price spikes.

Mr. GINGREY. Dr. BOUSTANY, please address the issue in regard to the refineries and the run up in prices just because of the recent hurricanes, and what a problem it is to have all of those refineries located in one area.

Mr. BOUSTANY. I am glad you brought that up. Clearly, having a whole lot of refineries concentrated on the gulf coast, in Texas or on the coast of Louisiana, we have a very soft underbelly. We have a true vulnerability with key energy infrastructure. Many refineries, while they were not damaged, they had to be shut down for a period of time. We don't have large inventories of gasoline in this country. We don't have it. So when you shut refineries down, particularly a large number of them, you end up with shortages of gasoline and this country has had to start importing gasoline to a much greater extent than we used to.

Mr. GINGREY. So the refined products?

Mr. BOUSTANY. Diesel as well, and other refined products. So this a significant problem. If we had true destruction of those refineries, which could have easily happened, we are talking about a real vulnerability, real price shocks at the pump, and a long time before we can get this infrastructure back up and running.

The point is with a comprehensive energy policy, we are going to diversify our sources of energy. We need to expand refining capacity and build out in other areas of the country. We need to invest in the alternative fuels that will give us alternatives to gasoline, but it takes time for those investments. Clearly, it is important that we start the process.

In my district, a large oil company has just recently put a significant investment into an alternative fuel company that is going to be making cellulosic ethanol. It is the first cellulosic ethanol facility in the entire country. They are ramping up and there is a lot of excitement about it, and it offers great possibilities, but we have to develop this and we have to develop the infrastructure. That is going to take time. So what we have to do is strategically manage our dependence on fossil fuels right now as we transition to the next energy economy which will involve alternatives and renewables.

Mr. GINGREY. That is exactly right. I think you used the key word, and that is ''transition.'' We are talking about transition. It is just that some people want to transition just a little too quickly.

I wish you would speak a little bit and reference this slide that I am showing right now in regard to the revenue-sharing issue. This goes back to the Energy Security Act of 2006 regarding the gulf coast States and the energy sharing. And I know that you have talked with me and other Members of the conference about what Louisiana does with that revenue sharing and how important it is to the State.

As I close out, I will talk about this ''NOTA'' energy bill. I like to call it a ''nota,'' none-of-the-above act that we passed this week, and one of the key problems was the lack of any revenue sharing for the States on the east and west coast. If you don't mind addressing that, I appreciate it.

Mr. BOUSTANY. First of all, as we try to transition, we still need oil and gas, and we should be investing in this country and in the United States, looking at our own natural resources. A large part of the oil and gas that is

available is off our Outer Continental Shelf, in the gulf coast area, as we have seen off the coast of Louisiana and Texas, Alabama, Mississippi, but also east coast and west coast. We ought to be taking advantage and using those resources as we transition.

One of the key features that we fought for, I say ''we,'' the Louisiana delegation, for 50 years we fought to get revenue sharing whereby the tax revenue that comes to the Federal Government, some of it is shared with the States.

For instance, in Louisiana now with new production, we have the opportunity to share in 37.5 percent of revenue that will go to the State to help the State do environmental repair along the gulf coast. It will help us invest in infrastructure, and it also provides an opportunity to invest in alternatives fuels. That provision was enacted in the Energy Security Act of 2006, something we fought very hard for and it is a very good bill.

It is critically important that States along the coast have that revenue-sharing option available to them. That is the incentive for them to allow drilling off their coast.

□ 1900

And that helps them build their infrastructure. The Democrat bill earlier this week didn't allow that. And that's one of the reasons why I think this was a sham approach. It was saying, we'll give a little lip service to drilling in the Outer Continental Shelf, but we're going to restrict certain areas of the Outer Continental Shelf, and we're not going to allow revenue sharing, which is something the States all want. And that's the essence of federalism. That's a great way to do it.

Mr. GINGREY. Reclaiming my time for a second, that's what I've depicted on this slide on the bottom, this new bill that we just passed this week. Everyone else, nada, again, zero, nothing, no revenue sharing. So where is the incentive for one of these States, Georgia, we've got 130 miles of shore line on the Atlantic Ocean. California, I mean, there's just not going to be the incentive to do it.

Mr. BOUSTANY. And I would say for folks back home in Louisiana who may be listening to this, our 37.5 percent revenue sharing was also jeopardized by this Democratic bill. So after 50 years of fighting to get revenue sharing for Louisiana in the 8.3 million acres that were opened up in the eastern Gulf of Mexico, we could suddenly lose that if that bill were to go all the way through the Senate and the President signed it. Fortunately, the President says he's going to veto it, but our own Democratic Senator, MARY LANDRIEU, has said this bill is dead on arrival.

Mr. GINGREY. Well, I'll reclaim just for a second. Let me make sure I understand this now. You're saying that currently, under this Energy Security Act of 2006, as I point to this slide, again, GOMESA, that Alabama, Mississippi, Louisiana, you've said you fought hard for it many years, Texas, you get 37 percent revenue sharing, 37.5 percent.

But are you telling me now that in that area in the Gulf of Mexico, when the oil companies go out and build new rigs and purchase new leases, then, according to this no energy bill that was passed this week, you wouldn't get any revenue on those new sites?

Mr. BOUSTANY. It is my understanding that that revenue sharing is at risk.

Mr. GINGREY. Well, that's what I'm thinking too. And I'm not glad to hear you say that, but I think you're right. I think that's absolutely right.

Mr. BOUSTANY. There is no assurance that that revenue would be retained. And that's a very important incentive to get the States to play ball with this. And let's take advantage and use those natural resources that we're so fortunate to have. We're at a time right now where oil reserves are being depleted around the world, and oil infrastructure is really in a state of decay in many of these countries. It's the free market companies, the big companies that are around the world that have the kinds of technology that we need to get in there and do this. But with everything else in decline, we need to be taking advantage of using our own resources while we transition, and increase investment in alternative forms of energy, alternative fuels, whether it's biofuels, because there's a whole host of new generation biofuels that we're on the cusp of working with. We need to invest in that, but it's not going to happen overnight. So that's why it's critically important right now to make strategically good decisions about how we use our resources.

We owe that to the American people. This Congress will be irresponsible. Our Democratic friends will be irresponsible if they don't allow a comprehensive energy reform package to come to the floor of the House.

Mr. GINGREY. Well, I just want to thank my colleague. And of course, we're both physicians, Dr. BOUSTANY, a cardiothoracic surgeon, myself, an OB/GYN doctor for many years before we had the distinct honor of getting elected to the Congress and working in the people's House and representing the folks we represent.

And I, again, CHARLES, I think about this a lot of times, when I started the hour talking about how our leadership, Ms. PELOSI, Speaker PELOSI, Representative, I mean Senator HARRY REID, Majority Leader HARRY REID, former Vice President Al Gore and others were so focused on saving the planet and global warming and climate change. And I understand there's some concerns there, and I'm not oblivious, although all scientists don't agree with that. But, you know, it does really become a matter of priority. And you and I, as physicians understand that people literally without a job, without a home, without a warm set of clothing, they can starve to death. They can die a lot quicker from that than they can over maybe a 75- to 100-year period time from inhaling a little bit of an environment that's not healthy for their lungs.

So we care about it. We care about childhood asthma. We care about chronic obstructive pulmonary disease and emphysema and lung cancer and all those things.

But it becomes, really, a matter for leadership of the Congress to make these decisions and place priorities on things. We don't want the planet to increase 1½ degrees Fahrenheit over the next 75 years because there may be a scintilla rise in the level of the water and some remote island may get flooded and 50 people lose their lives.

Now, I understand all that science. But right now what I really understand, and I think you do too, is the job loss, the unemployment rate, the economy, these wild gyrations that are occurring in the stock market, the food prices, the oil prices. This is the crisis of the day, the crisis du jour, and I think real leadership should recognize that, don't you, Dr. BOUSTANY?

Mr. BOUSTANY. I fully agree with you. And we in Louisiana know that good energy policy can march hand in hand with environmental policy that's sensible, and it's also good for the economy and it grows jobs. We have seen that. We've seen what happens when bad policy affects an industry like the oil and gas industry and you lose jobs. We've seen that kind of cycle. And there's no reason for that. Those are policy decisions made by those who are truly uninformed.

What the American public has already very clearly stated is that they want a comprehensive energy policy. And we have it within ourselves to do that. This is not rocket science.

Mr. GINGREY. Well, I think, and I want to thank you for your contribution tonight because I think you said the key word when you said transition. And we are going to transition. And I think that, you know, 50, 75, 100 years from now we may not be burning much fossil fuel. But you can't do that overnight. You can't, all of a sudden say we're going to, by 2020 we're not going to burn any fossil fuel. Coal is fossil fuel. Petroleum products, diesel fuel, gasoline. We would have no transportation and we have no electricity. We'd be back using kerosene lanterns and bicycles and skateboards, I guess, to get around in this country.

Well, Dr. BOUSTANY, thank you so much. I had a few more remarks to make as we concluded. I think we have, Mr. Speaker, do we have about 10 minutes left?

The SPEAKER pro tempore. The gentleman has 6 minutes remaining.

Mr. GINGREY. Six minutes. Well, I would rather yield to my friend from Texas than to use any concluding remarks, because I'll tell you, this gentleman from east Texas, again, knows of what he talks about. The Strategic

Petroleum Reserve is located in Congressman BOUSTANY's State of Louisiana and Congressman GOHMERT's State of Texas. So he's been working very hard on this issue. And I want to yield at least 5 minutes to the gentleman from Texas.

Mr. GOHMERT. I thank my dear friend from Georgia for yielding.

This has been a really difficult week. Having spent the weekend with my constituents that were hit by a hurricane in east Texas, and then coming here to Congress and figuring, surely we can put party issues aside because, frankly, when I was in the district, it was around, I don't know, the wee hours, and one sheriff that was helping said, now, you know I'm a Democrat. I said, you know I don't care. It doesn't matter. And then I get back to Washington and that's all it's about. You know, the Democrats have the majority and they were determined to shut out any ideas from the Republicans.

There was a wonderful bipartisan bill, as you pointed out, the Abercrombie/Peterson bill had 38 Democratic cosponsors that understand the importance of energy. Twenty-four of them voted against their own bill when that was made as a substitute.

And it's just incredible how something is being rammed down on the Nation when we can't afford it. People need gasoline. They need diesel. Some of those guys pointed out, they've lost power. There are no hybrid generators, and that's what's keeping about a third of my district going.

Mr. GINGREY. I'll reclaim my time, Representative GOHMERT, just for a second and yield right back to you, because what the gentleman from Texas is talking about, of course, is this, the bill that was passed by the Democratic majority. And I have a little poster up here comparing the Republican bill, the American Energy Act, to the bill that was actually passed. And I just want to quickly run through this before I yield back to my two colleagues.

In the American Energy Act, real offshore exploration, yes. Democratic energy plan, no. Renewables, without tax hikes, our bill, yes. Their bill, no. Real oil shale exploration. I won't get into details of that, but our bill, yes. Their bill, no. Arctic coastal plain, the ANWR. Our bill, go after that petroleum. Their bill, nada. Emission-free nuclear, our bill, yes, their bill, no, no, no, can't have nuclear. Clean coal technology, coal-to-liquid or coal-to-gas. Yes in our bill. No in their bill. New refinery capacity, Dr. BOUSTANY and I talked about that. Our bill, yes. Their bill, no. No energy tax hikes, yes for Republicans, no for Democrats. No electricity price spikes. Yes for Republicans, no for Democrats. Lawsuit reform, yes in the Republican bill. No in the Democratic bill.

So what Representative GOHMERT and Representative BOUSTANY are probably going to talk about now is when we had one, we had no amendments. We had a motion to recommit with instructions with a bill. And they've just referred to it, the Abercrombie, Democrat from Hawaii, Peterson, Republican from Pennsylvania that had 39 Democrats cosponsoring the bill. And when we offered that as a substitute, which we felt that each one of them, they had already signed on to the bill, surely they were going to vote for it. And I'd like for my colleagues to tell the rest of us what happened.

Mr. BOUSTANY. I thank the gentleman for yielding. I just want to mention to my friend from Texas that we're with you on this. My State got hit by four hurricanes, two really devastating hurricanes in 2005, Rita and Katrina, and now Gustav and Ike. And folks are suffering back home on top of the suffering that they've had as a result of high prices at the pump. And I have to say, it frustrates the heck out of me to come up here to try to get something done to help folks back home and around the country suffering with these high gas prices, and we can't get it done. We're playing political games up here because of the leadership on the other side. It's very frustrating because folks in Texas, my friend's State, my home State of Louisiana, are really suffering doubly because we have born the burden of providing energy for this country in Louisiana and in Texas. And yet, folks back home are saying, what's wrong with the rest of the country? What's wrong with the Democratic leadership? Why won't they give us an energy policy.

Give us a vote. We've got the bills. We've got the answers. Give us a vote. That's all we're asking. And I yield back to my friend from Texas.

Mr. GINGREY. I yield to the gentleman from Texas.

Mr. GOHMERT. Thank you. I know we're running out of time. But one of the comments that was made about Ike, making it so scary, it was a hurricane that was coming in the middle of the night. And when it comes in the middle of the night, it is scarier. And that's exactly what happened with this Democratic energy bill. It was filed at nearly 10:00, and it was a hurricane disaster for this country.

Mr. GINGREY. And it indeed is scary. And with that, Mr. Speaker, we'll yield back. We don't have any time to yield back. We'll just shut up. Thank you very much, and we'll say good night from this side.

IMPROVING OUR HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes as the designee of the majority leader.

Mr. CONYERS. Mr. Speaker, and Members of the Congress, I am delighted to come here this evening to have listened to two doctors and a judge talking about a subject that is of great interest to me as well. And the reason that I mentioned their names is that the subject matter that brings me to the well tonight with other colleagues is how we improve the health care system.

□ 1915

And when I hear Judge LOUIE GOHMERT, who serves with distinction on the Judiciary Committee, I always love to try to involve him in what we're doing. And of course we have great respect for Representative GINGREY, the gentleman from Georgia, who is a physician, a medical doctor; Dr. BOUSTANY of Louisiana. All of these are gentlemen whose attention I would like to draw and invite to join us in this and future discussions about the state of health care in the country. I will be making every attempt to communicate with them on it.

We happen to have a doctor here on our side, Dr. DONNA CHRISTENSEN from the Virgin Islands, a medical doctor as well. And so just think of the exciting exchange of views that might have otherwise occurred.

But this is nevertheless an opportunity to take special orders to review, Mr. Speaker, that over 45 million Americans are currently without any form of health insurance whatsoever. More than eight out of ten of these Americans are members of working families, of all things. And then another 50 million Americans are underinsured and face possible financial ruin due to an unexpected medical bill for hospitalization or other emergencies that might occur.

And so for many Americans, the cost of health care, the cost of insurance, the insecurity of employer-based coverage—because many companies are downsizing or moving out of the country entirely—and these factors limit their most important choices in life: staying well and staying healthy, their decisions to work, to raise a family, to return to school, to have children, to retire early or not, to change careers. And the fact of the matter is that health care is the number one subject for nearly everyone in this country.

And so it is truly odd that some of my colleagues seem to believe that health care for all is somehow divorced from what they perceive to be the ''American Dream.'' Indeed, the American Dream is posited on the notion that you would be healthy. Before you would become educated, prosperous, rich, accomplished, you have to have good health. Physical and mental as well.

And so I begin our discussion underscoring the fact that the American Dream assumes that we're in good health and that good health, continued good health is available to all.

One of the Presidents of the United States once stated that Americans already have universal health care because the emergency rooms cannot legally refuse to treat patients. That is the sitting President of the United

States that made that statement, the 43rd President of the United States. And there's only one way that he could have made that statement, and that is that he's never had to use the emergency room for health care or it would be very clear to him that this is the most expensive and immediate and emergency-type circumstance that a person could receive medical care.

I wish he would come with me—if I had one wish, I would probably wish something else other than coming with me to the hospital to an emergency room to find out what it's like and how limited the treatment of necessity is because the hospital is defective or the doctors are not fully prepared—but they're under the stress of all emergencies coming from anywhere in the area to come in.

So that sort of reminds me of the phrase ''Let them eat cake.''

''Go to the emergency room. What is the problem?''

Well, the problem is that many emergency rooms cannot handle all of the cases for people who don't have insurance. And I am sorry to report that on some occasions, they are not able to entertain the health needs of the people that seek emergency room medical treatment.

And so we, in our office, have been bombarded with the tales, the tragic stories from people who are facing permanent injury, unemployment, death, bankruptcy, foreclosure, even the breakup of families due to the unaffordable health care costs.

So during this discussion this evening, we want to share—I invite that we share with each other the experiences that have been related to us, Mr. Speaker, that have come from the American people because nothing has become clearer in the course of my experience here that before we can discuss policy options to reform our health care system, Congress needs to hear from patients and citizens and constituents who suffer under our current non-system, broken way that we deliver health care in the United States.

And so it is in that spirit that we begin this discussion.

I want to just relate one, and this is entitled ''Robin's Story.''

''My son was 16 when he was diagnosed with a rare form of liver cancer (undifferentiated sarcoma of the liver). I was married. My husband and I were both working and we had health insurance through my husband's employer,'' Robin says. ''I had recently lost my job as a professor at a business college and was trying to start up my law practice from my home office. When Taylor got sick, we were barely making ends meet.

''The doctors had told us Taylor,'' 16 years old, ''Taylor didn't have cancer but they weren't sure what the mass in his liver was. When they opened him up, they knew it was cancer but it took 5 days to determine the exact type of cancer. They had to close Taylor up without removing the tumor because it was so intertwined with his major blood system. They would have killed him,'' they thought, ''if they tried to remove it.

''As I sat next to Taylor's bed at about 3 in the morning, we both were awake because we couldn't sleep. My husband and I had words. We were so stressed over the uncertainty of our future. We were facing the possibility of losing our son to cancer and we couldn't even pay our bills, let alone pay for the medical bills we were already facing from the surgery and hospital stay. Then to have to pay the cost of cancer treatment was overwhelming.

''Apparently Taylor had heard parts of our conversation. He lay on the bed, barely able to get up to go to the bathroom, facing an uncertain future. He said, 'Mom, I'm so sorry about the money.'

''I can't begin to explain how inadequate I felt. I couldn't take care of my own son. He should be focusing on recovering from this major surgery and on gathering his strength to fight the biggest battle of his life. Instead he was worrying about how we were going to pay for all of this.

''We had insurance but we had a large deductible and co-pay. The cost of his treatments over the next year was a quarter of a million dollars. Even though we only had to pay a percentage, 20 percent of an astronomical figure is astronomical. Our phone rang constantly with creditors and collection agents wanting to know when we were going to pay our bills. I was unable to work much because Taylor's treatments and the everyday issues of cancer were as much as I could handle. So in addition to extra bills, we had a fraction of our previous income.

''After Taylor's first surgery and chemo treatment, we were preparing to leave the hospital. We were told we would have to administer a shot to Taylor every day to try to keep his blood counts high enough to continue his cancer treatment. It was stressful to consider giving your son a shot every day. That doesn't compare to the moment the first 14 shots were delivered to our hospital room along with a statement for $6,122! My heart sank to my stomach. I asked the delivery person if I had to pay them right then. He said they would bill us. Thank God. I can only imagine having to decide whether we would pay our mortgage payment and electricity, or give our son a shot that might save his life.

''We eventually got to the point we couldn't pay our mortgage. Our electricity was turned off many times. Each time, I had to pay the amount due plus an extra $100 cut-off fee. If I couldn't afford the original bill, how would I afford the additional $100? Friends and family raised money to help us. It didn't even begin to touch the amounts we owed. And as he turned the corner towards survival, everyone believed that the crisis was passed and stopped helping us.

''We are so blessed because our son survived cancer. It is truly a miracle. But our family didn't survive. After 23 years, my marriage dissolved. The financial pressures were more than the marriage could stand. I still have all of the medical debts and other debts on top of that. I try to just get through each day. I know that I am one of the lucky ones. Although I didn't survive cancer, my son did. I know many families who lost their child and then are also financially devastated. . . . probably even more so than I because they had years of medical treatment that failed to save their child.

''We tried to keep our insurance coverage. But we had to go on COBRA coverage, which was over $1,000 per month in addition to the medical bills. So both Taylor and I and Taylor's father have no insurance. After treatment, Taylor went in for a checkup every 3 months. Each checkup costs $6,000. We are now on six month checkups and hope to go to one a year next year.

''However, all of the other medical issues will just have to be placed on hold. Because I don't have health insurance, I don't take care of medical issues I used to address as they arose. Last summer I fell. I may have broken my wrist or at least tore ligaments. I didn't go to the doctor but just let it heal on its own. My wrist will always be a problem because it didn't heal right. Taylor's beautiful teeth that we worked so hard to straighten with braces will just have to be dealt with later.

□ 1930

''I just pray Taylor or I don't have a major medical problem. I live in fear for both of us because I know what treatment can cost.

''What I learned through our ordeal is that the individual is expected to pay for an inflated 'retail' price for health care but the insurance companies, the ones who have the financial ability to pay, have made deals with the providers to pay a fraction of the 'retail' price. As an 'insured,' we received an explanation of benefits showing that the insurance company was given a 'discount' and they usually only paid one-third of the amount paid by an individual with no insurance. That is so wrong. That means that the individual is paying the price for the insurance companies' 'discounts.'

''This insanity must stop. We need to tell our story. The insurance companies and providers are making money on the backs of individuals already in crisis, facing life threatening illness and financial struggles because their income is reduced. I knew that survival is related to attitude. I assure you we are losing lives because it is hard to have a positive attitude through financial crisis on top of medical crisis. I want to help tell the story.''

A similar wind is now blowing in the 21st century. I believe the people, not special interests, should decide what type of health care system exists in this country. I believe this

wind of change will usher in a new day; a day when hope for the just treatment of all of our brothers and sisters will be reborn.

A truly open and democratic process is needed as we pursue this endeavor to ensure equal, just, and comprehensive care for all. To this end, I implore the inclusion of the American people in this discussion, so that the singular, resounding voice of those who believe in change, who believe in moral responsibility, can reverberate across the nation loudly enough so as to drown out those who would profit from continued injustice.

The struggle for health care for all is the civil rights struggle of the 21st century. Let there be no doubt: the powers aligned against us are powerful and vast; the coming struggle will be long and hard. But, we have been down this road before, and we have succeeded. We shall succeed once again, because as Fannie Lou Hammer once said, we are sick and tired of being sick and tired.

KATHRYN'S STORY

My sister was 46 when she saved enough money and was able to go to her doctor for a physical. Her doctor discovered an orange sized mass in her uterus. He recommended that she have an ultrasound. She said she would when she had saved more money. This was August 2005. She continued to work two part time jobs, one at a hospital as a housekeeper in the operating room on the OB/GYN floor. The other job was working for the State of Michigan as a maintenance worker cleaning restrooms. She worked hard and was a loyal employee. Unfortunately, both jobs were part time, so no benefits were offered. She also didn't qualify for aid from the county or State because she worked too much! By September 2006, she was dead. The mass was cancerous, spread to her ovaries, and finally to her lungs. She died three months after diagnosis. Medicaid was approved after her death.

CONCLUSION

My friends, the vital issue of the health care crisis in this country is rising to the surface; the plight of the uninsured and the underinsured can no longer be ignored. As the election season continues to progress, and as we draw nearer to a new administration, the time is now for Members of the House to call for serious, comprehensive health care reform.

Martin Luther King, Jr. once said, ''Of all the forms of inequality, injustice in health care is the most shocking and inhumane.'' I am privileged to have known Martin Luther King, Jr. and to have worked closely with him on civil rights issues. Madam Speaker, health care is a civil right.

It is the spirit of the civil rights crusaders of the past from which we should draw inspiration and strength. Abolitionists did not settle for piece-meal appeasements or token change. Rather, a dynamic and sweeping wind reshaped the Nation for the better, capitalizing on a nagging conscience that Americans, both black and white, knew was the moral and just thing to do.

I'd like now to turn to the gentlelady from the Virgin Islands, Dr. DONNA CHRISTENSEN, who not only serves on two very important committees in the House of Representatives, but in addition, she chairs the Congressional Black Caucus Health Caucus, and I've had the honor of working with her across the years, and I would yield to her.

Mrs. CHRISTENSEN. Thank you, Congressman CONYERS.

Mr. Speaker, I rise with Chairman CONYERS and my esteemed colleagues to stress the need for comprehensive health care reform that not only tackles the core issues but substantively transforms the foundation upon which this Nation's health care crisis is existing. And the story that Congressman CONYERS told about Taylor could be repeated over and over again across this country.

The pursuit of and desire to have good health and access to reliable, high quality health care cuts across geography and gender; across race and ethnicity and political affiliation. These wants and needs are basic to all human beings. And because they are basic human needs, the time has come for health care to be affirmed as a basic human right.

As an American and as a physician, I am embarrassed that, today, the United States is the only industrialized Nation that does not guarantee access to health care as a right of citizenship. So I think that we have much to learn from the industrialized nations who, through either single payer universal health care systems or a multipayer universal health care system, have put the health and wellness of their residents at the top of their agendas and, as a result, are healthier than we are today.

For example, compared to the rest of the world, the United States ranks 41st in maternal mortality rates, which means that 40 other nations, most of which have fewer resources than we do, have lower mortality rates than us.

Additionally, we are ranked 42nd in infant mortality, which means that 41 nations, including Cuba, the United Kingdom, Anguilla, Japan and Singapore, have a lower infant mortality rate than we do.

The underlying reason for these shameful numbers is this country's failure to address health disparities and to put into place effective, comprehensive and culturally appropriate programs to eliminate them. Not only do people of color make up most of the 45 million uninsured and the additional 50 million underinsured, but because of this as well as because of discrimination and the lack of culturally and linguistically appropriate care, they also are the majority of those who die prematurely from preventable causes in this wealthy and technologically advanced country.

It's very important to note that the millions of Americans who comprise our Nation's un- and underinsured population are not people who are lazy. They're not people who are looking for a handout. They are hardworking, honest Americans. The overwhelming majority of the uninsured are members of working families who do not have access to employer-sponsored health coverage. In fact, more than 8 out of 10 uninsured Americans make too much money to qualify for Medicaid but not nearly enough to purchase health care insurance on their own.

The provision of health care to Americans living in the territories paints an even worse picture. And that's my individual story this evening, the story of 4.5 million people living in offshore areas.

Those of us who live in the offshore areas of the United States have an additional burden when it comes to accessing health care services. For Guam, American Samoa, the Commonwealth of the Northern Marianas, Puerto Rico, and the U.S. Virgin Islands, Medicaid and the Children's Health Insurance Program is capped, and it is capped far below what is needed to provide the most basic of services to those who are at or below the poverty level.

So, even in those families at 100 percent of poverty, they can't qualify. There's not enough money in our programs. Many who need long-term care cannot get it because our Medicaid program cannot afford it. Other programs that are taken for granted in the States are not available to us because the funds are just not there to cover them. And in fact, the level of funding per Medicaid patient, even at the low numbers that are enrolled, is one-tenth of that spent on Medicaid beneficiaries in the States. Many of those States are richer than we are and have lower health care costs, and yet they get 10 times more funding per Medicaid beneficiary.

Both on the mainland as well as in the offshore areas, our Nation's un- and underinsured Americans are paying the ultimate price for the absence of universal health care. They pay more out-of-pocket health costs, as we heard, and worse, they pay for it with poorer health and even with premature disability and death.

And everyone, including those who have insurance, pay for it in rising premiums, higher deductibles and co-pays, and reduced quality of health care services for everyone.

The grim statistics and analyses prove one thing: We need to expand access to health care and completely eliminate un- and underinsurance in this country. The only way to accomplish this is through universal health care.

Access, however, is but one issue that we need to address within a comprehensive health care reform package. There is another issue that must be addressed because it, too, has to be an integral component of our health care reform discussions and efforts. And that issue is health disparities.

The direct and indirect impacts of health disparities are well-known, and we know that they cut across every aspect of life. Additionally, we know that these disparities leave millions of African Americans, Native Americans and other people of color, women and rural Americans also, in a particularly precarious position as it relates to their health and health care. Not only are those most affected by health disparities disproportionately more likely to

be un- and underinsured, as I mentioned, but they also are disproportionately less likely, far less likely to receive the high quality of health care services and treatments available for everyone else.

For example, the rates of hospital admissions for uncontrolled diabetes, which is an indicator of the quality of care received, for Hispanics and African Americans were more than three and five times, respectively, higher than the rate for Whites.

The same scenario holds true for hospital admissions for asthma. African American children and adults have hospitalization rates for asthma that are five and four times, respectively again, higher than Whites.

African American diabetics and Native American diabetics are three times more likely than White diabetics to have lower limb amputations.

The differences in health care quality are not just evident in the hospitalization rates, but also in the disparate rates of utilization of services and treatments. African Americans are disproportionately less likely than whites to be referred to undergo cardiac catheterization or to receive more aggressive treatments for lung cancer or colorectal cancers, although they are known major causes of death in the African American community.

In fact, studies confirm that across several dozen health care quality measures, African Americans receive a poorer quality of care than whites almost half, 43 percent, of the time for African Americans; for Hispanics, they receive a lower quality of care more than half of the time, 53 percent of the time; and for American Indians and Alaska Natives, they receive a lower quality of care more than one-third of the time, 38 percent.

These differences in quality, like the differences in access, have a profound and detrimental impact on their health, wellness and ability to achieve their full lives' potentials. Additionally, these racial and ethnic differences in quality persist, even when insurance status, educational level, socioeconomic status, and disease severity are taken into consideration.

Mr. Speaker, the time for comprehensive health care is upon us, and the time to ensure that our efforts not only surmount access barriers but also achieve health equity is now.

As we as a Nation engage in increased discussions about health care reform, propose solutions to our under- and uninsurance plight and mounting health care costs, and finally move the idea of universal health care from concept to reality, we must address the health disparities and the root causes of health inequities, the social determinants of health, in order to be successful.

The Nation's public health and health policy experts agree that a health care reform effort that fails to incorporate and integrate health disparity elimination as a core benchmark and objective is an effort that is flawed.

So I urge my colleagues on both sides of the aisle and all of our friends off the Hill to work together to ensure that as we work towards a health care system where everyone is in and no one is out and to reform the system, that we do so in a manner that positively transforms the lives of the millions of Americans for whom quality health care has been denied and deferred for far too long.

I thank Chairman CONYERS for holding this Special Order this evening on this very important issue.

Mr. CONYERS. Thank you, Dr. CHRISTENSEN. ''Everybody in, nobody out.'' I know a doctor in Chicago that uses that term very frequently.

Mrs. CHRISTENSEN. I picked that up from the American Student Medical Association. I believe that was their slogan.

Mr. CONYERS. I'm pleased now to yield to the distinguished gentleman from Illinois (Mr. DAVIS), who I had the great privilege to be in the White House when his Second Chance bill was signed into law after many years of working in this body and the other body to see that it came to fruition. It derived from his long experience as a civil rights activist, as a commissioner, a county commissioner in Chicago, and as a community health worker in community clinics for a considerable period of time. I'm so proud that he's an original cosponsor of H.R. 676, and I yield to him.

Mr. DAVIS of Illinois. Thank you very much, Chairman CONYERS, and you know, as you and Representative CHRISTENSEN were talking about, everybody in and nobody out, of course you were talking about Dr. Quinton Young, who kind of coined the slogan, who started the Student Medical Association. So I can understand how DONNA would have picked it up.

Mr. CONYERS. And Physicians for a National Health Plan, PNHP.

Mr. DAVIS of Illinois. Unequivocally and without a doubt. So it has been an absolute pleasure to know and work with Dr. Young for a number of years. Those of us who considered ourselves to be health activists always wondered how Quinton practiced medicine, I mean, because he was so engaged and so involved, and yet he was engaged in the private practice of medicine part of the time. And of course, he was the medical director also at Cook County Hospital and a leader in the American Medical Association; although, he was considered a renegade.

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Mr. CONYERS. We're expecting his presence at the 38th Congressional Black Caucus event next week in which we will be having a forum on universal single-payer health care.

Mr. DAVIS of Illinois. Well, I should look forward to seeing him.

But I also want to commend you for your tremendous leadership. As a matter of fact, you have been a hero of mine on these issues long before I came to Congress, and even before I had the opportunity to really know who you were.

As a matter of fact, when I think of you, I often think of one of my favorite Biblical Scriptures that says, ''They that wait on the Lord shall renew their strength; they will mount up like the wings on an eagle; they will run and not get tired; and they will walk and not faint.'' And you have been running on these tracks for a long time. And still, while most Members have gone home, have gotten their flights and have made their way back—or trying to make their way back—here you are on the floor, late in the evening, leading a discussion on the need for national health insurance, or universal health care, and I can't help but commend that.

Mr. CONYERS. Thank you.

Mr. DAVIS of Illinois. You know, as I think about the issue of health and all the problems that we face individually and collectively, I think of how unfortunate it is when individuals are illiterate because it cuts them off from the ability to communicate with the rest of the world; and how unfortunate it is when people live in substandard housing because they don't have the sanctuary or they don't have the feeling of knowing that at the end of the day they can come in out of the rain or out of the cold or come in from a society that may not be as comforting as they would like for it to be.

It's so terrible when children don't have access to good schools and decent education and can't be in a position to compete effectively with other members of society. And then to be unemployed, not have a job to go to, not be able to sustain oneself, not be able to know that you have the resources that you need. But then to be sick on top of all that means that your life is relegated, for all practical purposes, to a level of despair and uncertainty for which you can find or see no way out. The child who is sick at school and can't see a physician or go to a clinic.

There is no point to the teacher talking about, ''Johnny, study hard,'' because Johnny doesn't feel like studying. I mean, Johnny's stomach is hurting, or Johnny can't see the board. And so telling Johnny to study hard doesn't mean a great deal to Johnny. Or the guy who wakes up in the morning and turns on the radio and the blues singer is saying, ''get a job.'' ''Every morning about this time you bring my breakfast to the bed crying. Get a job.'' Well, that person doesn't feel like going out looking for a job because they're sick. They don't feel like it; they're despondent, they're in despair. And so they're not going to get a job. They're not even going to go out and look for a job because they don't feel like going to work.

And so health care, as far as I'm concerned, and for my money, is the most important aspect of life, because without a sense of well-being, one cannot

challenge or confront the rest of societal needs.

Our health is the foundation of everything that you can think of. I often believe that my mother died prematurely because she had to travel 100 miles to go to the hospital for her dialysis treatment because that was the closest hospital to where she lived where she could get the treatment. And so not having access to health care has limited, in so many different ways, the ability for people to just have hopes of the American Dream, to just believe that they can experience it.

Yeah, there are those who take the position that we could never have universal health care; I mean, they say, ''never, ever.'' But, you know, I remember when people said that you could never put poor people into managed care. I remember when people said that HMOs would not survive, that they would never, ever make it. I remember when people said that you really couldn't have the proliferation of clinics. I worked in a community health center, and I remember when those were getting started. They were part of the ''Great Society'' programs, part of the legislation that came out of the marches and demonstrations led by Dr. Martin Luther King that came after John Kennedy had been elected President, assassinated, and then Lyndon Baines Johnson became President. And Democrats—I mean, they were Democrats—embarked upon a new program, something called the ''Great Society'' programs, just as years before a fellow named Franklin Delano Roosevelt kind of led the Nation towards social reform that brought us Social Security and some other protections that we didn't have.

Well, I think that right now is the best possible time for us to take another giant step, a quantum leap, if you will, and make sure that no single individual in our country, no matter who they are, where they come from, how wealthy they are, how poor they are, how without resources they are, no single individual should have to live in the United States of America without adequate protection for health care.

I mean, we are the wealthiest Nation on the face of the Earth. We are the most technologically advanced Nation. Yes, we are hurting in some ways. And of course we are hurting because we have not seen the distribution of the resources be as adequate as we need to see them. We have not seen as many people with access to the goodness and the greatness of this country. But when 41 percent of working age adults have a problem paying their medical bills or have a medical debt that they will never be able to pay, then something is wrong.

And we have not seen what we are capable of seeing. I was just thinking of some of the things that people have been telling us about their experiences. And I guess if you live in an environment that I live in and where I live, you individually know these people. It's not a matter of reading it in the newspaper or reading it in the magazine, you know the individuals personally who are having these kind of problems. For example, Jerome. Jerome said to us, ''My wife was diagnosed with melanoma in September and died in November. I believe preventive health care and better diagnosis might have prolonged her life or provided a cure. She saw two dermatologists last year, and both failed to diagnose her condition. She went on to have moles and a cyst evaluated and removed. In addition to the failure to diagnose, the cost of insurance and deductibles exceeded $40,000. Prior hospital visits in the past 5 years for a stroke resulted in medical bills of approximately $100,000, which brought us to the verge of bankruptcy.

''Fortuitously, I received an inheritance last year which enabled me to pay the current bills. However, since being downsized 5 years ago at age 56, I have been unable to obtain employment. And my wife was unable to work due to the stroke and subsequent illnesses. I am a relatively well-educated man and I'm willing to work; however, I do not feel our current economic system values my experience and education. I am a certified financial planner. I have worked over 30 years with approximately $150,000 accumulated in retirement savings, all of which has been used for medical expenses. Without my inheritance, I would have my home, worth about $250,000, as my only asset.''

Julia writes, ''I've been fighting ovarian cancer for 19 years. I developed a secondary blood cancer last year and had to have a bone marrow transplant in January of 2007. Medicine is outrageously expensive. Luckily, I have mail order service that only costs $5 a prescription; otherwise, my medication would cost over $1,000 a month.

''Our insurance premiums cost $965 a month. My COBRA, just for me, is $565 a month. My husband and two children, which my husband pays for, $400 a month. My deductible is low, $250, but my family's is over $1,000. I am dreading if I am unable to work before COBRA runs out. I don't know what I will do for insurance as I am a teacher and don't know if I can get Medicare. I can't go on my husband's insurance as he works for a small company. They will get dropped by the insurance company if I am added. This has happened twice before.

''The medical system is broken. People shouldn't have to choose between health care and bankruptcy, which is the case for many who go through bone marrow transplants.''

Well, Congressman CONYERS, as long as there are people like these in America, as long as there are individuals for whom the American Dream continues to be a tremendous nightmare, as long as there are people who have, in many instances, lost hope and given up, as long as there are individuals who can't see their way out no matter how much they struggle, how long, how hard and how difficult the challenges, and as long as there are people like you, who are willing to fight for every American, as long as there are people like you, I am going to be willing to join you.

And so I'm pleased that I was able to be here this evening to share with you and with Americans all over the country that health care should, in fact, be a right and not a privilege, that we must have a system where everybody is in and nobody is out.

I thank you. And I yield back the balance of my time.

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Mr. CONYERS. I thank the gentleman for his kind references.

I ask unanimous consent to include any other materials in the body of our discourse today.

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

There was no objection.

Mr. CONYERS. I return the balance of our time.

DISASTER TORNADOES AND FLOODING IN IOWA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. BRALEY) is recognized for 60 minutes.

Mr. BRALEY of Iowa. Mr. Speaker, I rise tonight to address a major tragedy that occurred earlier this year.

In May and June, Iowans suffered unprecedented tornadoes and flooding, which has directly impacted the lives of hundreds of thousands of Iowans. The magnitude of this disaster places it in the top dozen or so all-time natural disasters, and the amount of damage in this State is unparalleled.

Along with my staff and other members of the Iowa delegation, I've worked tirelessly to provide assistance in every way possible to impacted Iowans, from helping to remove debris in Parkersburg, to filling sandbags in Waterloo, to working to pass a $2.65 billion supplemental disaster relief bill, to holding this administration accountable for its promises, to bringing Speaker PELOSI to the First District last week.

I want to thank the Speaker for visiting Iowa's First District, and I appreciate her strong words of support as we struggle to recover from these disasters.

While I'm proud of the efforts so far to pass the initial $2.65 billion in disaster relief, there is still much work to be done. Most notably, the Bush administration needs to release these congressionally passed funds as quickly as possible, and administration bureaucrats must stop dragging their feet while Iowans wait for needed assistance.

Secondly, this Congress must pass another round of disaster relief as the first round of $2.65 billion will fall far

short of meeting the needs of the Midwest following these multiple tragedies.

On June 13, while I was at the Cedar Rapids Airport during the peak flooding, White House Budget Director Jim Nussle told me that FEMA had nearly $5 billion for Federal disaster programs that would be available to meet the needs of Iowans. Since that meeting, Congress has passed another $897 million more in FEMA funding. Yet FEMA has only recently passed the $500 million in assistance to Iowa while at the same time denying many claims in Iowa for assistance.

It's time for our President to move Iowa's money out of the hands of bureaucrats and into the hands of needy Iowans. This is not the only piece of the $2.65 billion package that sits on the desks of Federal bureaucrats. There is $52 million in economic development administration funding of which Iowa is eligible that the administration is holding onto for another 2 months.

In addition, I've been urging HUD to release $300 million in Community Development Block Grants for months now, and that money still sits in the hands of administration bureaucrats.

In addition, I have personally invited President Bush to come to the First District, which, so far, he has refused to do. However, the President's physical absence from the First District is not his only neglect of the needs of Iowa citizens. We have yet to receive a budget request from the President to Congress outlining what he believes the funding legislation to meet these disaster needs in Iowa and in other Midwestern States should look like.

I have made my funding priorities clear. My Iowa and Midwestern colleagues have done the same. Where is the President's request? Actually, I can tell you the President's current budget request for Iowa disaster relief. Zero dollars. While I feel the administration has acted poorly in responding to Iowa disasters, I also do not let Congress off the hook.

The initial $2.65 billion package, while welcomed, is clearly not enough to meet the needs of Iowa residents and business owners. That's why I am committed to ensuring that Congress passes additional disaster relief for Iowa as soon as possible. I look forward to Congress passing additional disaster relief and to seeing this money reach Iowans in need. Only then can we achieve the victory of recovery.

I would like to thank Speaker NANCY PELOSI for spending last Monday in Iowa in the First District, in the Second District and in the Third District, witnessing firsthand the devastation that has occurred, meeting and talking to Iowans in need, and hearing their stories. I'm going to be sharing tonight some of those stories from residents and business owners in the First District of Iowa, showing the American public exactly what has been going on and why this need is so great and why it needs to be met.

There is no better time to have this discussion than in the wake of what has been going on down in the Gulf Coast, in the aftermaths of Hurricane Gustav and Hurricane Ike, where the needs are also great.

I hope that my colleagues in the House and that people around the country who appreciate the needs of responding to emergency disasters like this will start to gain a deeper appreciation of why this funding is so necessary and why it's so urgent and will wake up Congress and the American people to the fact that more aid is needed to meet the needs of people in distress.

Iowa's needs are vast: from helping displaced residents find quality temporary and permanent housing, to repairing critical infrastructure—we'll see some examples of that—to things like roads, bridges and railroads, to helping small businesses, farmers and local economies get back on track, to rebuilding clinics, libraries and schools like the Aplington-Parkersburg High School and the Waverly-Shell Rock schools, to fixing wastewater treatment facilities in towns like Elkader, Evansdale, Anamosa, and Clermont, to helping towns like Buffalo, Davenport and Waterloo make sewer improvements and prepare for future flooding events.

Along with the other members of the Iowa delegation, I pledge to continue fighting to help Iowa recover until every home is rebuilt, until every school is reopened and until every small business has its shelves stocked.

To give you some idea of what type of double disaster we've been dealing with in the State of Iowa, I want to start by showing this wall cloud that contains an EF–5 tornado, the most powerful tornado that's classified under the system.

This tornado started on the west edge of Parkersburg, Iowa on May 25, the day before Memorial Day, a day that I will never forget because it happened to be the day of my son's high school graduation-open house. When that day started, our biggest concern was what we were going to do if it rained that day. As everybody was leaving our home and as they were heading back to their own homes and as we were getting everything picked up and put away, the news on television caught my attention as that day this disaster started to unfold in the fields of Butler County in the northwest corner of the First District of Iowa.

As this tornado gained momentum and started to enter the town of Parkersburg, it cut a path of devastation from Parkersburg to New Hartford to the town of Dunkerton and on to Hazleton before it went off and split into two separate tornadoes. The devastation in the wake of this tornado was almost impossible to comprehend if you didn't see it with your own eyes.

This overhead shot shows the south half of Parkersburg that was literally obliterated and wiped off the face of the Earth. You can see the high school track and the high school next to it, which was completely destroyed.

The people in Parkersburg are very proud of the fact that, along with their sister community of Aplington, their high school football team at Aplington-Parkersburg has four players who are starters in the National Football League from a town of less than 2,000 people. They're very proud of their community, and that pride was evident this year when they held their very first football game on this field with no high school while the students had been temporarily relocated to Aplington, to the middle school. This game and the significance of that game to this community was so great that the game with West Marshall and Aplington-Parkersburg was covered by ESPN, CBS, ABC, and it was the subject of intense national sports coverage.

You can see that the entire business corridor along the highway south of Parkersburg was wiped out. One of my neighbors, Dan Summerhayes, was on his way through Parkersburg on that highway while on his way to another graduation-open house in the town of Ackley, which is west of Parkersburg. As he saw this tornado approaching, he turned his pickup around and drove back to Parkersburg, to the Pizza Ranch which is out on the southwest corner of Parkersburg.

He parked his truck, and ran into the Pizza Ranch as other people were starting to seek shelter in the men's bathroom. As he pulled the door shut, he saw his pickup fly by outside in the tornado, and 13 people huddled inside that bathroom as another vehicle landed on the roof of the Pizza Ranch, and the whole structure collapsed on top of them. Miraculously, all 13 crawled through the rubble, and their lives were saved, but other residents in Parkersburg were not that fortunate.

Six people died in this tornado, and two more died near New Hartford. There were many other stories of heroic acts that took place and of people whose lives were saved. At one of the homes of the people we visited the day after the tornado, the person was standing right on top of the foundation of what was left of his home.

The owner of this house turned to me and to the Governor and to Senator GRASSLEY and to Senator HARKIN and said, ''I don't want to ever hear anybody complain about those warnings on TV, because they saved my life.''

There was a bank that was completely obliterated along this same highway, and all that was left after the tornado was the vault where the bank had its valuables stored, and everything else was destroyed.

This shows you the extent of the devastation of so many of the homes near Parkersburg. The power of this tornado was so severe and the carriage of objects went so far that objects that were originally from homes in and around Parkersburg showed up in Prairie du

Chien, Wisconsin, which is over 100 miles to the east of where Parkersburg is located.

Many people came from all over the State and from all over the country to help out the citizens of Parkersburg. I took my chain saw up to help cut down some of the trees that had been destroyed in and around the homes.

This photograph shows you the extent of the devastation all throughout the community. This was a couple who had lost everything that they owned. As we picked up the debris in their basement, I kept holding up items and saying, ''Do you want to save this?'' They would look at me and say, ''This isn't ours.'' That was going on all over the city of Parkersburg.

In addition, the town of Lamont escaped the damage from the tornado, but it had 8 inches of rain in a short period of time on the front edge of these storms. You can see the terrible damage that occurred to bridges and to roads and to streets and to other public improvements in the town of Lamont, which also got 4 inches of rain that same week for a total of 12 inches, which had an enormous impact on the homes and businesses in the town of Lamont.

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And if things weren't bad enough from the tornado, less than 10 days later Iowa had the historic flooding that was greater than any other in modern history. In between the Mississippi and the Missouri Rivers, which frame the east and west coasts of Iowa, are nine inland rivers, all of which were out of their banks at record levels during this peak flooding.

The town of New Hartford, which was hit by the tornado, was completely submerged in the wake of this flooding event. This photograph shows you some of the businesses downtown.

One of the tragedies of a disaster like this is the businesses that make a community a community, like the hardware store, the convenience store, have left the City of New Hartford and aren't planning to return, and those losses have an enormous impact on the quality of life in those communities and are one of the principal reasons why it is so important to get Federal disaster money released into these communities as soon as possible, to give them a chance to retain businesses and rebuild before they lose their population base and lose their tax base.

One of the most beautiful communities in my district is Elkader, along the Turkey River in Clayton County, and this photograph illustrates the enormous damage from the flood that occurred in June in Elkader.

One of the things you can see is the downtown area, the beautiful Catholic Church, the grain elevator. Elkader was devastated because the only grocery store that serves this town was completely wiped out in the flooding. One of the banks down here in the business community had water up over the top of the counters. And when you have your critical businesses lost in a community like this, there is no place else for residents to go to meet their basic needs. In addition, there was major damage to athletic facilities and high school facilities that provide all of the quality-of-life services to that community that will take years to recover.

The town of Waverly, which is north of Waterloo, where I live, also had record flooding along the Cedar River. You can see the devastation to the downtown, to the businesses that are still struggling to come back. Many residents were displaced from their homes. One of the grade schools still isn't open yet because of the widespread flooding damage. And this is just one example of many, many communities in the First District of Iowa that had similar flooding events of historic proportion.

This photograph in downtown Waverly is a good example of the impact on infrastructure that these flooding events had had. Here you see a collapsed asphalt road surface. The sidewalk is completely collapsed. There are damages to the businesses that will take many, many months, if not years, to restore.

Downstream on the Cedar River is the City of Cedar Falls, which is home to the University of Northern Iowa. This is a utility plant, Cedar Falls Utility, that provides most of the power to the City of Cedar Falls and has sustained millions of dollars of damages to its power plant, which serves the basic needs of the community and will take months and months to bounce back.

We were talking about infrastructure needs. This is a railroad bridge in downtown Waterloo. I spent one night back in Waterloo sandbagging in the downtown area to shore up levees that had been built in the mid-sixties during another record flood event.

Waterloo is fortunate in that much of the downtown was protected from massive flooding because the levees held, but because of the immense pressure on the storm sewer system, there was back flooding in the downtown area that caused major devastation to businesses downtown, including the Dan Gable International Wrestling Museum in downtown Waterloo, the Happy Chef next to Young Arena where the hockey teams play, and many, many other downtown businesses. These type of infrastructure needs are critical to the local economy.

One of the major employers in my district is Deere and Company, which has a number of factories in Waterloo and Cedar Falls and an industrial equipment factory in Dubuque and another operation in Davenport and its world headquarters in Moline on the opposite side of the Mississippi River from downtown Davenport.

Many of the products manufactured at the Waterloo tractor facility are shipped out across this rail line, so there are enormous added shipping expenses, not just to John Deere, but to many, many other businesses and farmers who utilize this railroad to ship their commerce across this country and around the world. That is why the needs are so great.

I want to share now some of the testimonials from citizens and constituents of mine who are going to put a human face on the extent of the devastation that I am talking about and hopefully give greater importance to the cause of coming to the floor next week and bringing a disaster bill that will address these acute needs.

This is from Lorrie Martin in New Hartford, Iowa, which had the double whammy of both the largest tornado to hit the country this year and record flooding.

''We are the face of disaster. On May 25th, our home in new Hartford, Iowa, was damaged by an EF–5 tornado. I was in the Mayo Clinic in Rochester with my son, Zak, who is 21 and had just been diagnosed with cancer. We returned home on June 7th, and on the morning of June 8th the flood destroyed our home and all of our possessions. We walked out with a purse and cell phone for me and a hat and book for Zak.

''For three months we have been staying in a gutted-out two room house in Dike, Iowa, sleeping on mattresses on the floor, with no kitchen or bath facilities. 4,200 hundred families raced to grab a few cheap rentals, while over 300 FEMA officials lived high on the hog in all available hotel rooms. There are two families living in an abandoned hardware store in Dike.

''We thought our government would be our salvation, but in fact it has almost been the death of us. I have now been diagnosed with an autoimmune disease with precursors for cancer from stress.

''FEMA has been a roadblock, making empty promises, placing us in harm's way and causing us to lose hope. They lost my paperwork twice and I had to fax my documents to them repeatedly. I called over and over again, and they finally admitted their scanning system was 2 weeks backlogged.

''This is outrageous, and the system needs to be overhauled. We are suffering crushing depression, extreme anxiety and we can't sleep. If anyone tells you they don't contemplate suicide after a disaster like this, they are lying.

''We have lost our dignity and have begged at charities, churches and the Red Cross. The Red Cross spent tens of thousands of dollars flying in representatives from other States. This money should have come to disaster victims directly. Everyone we talked to has gotten amounts from $80 to $800, with no logic to the amount.

''There needs to be a central location for all the aid that stays in place until the last person is helped. Truckloads of supplies have come in earmarked for

New Hartford, but were rerouted. Federal, State, county and city government officials should sleep in the trenches with us until resolution. They can use their Blackberries and laptops to correspond with their offices and families.

''I am but one person, living a life no longer worth living. I am bitter toward my elected officials. I hope they enjoyed their vacation while we fought to survive. I do not have faith that there will be change, but I have hope that you will listen.''

This is from the Mayor of Green, Iowa, another community that lost its grocery store, its post office, and many of its key downtown businesses in record flooding.

''The June 2008 flooding has had a huge impact on our small community. Luckily, we are in Butler County, the same county that had the devastating tornado that hit Parkersburg only 2 weeks earlier. This meant we could get immediate help from FEMA, as a disaster declaration was already in place.

''That being said, one of our biggest problems that we will have is a huge impact in our community that FEMA will deduct from our claims anything that should have carried flood insurance. We did not realize that we were required to carry flood insurance on our properties. We have never filed a FEMA claim on any buildings before. We have employees that have worked here for 30 years, and no one was aware of this requirement. Needless to say, this will greatly decrease any claims we have, making it almost impossible for some of the repairs that are necessary.

''We had equipment at a waste water lift station that was destroyed. If the equipment had been outside, it would have been uninsurable, making it eligible for a FEMA claim. But since we chose to put the equipment in a building, thinking we were making a reasonable choice, it was considered uninsurable and we are losing thousands of dollars on this claim just because we tried to take care of this equipment in the first place. We have never had a flood of this magnitude, and many situations are different than ever before.

''Another big concern of ours is the availability of help for our local small business owners. Some of our business owners lost their homes and their businesses. We are a small community that is very independent, yet very dependent on our local businesses. We are still without our one and only grocery store, our Post Office, which fortunately just reopened this week, and a convenience store. The added expense to residents to get their mail and groceries out of town is a hardship to many senior citizens and families.

''Some of our businesses just moved back into their original locations, but just as many are still operating out of other locations. How are these people supposed to recoup from such devastation without some sort of help from somewhere? If these were corporations, there would be funds available, tax breaks or some sort of assistance. More than likely, farmers would receive some sort of disaster payments. But our small businesses are ineligible for anything other than a loan. Most of these businesses are, for the most part, surviving day-to-day the way it is, without the added burdens of flood expenses and no relief of any kind from anywhere.

''On a personal note, being one of the first communities that experienced flooding in our State, we really felt like we were ignored by some of our local officials. We hadn't been through anything quite so serious, and we appreciate the help that we received.''

This is a letter from Tom Poe, who is the president of Crystal Distribution Services in Waterloo, Iowa, which had facilities in the old Rath Packing Company located right along the banks of the Cedar River in downtown Waterloo near the railroad bridge that collapsed that I showed you earlier.

''During the week of June 9th, 2008, I, along with all 55 of my employees, watched anxiously as the Cedar River level rose due to the extremely harsh winter, coupled with massive rains in the spring. Crystal Distribution is located adjacent to the Cedar River on the former Rath Packing plant site.

''When Rath closed, we made a substantial investment in renovating the former meat plant's buildings into our refrigerated warehouse operation in this Brownfield area of Waterloo. As the week began, it appeared that the flood levee would hold and we would be spared a colossal flooding disaster. Unfortunately, during the morning of June 11th and the morning of June 12th we received a major storm that dropped an additional 3 inches of rain onto an already swollen system and water table.

''At this time, water began to back up into our lower level of our refrigerated warehouse. As we did everything possible to minimize the effects of the backup, we couldn't keep up with the intake of water, and before long were unable to mitigate further damage to the 100,000 square feet of refrigerated warehouse space. The entire lower level was full of retail ham, bacon and other boxed meat products. As the water level rose to over 4 feet, it was obvious that the vast majority, if not all of the product, would be unsalvageable.

''We immediately contacted our USDA compliance agents and they were soon on the site. At that point, each affected customer, there were 10 in all, were contacted, and they all inspected their product and determined that, for food safety reasons, the meat needed to be taken to the landfill. The total loss amounted to over 3.5 million pounds of product. We immediately began the process of disposal and cleanup. Crystal paid up front for the landfill, trucking and building renovations to facilitate the disposal, along with many other costs, which were over $250,000 in direct expense to us.

''Crystal immediately applied with FEMA and received an SBA loan application number. I worked with my accountant, attorney and banker to complete the rather lengthy application. After several weeks, I was told that the SBA may be able to offer a $279,000 3-year loan at 8 percent. We were hoping for something more favorable that would be able to help us replace the lost space, not to mention the loss of revenue to date since this event and the lost product value for our customers, some of which held no insurance coverage.

□ 2030

''We are still in limbo between our customers, insurance company and local, State and Federal agencies, with no real input as to how this will all turn out.

''Our first choice would be to rebuild and grow on this site, but we do not dare to do anything until we have direction as to what will happen to the existing storm sewer, river gates and city pumps in this area. I, along with most Iowans, are not accustomed to having to ask for help, and we certainly don't like to be in a position of having to do so.

''However, due to this enormous, natural disaster, my livelihood and the livelihood of all my employees depends on our ability to bounce back quickly and to be able to put this event behind us.

''My frustration lies with the fact that after 3 months we have not heard anything positive that we can move towards in rebuilding our business and to reestablish our customers' confidence to safely restore their goods in this area of Waterloo.

''I realize there are many horror stories of people's houses being lost along with all of their belongings. Our situation at Crystal Distribution in Waterloo, Iowa is one of many. Unfortunately, I have yet to see or hear of much, if any, real help to those who have been devastated. It appears that the business community has fallen between the cracks of red tape and inaction. Hopefully I have given you a decent, general description of what happened to us back in Iowa. I can only pray that some form of help will become available to assist us in our recovery from this overwhelming disaster.''

Next I am going to read from Marvin and Darlene Young in Littleton, Iowa. ''I would like to say that I, like many others, went through a devastating flood in the summer of 2004. My wife and I would like to just ask our U.S. Government to please take another look at trying to give us the help that we so desperately need. Not just us from 2004, but also help in allocating more funds for the buyout program and more funds for disaster relief to help recent victims.

''It has been 4 long years of hell, and these people were devastated by flooding 4 years ago.

''We were forced from our home via condemnation, and we were promised help would be coming. Yet we still have to pay property taxes and lot rent and had to incur debt by purchasing a new home. We have to keep telling people that we owe to please be patient and wait a little longer to be paid. We just feel that we have fell through the cracks, and no one cares, because the people who are in charge in Iowa and Buchanan counties can move on because it didn't happen to them.

''We have been to every government agency that we were told about that could help us, and all we keep getting is there are no funds available to help.

''What we cannot understand is how our government can be so apt to help out other countries around the world with money that they tell us our government does not have. We would like our Congress to please tell us where they keep getting this money to help them, but not us American people.

''Our son can sign up to defend this country, and recently was and currently is deployed, to put his life on the line for a government that can't help his parents in a time of such devastation. We have nowhere left to go to ask for help. The disaster of 2004 has put us so far into debt, we don't know what to do. It wouldn't be that big of a deal if we weren't told to leave our home and told to leave our belongings because it wasn't safe.

''However, the government agency, FEMA, which is running the operation, informed us not to worry because they were there to help. How were we to have faith in the systems that are set up to help the American people, when here we are, 4 years later, and in a bigger mess than we were due to the government agency running the operation. I hope you can put our concerns into serious consideration. I am sure that we are not the only ones out there.''

The next letter is from Brenda Leonard, who is the emergency management coordinator in Jones County. When I was in Jones County during the peak of the flooding, I visited the communities of Stone City, Anamosa, the county seat, Monticello, Olin and Oxford Junction, all of which experienced record and overwhelming flooding.

''My name is Brenda Leonard, and I am the Jones County Emergency Management Coordinator in eastern Iowa. During the flooding in June, the cities of Anamosa, Monticello, Olin and Oxford Junction saw record levels of flooding on our two rivers, which cover over 90 miles. In fact, the Maquoketa River has risen out of its banks almost a dozen times this spring and summer.

''Our monitoring system for the river and creek levels involves one automated gauge and residents along the Wapsipinicon River. The Maquoketa River does not have a gauge in our county, so we have to rely on residents of the county to keep us updated as to the changing levels and rainfall amounts. We also rely on a network of volunteers and other counties upriver from us. Even with this information from the volunteers, there was no way we could have foreseen the amount of water we were inundated with.

''These record levels have caused great damages to three city wastewater plants, over 350 homes, 20 businesses, and ranked our secondary roads department as second in the State for damages. This is tremendous devastation in a county with a population of 20,221. I would also like to say that our residents have portrayed the great Midwest spirit by helping their neighbors for preparing for, fighting, and recovering from this monumental of event.''

To show you the kind of county Jones County is, approximately 15 percent of the residents of Jones County are veterans of our armed services who serve their country with great pride.

The next letter is from Sarah Powell, a resident of New Hartford, Iowa, who had the double whammy of both the most powerful tornado in the United States this year, and a record flood in the span of 10 days, Sarah Powell.

''My biggest frustration with FEMA is that New Hartford was the first town to get hit by the flood and are now the last people to get taken care of. FEMA told me in the beginning, right after the disaster, that I would be put on an emergency housing list and asked if I was willing to travel. I told them 'no,' that we needed to be placed in Butler, Grundy or Black Hawk counties.

''FEMA told us we would be put on a waiting list. They have called numerous times and have told us that we were still on the list, but had no trailer for us at this time. They called and asked if we wanted to move to Cedar Rapids, Marion or Linn County.''

Just parenthetically, Cedar Rapids has 400 square blocks of devastation from epic levels of flooding in that community, the second largest city in Iowa.

''I told them 'no,' we weren't able to travel that far. Why are there trailers and places to live in Cedar Rapids, but not available places here for the people that were affected by flooding first? It is now September, and I still do not have a place to live. I know that New Hartford is a small town and does not have as big of a population, but we were still affected by the disaster, and we are people in need of help and assistance. I am also frustrated that FEMA has denied us for most of help that I applied for because I had flood insurance. I have always been under the impression that FEMA is there to help people with their personal property because flood insurance does not cover personal property.

''FEMA has told me that I have been denied for assistance because of insurance. I lost my house and everything that I owned. FEMA would only allow me $5,000 for all of my personal property. My insurance company assessed our damage to be almost $40,000, and FEMA assessed damages to be only $18,000.

''How can there be that large of a difference between the two assessments? The people that had no flood insurance have been helped out more than the people that do have flood insurance. If FEMA is not going to be fair and willing to help those affected by the disasters, what are they for?

This letter is from Jackie Heins, who is a resident of Waverly and runs the Kinetic Energy School of Movement & Music, a small business, located in Waverly.

Jackie's business, Kinetic Energy School of Movement & Music, was hit hard by the recent flooding in Waverly. Her location is right off Bremer Avenue, less than a block from the river.

When the flooding hit, Jackie's storefront was inundated. Jackie sustained not only severe damage to her dance floor, but the heating, cooling system and her electricity were both taken out for almost a month. Since the flood, Jackie has been working hard to get her business back and running. The dance floor had to be replaced, and some of her summer classes had to be cancelled.

On September 2, classes were restarted. However the back of her store is still torn up and, as she put it, we still have a ways to go yet. When asked what would have been more helpful to her, as a small business owner hit by this disaster, she replied that she would have liked to have been given much more clear information about what exactly her options were right after the flood hit. ''Everyone tells you call FEMA, but unless you have a very specific question in mind, or already know exactly what you are planning to do next, FEMA only gives you general guidance.''

The next letter is from Lorista Ambrose of Cedar Falls, Iowa. ''We lost two homes to the flood-nado (this is what we call it) in New Hartford, Iowa. First, the tornado, then the flood after we moved into town and rented a house. So we had two disasters. Not one.

''What we encountered with the FEMA process was inexcusable and way too complicated. I am going to walk you through our process, register for FEMA and get a number. I understand that. Let them know if we got insurance money and how much.

''Then they sent me to register for SBA. I don't know why we would want a loan to pay ourselves back with interest. This was our tax money we paid in for things like this to help. But we did it.

''Can't get help from FEMA unless you were turned down for a loan (can't understand why that should matter.)

''Wait for inspections of tornado house by both agencies. SBA inspection was done right away. Eligible for a loan.

''Turned down for FEMA before inspection. We have been told the denial is always sent out. Appeal.

''FEMA inspector never came until after we went back into the FEMA office many times, still being told by

FEMA we were eligible for help. They knew we had insurance money and how much.

''June 8—we were flooded out of the house we rented. We moved to a hotel.''

This was after their house was destroyed in the tornado.

''Told by FEMA to register again for more damages because now we were in two disasters.

''Call FEMA to register again. The file is a complete mess now because FEMA process does not allow for two different addresses under one number, but we were made to do it that way anyway. Now every time we call, no one understands what we are talking about.''

Because they were moved out by the tornado and then by the flood.

''FEMA wants to inspect the tornado house now, even though they haven't already told us why we are not eligible. Why?

''Still no money.

''Not eligible. We have been in two disasters, lost everything twice, and can't get help. Now a month has gone by.

''Rented house gets inspected and our address gets changed in our file.

''Got a check for $13,000. We don't know what it is for, no address on the letter for what it's about. We were told we were not eligible. Go to a FEMA office, ask for help, and they don't know what this is for either. Sent e-mail for a confirmation of what this was for. No answer.

''Call a FEMA office, and a supervisor was able to tell us they made a mistake and to send the check back. It was for the rented house. We did.

''We give free help to other countries with no strings. Why aren't we doing this for our own people? Why can't we get a grant for the difference between what our insurance pays and the cost to rebuild the same house? Why a loan? We give grants for the mating habits of a bullfrog, but not for a disaster. Insurance does not cover the full cost on a 40 year-old house. Building costs went up so much in a year because of gas, and we could not have foreseen this. Now more disasters will make it go up even more as supplies are needed to rebuild.

''From the American standpoint, FEMA is worthless. What in this process with FEMA is urgent or addresses an emergency? It took us 2 months, countless letters and many hours at a FEMA office for no results. This needs to change.''

This letter is from Tony Mendez in Buffalo, Iowa, which is south of the City of Davenport, the southernmost town in the First District of Iowa.

''My name is Tony Mendez. I am the proud owner of a local small business in Buffalo, Iowa, that has been a core institution of our town for decades. Clark's Landing Restaurant is our name, and providing a local gathering place for our community is our privilege.

''Clark's Landing rests on a location of historical significance. In 1833, Captain Benjamin W. Clark, our restaurant's namesake, chose our site to erect a claim cabin to establish what is now known as Buffalo, Iowa. I have had the privilege of ownership since June 30, 1993.

''Since that time, we have battled the rising waters of the mighty Mississippi four times. With the extraordinary efforts of our community, we have survived these trials time and time again. I am often asked, after the water has receded, the cleanup and repairs have been made, and we welcome back our families and friends to our humble establishment: 'Don't you ever get tired of it and just want to give up?'

''My answer is always an emphatic 'no . . . ' I consider it a position of honor to be a guardian of what makes this country great. I will continue to protect one of our town's treasures and hope to pass on this time-honored position to my daughter, Mercedes, when she is ready.''

This letter is from business owners Darin Beck, Aaron Schurman and Dale Folkers with Phantom EFX corporation in Cedar Falls Iowa.

''We are writing this letter regarding the catastrophic flooding that occurred in Iowa this year. Before discussing the economic impact upon the community as a whole, and our firm in particular, allow me introduce us.

''Genesis Communications, Inc., which does business as Phantom EFX, is an advanced technology company that develops, manufactures and markets video games in the family entertainment category.

''We are located in Cedar Falls, Iowa, employing 40 people. We have been in business for over years. During those 10 years we have seen and weathered many changes in the national, State and local economies, as well as our particular industry.

□ 2045

No single event has been as devastating as the flood of 2008. As the floodwaters rose, families and businesses scrambled to save what they could and get out of harm's way. In the city of Cedar Falls, volunteers flocked to sandbag around the clock. These efforts saved our vibrant downtown business district, but many families and businesses were not so fortunate. In the part of town we were located in, the waters was unrestrained, resulting in massive losses of homes and business.

The loss to Phantom was over $1 million in inventory, furniture and fixtures. The real estate we occupied, valued at over $1.7 million was a total loss. The true loss due to business interruption is incalculable.

The Federal Government's response has been too little, too late, and nearly nonexistent. It is time for our government to step in to help, protect and defend its citizens.

Last Monday, as I mentioned earlier, I was pleased to have Speaker PELOSI visit Iowa to see firsthand the devastation caused by the floods and tornadoes. She visited Parkersburg, New Hartford, Sinclair, which had its grain elevator destroyed, Cedar Falls, and Waterloo in the 1st Congressional District. And you saw earlier the images of devastation in those communities.

Speaker PELOSI stressed her commitment to passing additional disaster relief, and I will keep working to ensure this funding is passed.

Speaker PELOSI also joined my calls for the President to decrease the Federal/State cost-share agreement for Iowa's disaster recovery efforts. And I am happy to report that after our collective urging last week, FEMA changed the Federal/State cost-sharing agreement to 90 percent Federal, 10 percent State funding.

Last week, I also joined the entire Iowa congressional delegation to urge President Bush to file a formal disaster request for funding for Iowa. I am continuing to push the administration and the FEMA bureaucracy to quickly release all of the funding that we have already secured for the State of Iowa, and I am hopeful that FEMA will release the first $85 million in the next week, and I want to continue to push HUD to release the other $200 million as soon as possible.

Hundreds of millions of dollar that Congress already passed for Iowa is being held up by the administration instead of being used to help rebuild Iowa. I am going to continue fighting to cut through the bureaucratic red tape and ensure that Iowa quickly receives the funding that Congress has already passed. Iowa needs more Federal help now, and I am going to continue working with Speaker PELOSI and the entire Iowa delegation to provide more disaster relief for Iowa.

In addition to the $2.65 billion flood relief package that has already been passed, we need to pass a second emergency flood relief bill. We have been working on that and need to get it out on the floor next week.

I have also worked with my colleague, Congressman DAVE LOEBSACK from Iowa's 1st Congressional District, to help Iowa railroads repair and rebuild bridges that were destroyed, and that bill is called the Back on Track Act. You saw the photograph of the railroad bridge that collapsed in downtown Waterloo. And as I mentioned earlier, the economic impact of those collapsed bridges is enormous.

We also need to continue pushing for FEMA to take a greater share of disaster relief with the delegation pushing the President to have the Federal Government assume 100 percent of the cost of the disaster relief to lessen the burden on Iowans.

In the wake of the flooding disaster, I traveled to dozens of towns and inspected the flooding to check on the folks that I represent and see if they had their immediate needs met. In that

time I visited the communities of Waterloo, Cedar Falls, Evansdale, Gilbertville, La Porte City, New Hartford, Waverly, Greene, Shell Rock, Clarksville, Independence, Elkador, Anamosa, Olin, Oxford Junction, Stone City, Clermont, Davenport, Buffalo and more.

In addition, we met with the director of FEMA, the governor, both senators, the acting administrator of the Small Business Administration to address these needs, but acting in Congress will not get funds to the people who need it in Iowa unless administration officials do their jobs and start freeing up money that needs to get in the hands of the people who need it.

To give you some idea of what I am talking about, in FEMA alone as part of that $2.65 billion package we passed in June, $897 million in FEMA disaster relief funding was allocated. On July 1, 2008, FEMA's disaster relief fund had a total of almost $4 billion in undistributed funds. That's the most recent disaster relief report available from FEMA.

As of right now, FEMA has only given away a little over $500 million to Iowa and has in its possession billions of dollars of undistributed disaster relief funds which need to get to the people in need, in addition to the new people in crisis in the gulf coast.

Now let's talk about the Community Development Block Grant. Of that $2.65 billion package in June, $300 million was allocated for CDBG funding, and the importance of that is it gets it into the hands of local officials who can target and set up criteria to make the most direct impact in their communities. None of that $300 million in CDBG funding that we passed more than 2 months ago is currently in the hands of Iowans in crisis.

Then let's talk about the Economic Development Administration also known as the EDA. Of that $2.65 billion package, nearly $100 million was allocated for EDA funding, and none of that $100 million in funding passed 2 months ago is currently in the hands of Iowans in need.

In addition there may be additional delays with the distribution of other funds in that $2.6 billion package, including $606 million for the Army Corps of Engineers, $267 million for the Small Business Administration disaster loans, and $480 million for agricultural assistance. And until the crop harvest is completed and we know the true extent of the impact on agriculture in Iowa and other midwestern States, the extent of those damages is unknown.

But we do know this: the disaster season in the United States continues. And as we continue as a Federal Government to respond to the needs of U.S. citizens in crisis, it is incumbent upon every Member of Congress, no matter where they live, to recognize the fact that we are at our best when we respond to these needs with the heartfelt response that Americans expect in their time of crisis. That's why I call upon the Speaker, Minority Leader BOEHNER and every Member of this body to come together next week in the spirit of harmony and the spirit of goodwill to do what is necessary to address the needs of Iowans who have felt the brunt of this disaster in ways they have never felt before, the needs of other people in the midwest, the southeast, the southwest and the gulf coast, to respond to them and make sure that their needs are being addressed so they finally have faith that their Federal Government is there for them when they need it.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CONYERS (at the request of Mr. HOYER) for today until 4 p.m.

Ms. JACKSON-LEE of Texas (at the request of Mr. HOYER) for September 15 through 18 on account of business in district related to Hurricane Ike.

Mr. BRADY of Texas (at the request of Mr. BOEHNER) for September 17 and today on account of Hurricane Ike recovery efforts in the district.

Mr. DREIER (at the request of Mr. BOEHNER) for today on account of the death of his mother.

Mr. NUNES (at the request of Mr. BOEHNER) for today after 4 p.m. on account of attending a funeral in his district.

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. REYES) to revise and extend their remarks and include extraneous material:)

Mr. REYES, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. HERSETH SANDLIN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

(The following Members (at the request of Mr. WAMP) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, September 24.

Mr. JONES, for 5 minutes, September 24.

Ms. FOXX, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

ADJOURNMENT

Mr. BRALEY of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until Monday, September 22, 2008, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8465. A letter from the Director, Policy Issuances Division, Department of Agriculture, transmitting the Department's final rule — Availability of Lists of Retail Consignees during Meat or Poultry Product Recalls [FDMS Docket Number FSIS-2005-0028] (RIN: 0583-AD10) received August 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8466. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Item Identification and Valuation Clause Update [DFARS Case 2007-D007] (RIN: 0750-AF73) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8467. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Ship Critical Safety Items [DFARS Case 2007-D016] (RIN: 0750-AF86) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8468. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Competition Requirements for Purchases from Federal Prison Industries [DFARS Case 2008-D015] (RIN: 0750-AG03) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8469. A letter from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements — New Thresholds [DFARS Case 2007-D023] (RIN: 0750-AF89) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8470. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8471. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8035] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8472. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8473. A letter from the Director, Office of Legislative Affairs, FDIC, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Financial Education Programs That Include the Provision of Bank Products and Services (RIN: 3064-AD28) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8474. A letter from the Acting Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — COMMISSION GUIDANCE ON THE USE OF COMPANY WEB SITES [Release Nos. 34-58288, IC-

28351; File No. S7-23-08] received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8475. A letter from the Department of Education, transmitting the Department's final rule — Improving the Academic Achievement of the Disadvantaged; Migrant Education Program [Docket Id 2007-ED-OESE-130] (RIN: 1810-AA99) received August 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8476. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Improving the Academic Achievement of the Disadvantaged; Migrant Education Program [Docket Id 2007-ED-OESE-130] (RIN: 1810-AA99) received August 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8477. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Service of Process — received August 21, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8478. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Health Claims; Soluble Fiber From Certain Foods and Risk of Coronary Heart Disease [[Docket No. FDA-2008-P-0090](formerly Docket No. 2006P-0393)] received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8479. A letter from the General Counsel, FERC, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices and Communication Protocols for Public Utilities [Docket No. RM05-5-005; Order No. 676-C] received August 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8480. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Mandatory Electric Filing of Export and Reexport License Applications, Classification Requests, Encryption Review Requests, and License Exception AGR notifications [Docket No. 0612242559-8545-02] (RIN: 0694-AD94) received August 13, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8481. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Federal Government Participation in the Automated Clearing House (RIN: 1510-AB00) received August 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8482. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule — FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM (RIN: 3206-AL03) received August 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8483. A letter from the Chief, Branch of Listing, Endangered Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Northern Spotted Owl [FWS-R1-ES-2008-0051; 92210-1117-0000-FY08-B4] (RIN: 1018-AU37) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8484. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Utah Regulatory Program [SATS No. UT-044-FOR; Docket ID: OSM-2007-0014] received August 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8485. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Utah Regulatory Program [UT-042-FOR; Docket ID OSM-2008-0016] received August 22, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8486. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Electronic Payment of Fees for Outer Continental Shelf Activities [Docket ID: MMS-2007-0MM-0065] (RIN: 1010-AD43) received August 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8487. A letter from the Chief, WO Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Poa atropurpurea (San Bernardino bluegrass) and Taraxacum californicum (California taraxacum) [FWS-R8-ES-2007-0010; 92210-1117-0000-B4] (RIN: 1018-AV04) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8488. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Sierra Nevada Bighorn Sheep (Ovis canadensis sierrae) and Taxonomic Revision [[FWS-R8-ES-2008-0014] [92210-1117-0000-B4]] (RIN: 1018-AV05) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8489. A letter from the Director Office of Protected Resources, NMFS, NOAA, Commerce, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to a U.S. Navy Shock Trial [Docket No. 080220219-8829-02] (RIN: 0648-AT77) received August 6, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8490. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No. 060824226-6322-02] (RIN: 0648-AX02) received August 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8491. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries of the Bering Sea and Aleutian Islands Management Area [Docket No. 070917520-8831-03] (RIN: 0648-AW06) received August 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8492. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XJ36) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8493. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Nantucket Lightship Scallop Access Area to Scallop Vessels [Docket No. 071130780-8013-02] (RIN: 0648-XJ51) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8494. A letter from the Acting Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Atlantic Highly Migratory Species; International Trade Permit Program; Bluefin Tuna Catch Documentation Program [Docket No. 080221247-8524-02] (RIN: 0648-AU88) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8495. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 1 Quota Harvested [Docket No. 060418103-6181-02] (RIN: 0648-XJ82) received September 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8496. A letter from the Deputy Under Secretary and Deputy Director, Department of Commerce, transmitting the Department's final rule — Revision of Patent Fees for Fiscal Year 2009 [Docket No. PTO-C02008-0004] (RIN: 0651-AC21) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8497. A letter from the Acting General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Inflation Adjustment to Size Standards, Business Loan Program, and Disaster Assistance Loan Program (RIN: 3245-AF41) received August 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

8498. A letter from the Acting Chief, Trade and Commercial Regulations, Department of Homeland Security, transmitting the Department's final rule — FIRST SALE DECLARATION REQUIREMENT [Docket No. USCBP-2008-0062 CBP Dec. 08-31] (RIN: 1505-AB96) received August 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8499. A letter from the Acting Chief, Trade & Commercial Regulations, Department of Homeland Security, transmitting the Department's final rule — ENTRY REQUIREMENTS FOR CERTAIN SOFTWOOD LUMBER PRODUCTS EXPORTED FROM ANY COUNTRY INTO THE UNITED STATES [Docket No. USCBP-2008-0052 CBP Dec. 08-32] (RIN: 1505-AB98) received August 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8500. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — UNITED STATES-MOROCCO FREE TRADE AGREEMENT [Docket No. USCBP-2007-0056 CBP Dec. 08-29] (RIN: 1505-AB76) received August 4, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8501. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.179-1: Election to expense certain depreciable assets. (Also: 168, 179; 1.168(k)-1) (Rev. Proc. 2008-54) received September 3, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8502. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Unified Rule for Loss on Subsidiary Stock [TD 9424] (RIN: 1545-BB61) received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8503. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transition Guidance for New Funding Rules and Funding-Related Benefit Limitations under PPA '06 [Notice 2008-73] received September 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8504. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — S Corporation Guidance under AJCA of 2004 and GOZA of 2005 [TD 9422] (RIN: 1545-BE95) received August 14, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8505. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Revisions to the Medicare Advantage and Prescription Drug Benefit Programs [CMS 4138-IFC] (RIN: 0938-AP52) received September 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

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. CONYERS: Committee on the Judiciary. H.R. 1650. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads; with an amendment (Rept. 110–860, Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 6159. A bill to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, and for other purposes; with an amendment (Rept. 110–861) Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE of North Carolina: Committee on Appropriations. H.R. 6947. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009, and for other purposes (Rept. 110–862). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII Committees on Transportation and Infrastructure and Energy and Commerce discharged from further consideration. H.R. 1650 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. YOUNG of Alaska:

H.R. 6936. A bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; to the Committee on Natural Resources.

By Mr. BUYER (for himself, Mr. MICHAUD, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. LAMBORN, Mr. SALAZAR, Mr. WALZ of Minnesota, Mr. BILIRAKIS, Mr. BROWN of South Carolina, and Mr. HARE):

H.R. 6937. A bill to improve energy and water efficiencies and conservation throughout the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Science and Technology, 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. HONDA (for himself, Mr. GRIJALVA, Mr. ABERCROMBIE, and Mrs. NAPOLITANO):

H.R. 6938. A bill to amend the Immigration and Nationality Act to promote family unity, and for other purposes; to the Committee on the Judiciary.

By Mr. FILNER (for himself, Mr. JONES of North Carolina, Mr. MICHAUD, Mr. HARE, and Mr. WALZ of Minnesota):

H.R. 6939. A bill to amend title 38, United States Code, to provide two-fiscal year budget authority for certain medical care accounts of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RADANOVICH (for himself, Mr. NUNES, Mr. COSTA, Mr. CARDOZA, Mr. MCCARTHY of California, Mr. ROHRABACHER, Mr. CALVERT, and Mrs. MCMORRIS RODGERS):

H.R. 6940. A bill to provide flexibility for the operation of the Bureau of Reclamation C.W. ''Bill'' Jones Pumping Plant and the Harvey O. Banks Pumping Plant of the State of California in times of drought emergency, to support the establishment of a fish hatchery program to preserve and restore the Delta Smelt in the Sacramento-San Joaquin Delta, and for other purposes; to the Committee on Natural Resources.

By Mr. MCDERMOTT:

H.R. 6941. A bill to amend title XI of the Social Security Act to provide for an improved method to measure poverty so as to enable a better assessment of the effects of programs under the Social Security Act, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS:

H.R. 6942. A bill to amend section 5112 of title 31, United States Code, to provide for the return of the half-dime as the new 5-cent circulating coin, and for other purposes; to the Committee on Financial Services.

By Mr. BILBRAY (for himself, Mr. KENNEDY, Mr. BARTLETT of Maryland, Mr. ISSA, Mr. HUNTER, and Mrs. BONO MACK):

H.R. 6943. A bill to amend the Internal Revenue Code of 1986 to provide for a credit for algae derived fuels, and for other purposes; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 6944. A bill to transfer administrative jurisdiction over the Joliet Training Area in Will County, Illinois, to the Secretary of Agriculture for inclusion in the Midewin National Tallgrass Prairie, to provide for the conveyance of several parcels of the Joliet Training Area, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Agriculture, Transportation and Infrastructure, and Energy and Commerce, 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. SCALISE:

H.R. 6945. A bill to amend title 38, United States Code, to expand access to hospital care for veterans in major disaster areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DINGELL (for himself, Mr. BARTON of Texas, Mr. MARKEY, Mr. STEARNS, Mr. GORDON, and Mr. SHIMKUS):

H.R. 6946. A bill to make a technical correction in the NET 911 Improvement Act of 2008; to the Committee on Energy and Commerce.

By Ms. SCHAKOWSKY:

H.R. 6948. A bill to amend the Public Health Service Act to improve mental and behavioral health services on college campuses; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR (for himself, Mr. GERLACH, Mrs. CAPPS, Mr. EVERETT, Mr. PATRICK MURPHY of Pennsylvania, Mr. NADLER, Mr. LIPINSKI, Mr. KENNEDY, Mr. MOORE of Kansas, Mr. FRANK of Massachusetts, Mr. GALLEGLY, Mr. MCCOTTER, Mr. KIRK, Ms. SCHAKOWSKY, Mrs. BIGGERT, Mr. MORAN of Virginia, Mr. MCGOVERN, and Ms. MCCOLLUM of Minnesota):

H.R. 6949. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture.

By Mr. STARK (for himself, Mr. CAMP of Michigan, Mr. RANGEL, Mr. MCCRERY, Mr. CLYBURN, Ms. KILPATRICK, Mr. RYAN of Ohio, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. KIND, Ms. SCHWARTZ, Mr. MCDERMOTT, Mr. RAMSTAD, Mr. MCNULTY, Ms. BORDALLO, Mr. COOPER, Mr. WILSON of Ohio, Ms. ROS-LEHTINEN, Ms. SUTTON, Mr. PASCRELL, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. SERRANO, Mr. POMEROY, Mr. UPTON, Mr. MEEK of Florida, Mr. EMANUEL, Mr. LEVIN, Mr. TIBERI, Mr. MCGOVERN, Mr. REYNOLDS, Mr. PASTOR, Mr. LARSON of Connecticut, Mrs. CHRISTENSEN, Mr. DAVIS of Alabama, Mr. ENGLISH of Pennsylvania, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Ms. LEE, Mr. TOWNS, Ms. CLARKE, Ms. WOOLSEY, Ms. WATSON, and Mr. WATT):

H.R. 6950. A bill to establish the Stephanie Tubbs Jones Gift of Life Medal for organ donors and the family of organ donors; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, 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. LEE (for herself, Ms. WOOLSEY, Mr. HINCHEY, Ms. WATERS, Mr. MCGOVERN, Mr. MCDERMOTT, and Mr. GRIJALVA):

H.R. 6951. A bill to prohibit the use of funds by the Central Intelligence Agency or the Department of Defense to provide covert or clandestine assistance for the purpose of overthrowing the Government of Iran; to the Committee on Armed Services, and in addition to the Committee on Intelligence (Permanent Select), 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. BACA:

H.R. 6952. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize pilot or demonstration programs to prepare high school students to pass the United States citizenship exam; to the Committee on Education and Labor.

By Mrs. BACHMANN:

H.R. 6953. A bill to authorize the President to review and approve oil and gas exploration, development, and production projects under existing Federal oil and gas leases, both onshore and offshore, and to limit administrative and judicial proceedings with respect to such projects, upon finding that such a project complies with all applicable Federal laws, and for other purposes; to the Committee on Natural Resources.

By Ms. BALDWIN (for herself, Mr. GOHMERT, Mr. CONYERS, Mr. SMITH of Texas, and Mr. SCOTT of Virginia):

H.R. 6954. A bill to prevent mail, telemarketing, and Internet fraud targeting seniors in the United States, to promote efforts to increase public awareness of the enormous impact that mail, telemarketing, and Internet fraud have on seniors, to educate the public, seniors, their families, and their caregivers about how to identify and combat fraudulent activity, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, 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. BARRETT of South Carolina (for himself, Mr. BACHUS, Mr. GARRETT of New Jersey, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. NEUGEBAUER, Mr. MCHENRY, Mr. MANZULLO, Mr. JONES of North Carolina, Ms. GINNY BROWN-WAITE of Florida, and Mr. ROSKAM):

H.R. 6955. A bill to suspend contributions by the Federal National Mortgage Association and Federal Home Loan Mortgage Corporation to the Housing Trust Fund during any conservatorship of such enterprises and to ensure full repayment to the Federal Government for costs of any such conservatorship and costs of HOPE for Homeowners program; to the Committee on Financial Services.

By Mr. BARROW (for himself, Mr. BISHOP of Georgia, Mr. BROUN of Georgia, Mr. DEAL of Georgia, Mr. GINGREY, Mr. JOHNSON of Georgia, Mr. KINGSTON, Mr. LEWIS of Georgia, Mr. LINDER, Mr. MARSHALL, Mr. PRICE of Georgia, Mr. SCOTT of Georgia, and Mr. WESTMORELAND):

H.R. 6956. A bill to designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the ''Yvonne Ingram-Ephraim Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. BOOZMAN (for himself and Mr. MEEKS of New York):

H.R. 6957. A bill to amend the Foreign Assistance Act of 1961 to provide funding for capacity-building to microfinance service providers; to the Committee on Foreign Affairs.

By Mr. BRADY of Texas (for himself, Mr. PAUL, Mr. MCCAUL of Texas, Ms. GRANGER, Mr. GOHMERT, Mr. CULBERSON, Mr. POE, Mr. SAM JOHNSON of Texas, Mr. SMITH of Texas, Mr. AL GREEN of Texas, Mr. ORTIZ, Mr. THORNBERRY, Mr. GONZALEZ, and Mr. CARTER):

H.R. 6958. A bill to provide tax relief for the victims of Hurricane Ike, and for other purposes; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself, Mr. KAGEN, Mr. LOEBSACK, and Mr. LATHAM):

H.R. 6959. A bill to amend the Higher Education Act of 1965 to clarify the procedures for awarding grants and contracts for Federal Trio Programs; to the Committee on Education and Labor.

By Mr. CLEAVER (for himself, Mr. CARNAHAN, Mr. CLAY, Mr. HULSHOF, Mr. GRAVES, Mr. AKIN, Mr. SKELTON, Mrs. EMERSON, and Mr. BLUNT):

H.R. 6960. A bill to establish the World War I centennial commission to ensure a suitable observance of the centennial of World War I; to the Committee on Oversight and Government Reform.

By Mr. CROWLEY:

H.R. 6961. A bill to amend the Internal Revenue Code of 1986 to allow certain public employees a deduction for distributions from governmental plans for health and long-term care insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. DELAHUNT (for himself, Mr. FLAKE, Mr. BERMAN, Mrs. EMERSON, Mr. MCGOVERN, Mr. LAHOOD, Ms. DELAURO, Mr. MORAN of Kansas, Mr. PAYNE, Mr. PAUL, Mr. FARR, Ms. HARMAN, and Mr. MEEKS of New York):

H.R. 6962. A bill to facilitate the provision of humanitarian relief to Cuba; to the Committee on Foreign Affairs.

By Mr. FORTENBERRY (for himself, Mr. BURGESS, Mr. SESSIONS, and Mr. TERRY):

H.R. 6963. A bill to amend title XXI of the Social Security Act to expand coverage options under the State Children's Health Insurance Program (SCHIP) through premium assistance; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX (for herself and Mr. CUELLAR):

H.R. 6964. A bill to amend the Unfunded Mandates Reform Act of 1995 to ensure that actions taken by regulatory agencies are subject to that Act, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, the Budget, and the Judiciary, 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. FRANK of Massachusetts:

H.R. 6965. A bill to extend the authorization of the national flood insurance program, and for other purposes; to the Committee on Financial Services.

By Mr. LARSON of Connecticut (for himself, Mr. MURPHY of Connecticut, Ms. DELAURO, Mr. COURTNEY, and Mr. PASCRELL):

H.R. 6966. A bill to require continued application of budget neutrality on a national basis in calculation of the Medicare urban hospital wage floor; to the Committee on Ways and Means.

By Mrs. MCMORRIS RODGERS (for herself and Mr. MCCOTTER):

H.R. 6967. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to require that, for a fiscal year, the total amount of money dedicated for earmarks may not exceed the estimated budget surplus for that year; to the Committee on Rules, and in addition to the Committee on the Budget, 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. MOORE of Wisconsin (for herself, Mr. MCGOVERN, Mr. GRIJALVA, Ms. BORDALLO, Ms. WOOLSEY, Mr. RUSH, Mr. FILNER, Ms. SCHAKOWSKY, Mr. KAGEN, Mr. ABERCROMBIE, Mr. SESTAK, Ms. LORETTA SANCHEZ of California, Mr. KUCINICH, and Mrs. NAPOLITANO):

H.R. 6968. A bill to require the Secretary of Defense to conduct a demonstration project regarding access to mental health services by members of the Armed Forces; to the Committee on Armed Services.

By Mr. NEAL of Massachusetts:

H.R. 6969. A bill to amend the Internal Revenue Code of 1986 to disallow the deduction for excess non-taxed reinsurance premiums with respect to United States risks paid to affiliates; to the Committee on Ways and Means.

By Mr. REGULA (for himself and Ms. HERSETH SANDLIN):

H.R. 6970. A bill to authorize a comprehensive program of nationwide access to Federal remote sensing data, to promote its use for education, workforce training and development, applied research, and to support Federal, State, tribal, and local government programs; to the Committee on Natural Resources.

By Mr. RYAN of Ohio (for himself, Mr. ISRAEL, Mr. WEINER, Mr. RODRIGUEZ, Ms. SHEA-PORTER, and Mrs. BOYDA of Kansas):

H.R. 6971. A bill to establish a Public Service Scholarship Program, and for other purposes; to the Committee on Education and Labor.

By Mr. RYAN of Ohio (for himself, Mr. ISRAEL, Mr. WEINER, Mr. RODRIGUEZ, Ms. SHEA-PORTER, and Mrs. BOYDA of Kansas):

H.R. 6972. A bill to amend the Internal Revenue Code of 1986 to provide for a standard home office deduction in the case of certain uses of the office; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself, Mr. WAXMAN, Mr. GALLEGLY, Mr. SHERMAN, Mrs. NAPOLITANO, Mrs. CAPPS, and Mr. BERMAN):

H.R. 6973. A bill to require rail carriers to develop positive rail control system plans for improving railroad safety and to increase the civil penalties for railroad safety violations; to the Committee on Transportation and Infrastructure.

By Mr. SIMPSON (for himself and Mr. SALI):

H.R. 6974. A bill to permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho which would provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TANCREDO:

H.R. 6975. A bill to require aliens to attest that they will not advocate installing a Sharia law system in the United States as a condition for admission, and for other purposes; to the Committee on the Judiciary.

By Mrs. TAUSCHER (for herself, Mr. DAVIS of Alabama, and Mrs. MCCARTHY of New York):

H.R. 6976. A bill to amend the Commodity Exchange Act to bring greater transparency and accountability to commodity markets, and for other purposes; to the Committee on Agriculture.

By Mr. TIERNEY:

H.R. 6977. A bill to amend the Truth in Lending Act to protect consumers from usury and unreasonable fees, and for other purposes; to the Committee on Financial Services.

By Mr. TIERNEY:

H.R. 6978. A bill to require the establishment of a credit card safety star rating system for the benefit of consumers, and for other purposes; to the Committee on Financial Services.

By Mr. KUHL of New York:

H.J. Res. 98. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of times Senators and Representatives may be elected; to the Committee on the Judiciary.

By Mr. MCDERMOTT:

H. Con. Res. 420. Concurrent resolution expressing the sense of Congress regarding the need to re-weave America's social safety net to respond to the needs of the 21st century economy and labor market; to the Committee on Education and Labor.

By Ms. SCHWARTZ (for herself, Mr. SHUSTER, Mr. GERLACH, Mr. MCCOTTER, Mr. GARRETT of New Jersey, Mr. KING of Iowa, Mr. GINGREY, Mr. PITTS, Mr. DAVIS of Alabama, and Mr. LIPINSKI):

H. Con. Res. 421. Concurrent resolution calling on the International Olympic Committee to designate a new venue for the 2014 Winter Olympic Games; to the Committee on Foreign Affairs.

By Mr. SCOTT of Georgia (for himself and Mr. BERMAN):

H. Res. 1461. A resolution recognizing the 10th anniversary of the terrorist bombings of the United States embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, and the memorializing of the citizens and families of the United States, the Republic of Kenya, and the United Republic of Tanzania whose lives were lost and injured as a result of these attacks; to the Committee on Foreign Affairs.

By Mr. MCGOVERN (for himself, Mr. GARRETT of New Jersey, and Mr. MILLER of North Carolina):

H. Res. 1462. A resolution condemning ongoing sales of arms to belligerents in Sudan, including the Government of Sudan, and calling for both a cessation of such sales and an expansion of the United Nations embargo on arms sales to Sudan; to the Committee on Foreign Affairs.

By Mr. PLATTS (for himself and Ms. MATSUI):

H. Res. 1463. A resolution recognizing the benefits of service-learning as a teaching strategy to effectively engage youth in the community and classroom, and supporting the goals of the National Learn and Serve Challenge; to the Committee on Education and Labor.

By Mr. GEORGE MILLER of California:

H. Res. 1464. A resolution recognizing and honoring the 50th anniversary of the founding of AARP; to the Committee on Education and Labor.

By Mr. KIRK:

H. Res. 1465. A resolution recognizing the work of the law enforcement officers in Lake County, Illinois, their cooperative work with the Bureau of Alcohol, Tobacco, Firearms and Explosives agents, and expressing congressional support for their ongoing work protecting Lake County communities from drugs and gangs; to the Committee on the Judiciary.

By Ms. EDWARDS of Maryland:

H. Res. 1466. A resolution honoring Dr. Guion S. ''Guy'' Bluford, Jr., and the 25th anniversary of his historic flight as the first African-American in space; to the Committee on Science and Technology.

By Ms. ESHOO (for herself, Mr. WOLF, Mr. KNOLLENBERG, Mr. FORTENBERRY, and Mr. MCCOTTER):

H. Res. 1467. A resolution expressing the concern of the House of Representatives for the plight of Iraq's vulnerable ethno-religious minorities, and urging greater measures to protect the members of such minorities who have become refugees, asylum seekers, or internally displaced persons; to the Committee on Foreign Affairs.

By Mr. HALL of New York (for himself, Mr. MCHUGH, Mr. HASTINGS of Florida, Mr. GALLEGLY, Mr. MAHONEY of Florida, and Mr. WEXLER):

H. Res. 1468. A resolution congratulating the U.S. Equestrian Team on winning the Gold Medal in team show jumping in the Games of the XXIX Olympiad; to the Committee on Oversight and Government Reform.

By Mr. KENNEDY:

H. Res. 1469. A resolution to commend the American Sail Training Association for its advancement of character building under sail and for its advancement of international goodwill; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself, Ms. SUTTON, Mr. REGULA, Ms. KAPTUR, Mr. OBEY, Mr. KUCINICH, Mr. CONYERS, and Mr. UDALL of Colorado):

H. Res. 1470. A resolution recognizing and honoring the achievements and legacy of former Representative John F. Seiberling, and expressing deep condolences to the Seiberling family for their loss; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. GUTIERREZ introduced a bill (H.R. 6979) for the relief of Gloria Ayala Cuyuch; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 111: Mr. CHILDERS.
H.R. 192: Mr. WITTMAN of Virginia.
H.R. 332: Mr. WITTMAN of Virginia.
H.R. 333: Mr. KLEIN of Florida.
H.R. 661: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 676: Mr. HOLT.
H.R. 891: Mr. ENGLISH of Pennsylvania, Mr. PAYNE, and Ms. GIFFORDS.
H.R. 1014: Mr. LAHOOD.
H.R. 1039: Mr. SNYDER.
H.R. 1078: Mr. SMITH of New Jersey.
H.R. 1110: Mr. BARRETT of South Carolina and Mr. BLUNT.
H.R. 1134: Mr. HERGER and Ms. CASTOR.
H.R. 1157: Ms. HIRONO, Mrs. DRAKE, Mr. ABERCROMBIE, Ms. KILPATRICK, Mr. BOREN, and Mr. DICKS.
H.R. 1185: Mr. ROSKAM.
H.R. 1246: Mr. CONYERS.
H.R. 1280: Mrs. BIGGERT, Mr. MITCHELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LATOURETTE, Mr. PORTER, and Mrs. LOWEY.
H.R. 1306: Mr. HERGER.
H.R. 1386: Mr. GONZALEZ.
H.R. 1439: Mr. PLATTS.
H.R. 1552: Ms. CASTOR.
H.R. 1576: Mr. BUCHANAN.
H.R. 1618: Mrs. BONO MACK.
H.R. 1655: Mr. MORAN of Virginia.
H.R. 1671: Mr. ALLEN and Mr. CLEAVER.
H.R. 1820: Mr. CONYERS and Ms. VELÁZQUEZ.
H.R. 1846: Mr. MARCHANT.
H.R. 1881: Ms. LINDA T. SÁNCHEZ of California.
H.R. 2169: Ms. HARMAN.
H.R. 2221: Mr. CLYBURN.
H.R. 2238: Mr. NUNES.
H.R. 2564: Mr. BROWN of South Carolina.
H.R. 2860: Mr. DICKS.
H.R. 2870: Mr. MCGOVERN.
H.R. 3010: Mr. HARE.
H.R. 3014: Mr. TIERNEY.
H.R. 3109: Mr. STUPAK.
H.R. 3212: Mr. HASTINGS of Florida, Mr. RUSH, and Mr. KIND.
H.R. 3363: Mr. MILLER of North Carolina and Mr. MCCOTTER.
H.R. 3423: Mr. DELAHUNT, and Mr. PASTOR.
H.R. 3660: Mr. BOOZMAN.
H.R. 3700: Mr. BUTTERFIELD.
H.R. 3797: Mr. DICKS.
H.R. 3871: Mr. CAZAYOUX.
H.R. 3929: Mr. NEAL of Massachusetts.
H.R. 4450: Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. BUTTERFIELD, and Mr. BISHOP of New York.
H.R. 4544: Mr. NEAL of Massachusetts, Ms. SHEA-PORTER, and Mr. MCCARTHY of California.
H.R. 4836: Mr. GRIJALVA.
H.R. 5161: Mr. HINCHEY.
H.R. 5268: Mr. MEEK of Florida and Mr. RUSH.
H.R. 5443: Mr. CARTER.
H.R. 5447: Mr. MURPHY of Connecticut.
H.R. 5469: Mr. WEXLER.
H.R. 5596: Mr. CARTER.
H.R. 5606: Mr. KUHL of New York, Mr. LATHAM, and Mr. BRADY of Pennsylvania.
H.R. 5673: Mr. MILLER of Florida.
H.R. 5734: Mr. CAPUANO.
H.R. 5793: Mr. REHBERG and Mr. BILIRAKIS.
H.R. 5852: Mr. MORAN of Virginia.
H.R. 5868: Mr. THORNBERRY.
H.R. 5901: Mr. SESTAK and Mr. CLAY.
H.R. 5924: Mr. RUPPERSBERGER.
H.R. 5946: Ms. SHEA-PORTER.
H.R. 6066: Mr. SHAYS, Mr. CONYERS, Mr. YARMUTH, and Mr. MCNULTY.
H.R. 6100: Mrs. CAPPS, Mr. SERRANO, and Mr. MCGOVERN.
H.R. 6145: Mr. BARTLETT of Maryland, Mrs. CAPITO, Mrs. BONO MACK, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Kentucky, Ms. GRANGER, Mr. KELLER, Mr. MACK, Mrs. MYRICK, Ms. ROS-LEHTINEN, Mr. SHIMKUS, Mr. CASTLE, Mr. HUNTER, Mr. WOLF, Mr. JOHNSON of Illinois, Mr. GERLACH, and Mr. BACHUS.
H.R. 6179: Mr. WITTMAN of Virginia.
H.R. 6192: Mr. GALLEGLY.
H.R. 6202: Mr. GRIJALVA.
H.R. 6258: Mr. BISHOP of Georgia.
H.R. 6408: Mr. PALLONE, Mr. BISHOP of New York, and Mr. COSTA.
H.R. 6478: Mr. ALTMIRE, Mr. LAMPSON, Mr. WILSON of Ohio, and Mr. WAMP.
H.R. 6485: Mr. PASTOR, Mr. HODES, and Mr. RAHALL.
H.R. 6517: Mr. PERLMUTTER.
H.R. 6551: Mr. DAVIS of Illinois.
H.R. 6562: Mr. CARNAHAN.
H.R. 6567: Mr. GOODLATTE.
H.R. 6581: Mr. HARE.
H.R. 6594: Mr. PASTOR.
H.R. 6603: Mr. MCHUGH and Mr. MCNULTY.
H.R. 6617: Mr. HINCHEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SERRANO, and Mr. HASTINGS of Florida.
H.R. 6640: Mr. BRADY of Texas and Mr. HASTINGS of Florida.
H.R. 6654: Mr. PRICE of North Carolina.
H.R. 6680: Mr. BRADY of Pennsylvania, Mr. CAPUANO, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 6691: Mr. SMITH of Texas, Mr. NUNES, and Mr. CALVERT.
H.R. 6694: Ms. ZOE LOFGREN of California and Mr. SHIMKUS.

H.R. 6702: Mr. BARTLETT of Maryland and Mrs. LOWEY

H.R. 6725: Mr. KIND, Ms. DEGETTE, Mr. GENE GREEN of Texas, and Mr. GORDON.

H.R. 6748: Ms. CLARKE.

H.R. 6749: Mr. ISRAEL.

H.R. 6755: Mr. KIND.

H.R. 6831: Mr. MICHAUD and Mr. MELANCON.

H.R. 6835: Mr. COHEN.

H.R. 6836: Mr. UPTON.

H.R. 6837: Ms. BERKLEY.

H.R. 6844: Mr. REICHERT.

H.R. 6849: Mr. JONES of North Carolina, Mr. KING of Iowa, Mr. SCOTT of Georgia, Mr. COURTNEY, Mr. DAVIS of Kentucky, Mr. ROSS, Mr. BOUSTANY, Mr. CUELLAR, Mr. HARE, Mr. EVERETT, Mr. CHANDLER, Mr. DONNELLY, Mr. SPRATT, and Mr. WALBERG.

H.R. 6856: Mr. COHEN.

H.R. 6865: Mr. CAPUANO.

H.R. 6869: Mr. HINOJOSA, Mr. HINCHEY, Mr. DEFAZIO, and Ms. JACKSON-LEE of Texas.

H.R. 6873: Mr. LATOURETTE, Mr. MCGOVERN, Mr. SERRANO, Mr. ENGEL, and Mr. MAHONEY of Florida.

H.R. 6884: Mr. MURTHA, Ms. HIRONO, Mr. PLATTS, Mr. RUPPERSBERGER, Mr. FRANK of Massachusetts, and Ms. ESHOO.

H.R. 6913: Mr. SHAYS, Ms. DELAURO, and Mr. MCGOVERN.

H.R. 6928: Ms. BERKLEY.

H.R. 6930: Mr. WOLF, Mr. SMITH of New Jersey, Mr. SESTAK, and Mr. LEWIS of Georgia.

H.R. 6932: Mr. KIRK, Mr. ACKERMAN, Ms. SCHAKOWSKY, Mr. TOWNS, Ms. ROS-LEHTINEN, Mr. WAXMAN, Mr. HONDA, Mr. ENGEL, Mr. KLEIN of Florida, Mr. CHABOT, and Mr. COHEN.

H.J. Res. 22: Mr. CARTER.

H.J. Res. 79: Mr. CLAY.

H. Con. Res. 70: Mr. MCINTYRE.

H. Con. Res. 301: Mr. GILCHREST and Mr. SMITH of Texas.

H. Con. Res. 362: Mr. LEVIN and Mr. MCNERNEY.

H. Con. Res. 378: Mr. HALL of Texas.

H. Con. Res. 383: Mr. MCNERNEY.

H. Con. Res. 393: Mr. SHIMKUS, Mr. MORAN of Kansas, Mr. SHUSTER, Mr. SULLIVAN, Mrs. WILSON of New Mexico, Mr. MCCOTTER, Mr. MCCARTHY of California, Mr. NUNES, Mr. KINGSTON, Mr. FOSSELLA, Mr. FORTENBERRY, Mr. MARKEY, Mr. SHADEGG, Mr. CRENSHAW, Mr. FERGUSON, Mr. HUNTER, Mr. RADANOVICH, Mr. HALL of Texas, Mr. YOUNG of Alaska, Mr. KIND, Mr. LEWIS of Georgia, Mr. RYAN of Ohio, and Mr. TIBERI.

H. Con. Res. 397: Mr. TIERNEY, Mr. SHULER, Mr. BARTLETT of Maryland, Mr. WOLF, Ms. MATSUI, and Mr. COSTA.

H. Con. Res. 405: Mr. MCGOVERN.

H. Con. Res. 407: Mr. MEEKS of New York, Mr. CROWLEY, Mr. SIRES, and Ms. LINDA T. SÁNCHEZ of California.

H. Con. Res. 411: Mr. CARSON, Mr. CALVERT, and Mr. COHEN.

H. Con. Res. 416: Mrs. BONO MACK and Mr. DOYLE.

H. Con. Res. 417: Mr. MARIO DIAZ-BALART of Florida, Mr. KELLER, Mr. ROGERS of Michigan, Mr. TURNER, Mr. FERGUSON, and Mrs. DRAKE.

H. Con. Res. 418: Mr. EHLERS, Ms. GIFFORDS, Mr. BISHOP of Georgia, and Mr. REYES.

H. Res. 556: Mr. WAMP, Mr. PORTER, and Mr. CAMP of Michigan.

H. Res. 988: Mr. MCINTYRE.

H. Res. 1042: Mr. BARRETT of South Carolina, Mr. RYAN of Ohio, Mr. HERGER, Mr. SCALISE, and Mr. GERLACH.

H. Res. 1227: Ms. ESHOO.

H. Res. 1258: Ms. JACKSON-LEE of Texas and Mr. FILNER.

H. Res. 1272: Mr. EHLERS.

H. Res. 1345: Mr. FILNER.

H. Res. 1352: Mr. SMITH of Texas, Mr. CASTLE, and Mr. DENT.

H. Res. 1375: Mr. DAVIS of Illinois, Mr. MCGOVERN, and Mr. GERLACH.

H. Res. 1381: Mr. SALAZAR, Mr. ORTIZ, Mr. CUELLAR, Mr. STARK, Ms. MCCOLLUM of Minnesota, and Mr. RYAN of Ohio.

H. Res. 1386: Ms. BEAN and Mr. LUCAS.

H. Res. 1390: Mr. KUHL of New York and Mr. BERMAN.

H. Res. 1392: Mr. PUTNAM, Mr. ALTMIRE, Mr. MURTHA, Mr. HOLDEN, Mr. CARNEY, Mr. EHLERS, Mr. DOYLE, Mr. SMITH of New Jersey, Mr. POMEROY, Mr. SESSIONS, Mr. LEWIS of Kentucky, Mr. MATHESON, Mr. DAVIS of Kentucky, Mr. WU, Ms. BERKLEY, Mr. ROSKAM, and Mr. PAUL.

H. Res. 1406: Mr. GENE GREEN of Texas, Mr. CAPUANO, Mr. FRANK of Massachusetts, Ms. LINDA T. SÁNCHEZ of California, and Mr. SMITH of Washington.

H. Res. 1410: Mr. HONDA.

H. Res. 1414: Mr. BRADY of Texas.

H. Res. 1416: Mr. POE and Mr. GENE GREEN of Texas.

H. Res. 1421: Mr. WOLF, Mr. SHULER, and Mr. NADLER.

H. Res. 1427: Mr. PLATTS and Mr. MILLER of Florida.

H. Res. 1428: Ms. HARMAN, Mr. HAYES, Mr. ETHERIDGE, Mr. MCCAUL of Texas, Mr. SESSIONS, and Mr. BRADY of Texas.

H. Res. 1436: Mr. BRALEY of Iowa, Mr. BROUN of Georgia, Mr. ETHERIDGE, Mr. FILNER, Mr. FOSTER, Mr. GRIJALVA, Mr. HARE, Mr. LARSON of Connecticut, Ms. MOORE of Wisconsin, Mr. SNYDER, Mr. WALZ of Minnesota, Mr. YOUNG of Alaska, Mr. COSTA, Mr. MARSHALL, Mr. LIPINSKI, Mr. LINCOLN DAVIS of Tennessee, Mr. WILSON of Ohio, Mr. SIRES, Mrs. NAPOLITANO, Mrs. BOYDA of Kansas, Mr. DAVIS of Alabama, Mr. PALLONE, Mr. MCNERNEY, Mr. MITCHELL, Mr. HILL, Ms. HOOLEY, Mr. DONNELLY, Mr. HAYES, Ms. HARMAN, Mr. MELANCON, Mr. TAYLOR, Mr. LAMPSON, Mr. JOHNSON of Georgia, and Mr. BACA.

H. Res. 1437: Mrs. BOYDA of Kansas, Mr. ROSS, Mr. MCGOVERN, Mr. JONES of North Carolina, Mr. WALZ of Minnesota, Ms. MATSUI, Mr. WESTMORELand, Mr. SPRATT, Mr. BOOZMAN, Mr. MCINTYRE, Mr. OLVER, Mr. KIND, Mr. SNYDER, Mr. ARCURI, Mr. MORAN of Virginia, Mr. LOBIONDO, Mrs. MCCARTHY of New York, Mr. BERMAN, Ms. SUTTON, Mr. BISHOP of Georgia, Mr. WILSON of Ohio, Mr. TANNER, Mr. TOWNS, Mr. FARR, Ms. NORTON, Mr. GOODE, Mr. GOHMERT, Mr. GORDON, Mr. LEVIN, Mr. CONAWAY, Mr. TERRY, Mr. MATHESON, Mr. PRICE of Georgia, Mr. BOUCHER, Ms. GIFFORDS, Mr. UPTON, Mr. ETHERIDGE, Mr. GONZALEZ, Mr. EHLERS, and Mr. GRAVES.

H. Res. 1438: Mr. MCNERNEY.

H. Res. 1440: Mr. MITCHELL.

H. Res. 1446: Ms. BORDALLO.

H. Res. 1450: Mr. GARRETT of New Jersey.

H. Res. 1451: Ms. SUTTON, Mr. KIRK, Ms. WOOLSEY, Mr. MCNULTY, Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. PASCRELL, Mr. HONDA, Mr. COHEN, Ms. ROYBAL-ALLARD, Mr. LYNCH, Mr. WEXLER, Mr. PITTS, Ms. BORDALLO, Mr. FORTUÑO, Ms. LEE, Mr. HINOJOSA, Mr. CARSON, Mr. KLEIN of Florida, Mr. CUMMINGS, Mr. ADERHOLT, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. MANZULLO, Mr. ROYCE, Mr. CHABOT, Mr. TANCREDO, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. BARRETT of South Carolina, Mr. BILIRAKIS, Mr. MCCAUL of Texas, Mr. BARTLETT of Maryland, Mr. MCNERNEY, Ms. MOORE of Wisconsin, Ms. TSONGAS, Mr. DELAHUNT, Ms. WATSON, Mr. CLEAVER, and Mrs. CAPPS.

H. Res. 1452: Mr. HENSARLING, Mrs. BACHMANN, Mrs. BLACKBURN, Ms. FALLIN, Mr. BROWN of South Carolina, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. GOODE, Mrs. SCHMIDT, Mr. DAVIS of Kentucky, Mr. MCCOTTER, Mr. BARRETT of South Carolina, Mr. BROUN of Georgia, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. GINGREY, Mr. DOOLITTLE, Mr. HERGER, Mr. FLAKE, Mr. BILBRAY, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. ALEXANDER, Mr. MELANCON, Mr. PORTER, Mr. NEUGEBAUER, Mr. GERLACH, Mr. DENT, Ms. FOXX, Mr. TURNER, Mr. CONAWAY, Mr. MACK, Mrs. BONO MACK, Mr. SMITH of Nebraska, Mr. LATOURETTE, Mr. BURTON of Indiana, Mr. SHADEGG, Mr. MCKEON, Mr. SALI, Mr. YOUNG of Alaska, and Mr. SAM JOHNSON of Texas.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Mr. TANCREDO on House Resolution 1240: Virgil H. Goode, Jr.

Petition 17 by Mr. CANNON on the bill (H.R. 6211): Terry Everett, Ken Calvert, Ralph M. Hall, W. Todd Akin, John E. Peterson, Wally Herger, John Campbell, Todd Tiahrt, John T. Doolittle, Mark E. Souder, Jo Ann Emerson, Cliff Stearns, Dan Burton, Donald A. Manzullo, F. James Sensenbrenner, Jr., Jerry Lewis, Mac Thornberry, Cathy McMorris Rodgers, Lamar Smith, Zach Wamp, Patrick T. McHenry, Bob Goodlatte, Doug Lamborn, John Kline, Robert E. Latta, Howard Coble, Phil Gingrey, Michael K. Simpson.

Petition 18 by Mr. PEARCE on the bill (H.R. 5868): Joe Wilson, Cathy McMorris Rodgers, Chris Cannon, Bob Goodlatte, Lincoln Diaz-Balart, John Kline, Robert E. Latta, David G. Reichert, Thaddeus G. McCotter, Mike Rogers.

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PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, THURSDAY, SEPTEMBER 18, 2008 *No. 149*

Senate

(Legislative day of Wednesday, September 17, 2008)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The guest Chaplain, Rev. Peter Marshall, Jr., Orleans, MA, offered the following prayer:

Let us pray.

Heavenly Father, I pray for the men and women of this Chamber, who by Your mercy have been granted the high privilege of being a U.S. Senator. Make them mindful, O God, that they hold their office as a public trust; that they are first responsible, not to their constituents or each other, but to You, as men and women who will one day stand before Your throne to give account for their lives. Father, if any of them are laboring under the jaded cynicism that can come from years spent in the political process, cleanse them from it. Father, grant them a renewed vision of the nobility of a life spent in public service. Fire their hearts, O God, with the love of truth and honest dealing, that they may rise above mere vote trading and the blandishments of lobbyists and do that which is right in Your sight.

Through Jesus Christ, our Lord, Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR 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, September 18, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks of the two leaders, the Senate will proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

I have been in contact with the Republican leader. We hope, in the near future, to be able to enter a unanimous consent agreement to move forward on the tax extenders legislation, with limited debate. We also were unable to reach an agreement to consider the Advance America's Priorities Act. I am expecting a call from Senator COBURN momentarily to see if we can work our way through that. If we are unable to reach an agreement today on the extenders package—and we certainly think it would be possible, with an agreement, to work through the Coburn problems, but if we cannot do that, we will have to have a cloture vote in the morning on S. 3297. I hope that is not necessary.

I remind everybody that the adjournment date is next Friday. Everyone who holds things up must be very careful that they are not holding up our getting out of here on time. We have to do the extenders. We have to do the energy legislation. We have to do work on the stimulus bill, a CR, and a few other things that are absolutely necessary. I have spoken to the House leadership, and they want to be out by next Friday. But we have to send them some things before we can be out by next Friday.

I remind everyone that it is possible that we might have to work the next few days. There is nothing to change that at this stage. Monday, there will be no votes. I announced that some time ago. That being the case, whatever we do this week, then we have next Tuesday, Wednesday, Thursday, and Friday, and that is our adjournment date. If we don't finish our work by next Friday—or Saturday, if that is the case—the following week is a Jewish holiday, Rosh Hashanah, which means we would have to come back the following Wednesday. So I hope everybody understands how difficult this is. One of the Senators said to me: Why aren't you more definite in what you are scheduling? I just cannot be, with the procedures in the Senate. One or two people can really throw a monkey wrench into how we move forward.

I hope we can have a very productive day. It is possible that we can complete the tax extenders and the energy legislation today. We could do that all today. There is no reason we can't. We know what we need to do. We need to pass the paid-for extenders on energy. We need to have a vote on AMT, whether we are going to pay for that, and we need to have a vote on the rest of the extenders package. Time limits are in

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the proposed unanimous consent agreement. We can do that quickly, and we can then move to have the votes on the energy package. Senator BINGAMAN has an amendment. We have a House bill. We could move to substitute the Bingaman amendment for that. The Republicans have something they want to do on drilling. And then we will see if there is going to be the alternative offered by the Gang of 10. We could do that all today. We may go into the evening a little bit. But I hope Senators realize that every little bit of time that we don't have an agreement to move forward with legislation, it makes it more apparent that we are going to have to be here tomorrow, maybe Saturday, and certainly after the adjournment date.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

MAXIMUM COOPERATION

Mr. MCCONNELL. Mr. President, let me say to my good friend the majority leader that he can expect a high level of cooperation from this side on moving forward on the extenders package, as we have essentially reached an agreement, which has basically been drafted. We will be working on a way to go forward, procedurally, on that measure at the earliest possible time. He will also get maximum cooperation from us on a variety of different matters he would like to consider prior to next week. So we will stay in constant communication and try to see what we can accomplish on a bipartisan basis in the rather small amount of time we have remaining.

THE ECONOMY

Mr. MCCONNELL. Mr. President, on the front page of every newspaper in towns and cities throughout the country, Americans are reading stories about our economy and they are looking for answers. They are looking for leadership. They are looking for a sign that everything is going to be OK—or, at the very least, a sign that their elected officials are committed to fixing the problem.

I know that, in Kentucky, it is not the hard work that bothers them. They have always held up their end of the bargain. It is what they can't control that makes them nervous. They want to know that their pensions, their savings, and their families are going to be OK. They want to be reassured that the investments taxpayers made this week were the right thing to do.

Considering what the American people have seen from some of our colleagues on the Senate floor this week, I understand their nervousness. Instead of working to ease the anxiety Americans are feeling about the economy, some are using the anxiety to continue their everlasting campaign. Instead of coming together to face this problem head-on as a country, some colleagues have taken to the Senate floor to blame Republicans for the bad news.

It is little wonder why Americans hold this Congress in such low regard. We can all come up with a million reasons to blame someone for bad news, but it doesn't change the fact that we all face these challenges together. It is time to confront the problem rather than point fingers. That is the challenge for this Congress in the days ahead.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Montana is recognized.

IN THE LAST MINUTES

Mr. BAUCUS. Mr. President, as the old saying goes:

> If it were not for the last minute, a lot of things would not get done.

Well, God willing, we are nearing the last minutes of this Congress and, God willing, we are close to getting a lot of things done.

For the better part of this Congress, we have been working on passing three major tax bills. One has been to put America on sounder energy policy. The second has been to prevent the AMT from raising taxes for millions of American families. The third has been to extend a series of tax incentives that are vital to American jobs and families. Frankly, on these matters, what unites us is far greater than what divides us. And now, at the last minute, it is time to get these bills done.

With this in mind, I have worked with my good friend CHUCK GRASSLEY, the ranking Republican member of the Finance Committee. Together, we have worked with the majority leader and with the Republican leader. We have worked with Senator DURBIN and with Senator KYL. All of us have come together on a way to get these major tax bills done.

What has divided us on tax measures has been mostly whether to pay for them. Democrats have said we should. Republicans have said we should not. So we and the leaders have come up with an honorable compromise. We propose that we pay for the energy tax bill, that we not pay for the AMT bill, and that we pay for roughly half of the tax extenders bill. With this structure, we believe we can pass these bills, we can get a lot of things done, and we can help to bring on the last minutes of this Congress.

Passing these bills would get a lot of things done. The Energy bill would help to create well-paid jobs in the growing field of new energy technologies. It would help to secure America's independence from high-priced foreign oil. It would help us to move closer to addressing global warming.

The AMT patch would keep some 21.5 million taxpayers from being hit by a tax increase. We must not let more families fall into the AMT.

The tax extenders package would help provide relief in a time of economic uncertainty. The economy clearly is struggling and so are America's working families. Markets are experiencing volatility. In times such as these, Americans need tax cuts they have come to count on to help them get by. The tax extenders package includes the research and development tax credit to spur new, high-paying jobs. It includes a teacher expense deduction to help teachers who put out money from their own pockets to buy school supplies. It includes a tuition deduction to give families needed relief from rising college costs.

As well, this package includes the mental health parity bill. The bill has been a long time in coming. We must pass this bill for many reasons. It would ensure that families facing mental health challenges would receive fair treatment—treatment the same as those facing other health challenges. This legislation is a tribute to the hard work of Senators Paul Wellstone, TED KENNEDY, and PETE DOMENICI.

This package also includes disaster relief. It would aid the victims of the Midwest floods. It would help the victims of all recent federally declared disasters. It includes relief for the victims of Hurricane Ike and Gustav.

This is a good package. It would make real progress on energy policy. It would extend needed tax relief in hard times. It would give us a chance to show American families that Congress can work for them.

So let's hasten the last minutes of this Congress. With that, let's finally get a lot of things done. Let's do the work of governing that the American people sent us here to do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ECONOMY

Mr. CORNYN. Mr. President, this week I witnessed the devastation and

destruction of Hurricane Ike in Texas, and, of course, that destruction has extended beyond the State of Texas to other parts of the country as well, leaving thousands of people without homes, millions without electricity, and countless without water and the necessities of life.

I traveled with the Secretary of the Department of Homeland Security, Michael Chertoff, the head of the Federal Emergency Management Agency, the Secretary of Health and Human Services, and the President of the United States over the past few days surveying this devastation and trying to do everything we could collectively, together with the Governor of Texas, the National Guard, the Red Cross, and many volunteers, to get people back to their regular routine, hopefully back in their homes, back to work with power restored and the necessities of life being provided as soon as possible.

There are a lot of people working to make that happen, from private businesses to the electric utilities that are trying to get power back online to the oil companies. All are working as hard as they can to get life back to normal as soon as possible.

I also witnessed firsthand the importance to the Texans who were personally affected by this catastrophe of a calm, reassuring response from the Government, a disciplined approach to the problems, and a sense of optimism from their leaders about the future. What people want from their Government is not panic, is not hyperbole, is not partisan attacks and the blame game. What they want is their leaders to talk about how we are going to methodically work through this challenge and find a solution to the problem.

Unfortunately, in Washington, we are facing a very different but nevertheless very real storm in our financial markets. The problem is, we have witnessed the most recent string of failures that have not seen any precedent since perhaps the Great Depression.

The collapse of companies such as AIG and Lehman Brothers, the purchase of Merrill Lynch by the Bank of America, the probable sale of Washington Mutual, all on the heels of a massive Government takeover of Fannie Mae and Freddie Mac, point to a financial system in serious trouble.

Today we do not yet know where this will all lead, especially how far the fallout from the troubled subprime mortgage industry will reach. The irresponsibility of so many financial institutions has touched almost every segment of our economy, and the effects are far from over.

While I have heard from many of my colleagues demand for quick Government action to counter this downturn, I would caution all of us that the most important approach is to take a deep breath, to consider the facts, and then to act carefully and deliberately, working together across the aisle to identify the actual causes of this crisis and what we might do to make things better.

The first thing you need to do in a crisis is to take stock of the situation and identify the specific problems that need to be addressed so we can be sure or as much as humanly possible that we don't overreact or actually try to treat a problem that doesn't exist or to make something bad even worse, indeed.

Now, if there ever were a time, is a time for level heads and bipartisan cooperation, not overreaction and not partisanship. Now is the time for an earnest and probing discussion.

It is clear that many factors have contributed to this problem, and I have to say both political parties share part of the blame. In the 2 years since our Democratic colleagues have taken over, Congress has failed to address the rising debt of the Federal Government, with deficits at record levels, important tax relief that has not been made permanent and which will expire in 2011, and all attempts at addressing American energy production and, of course, rising prices at the pump. All of those efforts have effectively been blocked.

But rather than engaging in the blame game, which is a world class sport in Washington, and pouncing on this crisis as an opportunity to point fingers, the American people need for us to come together and have a serious, nonpartisan discussion, investigation, and resolution of these challenges.

One thing that should be crystal clear, however, is that mixing public purposes and private enterprise in a quasi-governmental entity is a dangerous business, if not more so, than the free market itself. The unprecedented collapse of Fannie Mae and Freddie Mac has sent shock waves throughout our financial system.

That is why 2 years ago I joined several of my colleagues in an attempt to reform government-sponsored entities. That is what these two entities, Freddie Mac and Fannie Mae, are called, government-sponsored entities. Unfortunately, folks on the other side of the aisle blocked every attempt at that time to reform this broken system. At the time, I suppose things seemed to be working pretty well. But as we know now, these institutions were rotten to their core and destined to ultimately fail. Looking back on those actions then, they seem even more urgent now than they did then.

Now that these institutions have failed, my colleagues on the other side of the aisle are calling for investigations they rejected 2 short years ago. Representative BARNEY FRANK at that time said:

> These two entities—Fannie Mae and Freddie Mac—are not facing any kind of financial crisis. The more people exaggerate those problems, the more pressure there is on these companies, the less we will see in terms of affordable housing.

I have said things in the past that I have later on learned to regret or had cause to revise and correct. I bet BARNEY FRANK wishes he could take those words back today. We have colleagues in this body who went so far as to ask the President to immediately reconsider his ill-advised reform proposals. They are the reform proposals we have now enacted, unfortunately now that the horse is out of the barn and Fannie and Freddie have failed.

It is difficult to think that we may have had a chance to head off the collapse of Fannie and Freddie and prevent a lot of turmoil we are facing now. But, indeed, with the benefit of hindsight, if we had acted 2 years ago or even 5 years ago to implement the reforms we have now since implemented, we could have headed off this calamitous failure of these two huge quasi-governmental institutions.

Then, of course, there is the fact that Fannie and Freddie faced increasingly well-documented corruption and mismanagement. In 2006, some of the very leaders of those entities paid huge civil fines for basically cooking the books to make the profit look better than it actually was in order to reap huge financial bonuses. Yet for some reason, the Department of Justice gave them effectively a slap on the wrist, a civil fine rather than prison time and true accountability.

Because of the intertwining nature of these quasi-governmental entities, Fannie and Freddie, they developed ultimately a powerful lobby group and became institutionalized in the Government. They developed, in effect, a political shield that made them invulnerable to the kind of scrutiny that private enterprise ordinarily would have and that proper oversight would produce.

I have sent a letter to the Attorney General of the United States asking for a full investigation into what happened with Fannie and Freddie and to find out how two institutions that are so central to the issuance of mortgages in the United States could have been so poorly managed that they had to be bailed out by the American taxpayers.

Fannie and Freddie have proven that direct governmental involvement does not necessarily mean better management, nor does it preclude financial disaster. In fact, the Government involvement itself may have created a false sense of security that made it less obvious that these entities were, indeed, increasingly a house of cards.

What was the result? The result is now at least an estimated $200 billion tab for the Federal taxpayers, maybe higher in the end. All told, Reuters has estimated the Federal Government bailouts to date have totaled roughly $900 billion. Between Fannie and Freddie, Bear Stearns, the FHA, and an assortment of other programs, we will spend almost $1 trillion of the American taxpayers' money. This kind of spending on private entities and loans cannot protect the economy and will only result in higher taxes to pay for it and further dwindling of the value of the dollar.

That is why rather than reacting hastily and increasing the cost to the

taxpayers, we need to cool down, take a breath, and look at the economy more closely.

No one suggests that regulation is not appropriate in the right circumstances, but the Democratic candidate for President, Senator OBAMA, used the word ''regulate'' or ''regulation'' or a variation of those words 26 times in a single speech this last week—26 times. What we need to ask ourselves is if we have the right systems in place to oversee and effectively regulate industry where necessary.

Anyone who has studied corporate law can tell you there are plenty of laws and regulations governing the conduct of business entities. The question we ought to be asking is, are they working effectively or is the redtape and bureaucracy self-defeating? What can we do to improve the regulatory regime, not necessarily use it as an excuse to grow the size of Government along with an increase in the tab the taxpayers invariably will pick up?

Rather than taking over businesses and guaranteeing against failure, how can we, working together in a nonpartisan fashion, create a more effective framework to help business succeed?

The most important thing to remember is that the free enterprise system will weather any storm and will bounce back if we let it. But if we use this as an excuse to grow the size of Government, to create new bureaucracies, to create more redtape, and to create an increase in the cost of Government, then it will crowd out the new job creation we need in order to keep this economy strong.

So instead of trying to box in our economy and control it from Washington, DC, how it works in every minute detail, we should be creating the most fertile environment for the economy to grow. Overregulating the economy is like planting an oak tree in a flower pot. Even if it survives, it will never get very big.

There are some things Congress can do and can do quickly. We can reassure the American worker that we will keep taxes low rather than allow them to grow and increase. We can keep taxes low for individual Americans, for corporations, for small businesses. We can make sure the capital gains rate is low. We can do what Senator MCCAIN has proposed and lower the corporate tax rate, which is the second highest in the world.

Does it make sense to increase corporate taxes because we can stand up here and rail against corporations and excess of the market or does it make sense to make it more likely that these corporations will actually create jobs in America because of a more favorable tax regime rather than go abroad and create those jobs because the cost of doing business is too high here?

Another thing we can do is we can help cut out-of-control Federal spending. That would help the economy. Spending more Federal dollars will only take away from the people the resources we need to strengthen the economy—the small businesses that innovate and drive competition, the workers who make industry run, and the consumers who return money to the economy.

Another thing we can do is commit to free trade. Free trade creates jobs in America from the agricultural produce we grow to the products we manufacture that we have new markets for in other parts of the world. If we make a commitment to open new markets to fair and equal trade, we give new outlets for American goods and produce. Trade has always helped businesses grow, and it creates new jobs and higher wages right here in America. That is why one thing we could do to help stimulate our economy and get the economy back on track is to pass the Colombia Free Trade Agreement, something that Speaker PELOSI has blocked for many months now.

We can open America's energy resources for more domestic exploration and production.

Mr. President, I ask unanimous consent for an additional 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, we can open America's energy resources right here at home so that we would have to spend less money buying that oil from the Middle East or from Hugo Chavez in Venezuela.

Americans are feeling the pinch of high gas prices, and not just when they fill their gas tank. They feel it at the grocery store, and in the cost of fuel for the schoolbuses run by the school districts around the country, even for our law enforcement officials who drive police cruisers. These high gas prices affect all of us, and we could do something about it today, right here in Congress, by our being part of the solution and eliminating the moratorium on offshore exploration and development of the oil shale out in the Midwest and up in the Arctic, where we could produce as many as 3 million additional barrels of oil a day right here at home, and reduce the amount of money we send to the Middle East to buy that oil. We know also that it would create jobs here in America to produce it.

So there are a number of things we can do right here in the United States at this time that do not result in overregulation and strangulation of an already struggling economy.

We have seen financial institutions, such as the Bank of America, stepping in and shoring up the market and preventing some of the losses. And while there is no doubt this consolidation of the financial markets is painful for many, we have to focus on long-term solutions that will put the economy back on track. Again, this situation calls for a calm, nonpartisan discussion that looks for the real root of the causes of this crisis and the best ways to recover from it. We should remember the old carpenter's adage to measure twice and cut once. We can't afford to make hasty decisions that may in the long run hurt our economy.

We may never be able to foresee every crisis that our country or our economy will face, but I do know that America is built to weather any storm. American ingenuity and the engine of capitalism will always rebound, if we will let it.

Mr. President, I yield the floor

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

FISCAL RESPONSIBILITY

Mr. BROWN. Mr. President, I am always both amused and amazed to hear my friends on the other side of the aisle talk about taxes, because they are always talking about cutting the corporate tax rate. They always say our corporate taxes are higher than anyplace in the world. But that is on paper that they are the highest. The effective tax rate, what corporations are paying, is much lower. They know that and we know that.

It is so often a smokescreen. Senator MCCAIN and my friends on the other side of the aisle always want to talk about tax cuts. It is always a smokescreen to cut taxes for the wealthiest Americans while the middle class, again, bears the brunt. The Obama tax cuts are all about the middle class. He wants to cut taxes on people making $30,000 and $50,000 and $100,000 and $150,000 a year.

Certainly people making $300,000 a year can afford a little more, and that is exactly the way Senator OBAMA has looked at it, and the way so many of us have looked at it as well.

We want to get our fiscal house in order. We have seen what happens with President Bush and Vice President CHENEY. We have seen what happens with the Federal budget. We are spending close to $3 billion every week on this war in Iraq. These tax cuts, which have gone overwhelmingly to the richest citizens, have put us behind the eight ball. And we have seen our budget surplus—the day George Bush was sworn in—go to more than a $1 billion a day budget deficit. That is because of tax cuts for the rich. Not for the middle class, tax cuts for the rich. We want to move some of that money to middle-class tax cuts. And as we exit the war in Iraq and we begin to free up money, we want to use that for the domestic needs many of us have talked about.

The real reason I came to the floor, though, was to talk about what has occurred this week, what has happened on Wall Street. I am fairly incredulous that some in this body would still be saying we have too much regulation. It is pretty clear the cowboys on Wall Street and the deregulation of the Bush era—the Bush years—have led us to these problems. Not that this leads us to a Great Depression. I don't believe that. But it has led us back to some of the same kinds of unparalleled

zealous greed on Wall Street which we haven't seen since the 1930s.

But what concerns me is that I remember 3 years ago, in early 2005, George Bush, DICK CHENEY, and JOHN MCCAIN barnstormed the United States and campaigned all over the country for Social Security privatization. They worshipped at the mantle of how important it would be to have these private accounts; that if only people on Social Security invested in the stock market, think how much better off they would be. That was in 2005. Imagine if Bush and CHENEY and MCCAIN, and others around here, had succeeded in that endeavor. Imagine what people would be doing today if we had privatized Social Security. When people opened their statements—if they had private accounts—imagine what they would be feeling today with what has happened in the stock markets.

That, to me, is the biggest contrast between the direction the country is going in now, the direction JOHN MCCAIN and George Bush wanted to take also, and the direction so many senators, such as Senators WHITEHOUSE, MCCASKILL, and others in this body want to take us. Do we want to privatize Social Security, put senior citizens at the mercy of Wall Street? What would happen to their solid, guaranteed Social Security payments? Do we want to do that or do we want to make sure we will protect those Social Security payments?

I can't get Social Security out of my mind this week as I have seen what has happened with AIG, and what happened a few weeks ago with Bear Stearns, and what happened with Lehman Brothers and the stock market, and that we would possibly put people into private Social Security accounts. That is what JOHN MCCAIN wants to do. That is what they tried to do in 2005.

That is why I am so thankful that enough people in this body and in the House of Representatives, where I was in those days—and, more importantly, enough people in the United States, enough citizens—pushed back and said no to the Bush-Cheney-McCain privatization of Social Security. It wouldn't have worked then, and it clearly won't work now. It is a bad idea. It is one of the major issues I think we will see in the fall campaign, this whole idea of privatizing: privatizing Medicare, privatizing Social Security, privatizing the military, and all these contracts that Halliburton-Bechtel have.

Senator MCCASKILL, who will speak in a few moments, has done a great deal of work in trying to root out all the waste and all the illegalities, if you will, in some of these private military contracts. This whole effort to privatize has clearly cost taxpayer money. It has caused great risk for far too many people in Medicare. Thank God we were able to stop the Social Security privatization. If they had had their way in 2005, seniors would be much more worried about the cuts and the decline and the disintegration and the disappearance of their dollars if we had instituted private accounts, coupled with higher gas prices and food prices, and all that we have seen.

So again, I remind my colleagues that they have not given up on their idea in 2005. We know they will try it again. If they have a majority, and if Senator MCCAIN is elected, we know they will try privatization again. It was a bad idea then, it is a bad idea now.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

WORDS MATTER

Mr. ISAKSON. Mr. President, I want to open my remarks by simply stating that words matter. And to the distinguished Senator from Ohio, for whom I have the greatest of respect, I gained a lot of concern yesterday when I heard the words used in so many speeches given on the floor, especially at this disconcerting time, when the American public is so worried about our marketplace and our financial markets.

As Members of the Senate, I think it is very important we be conscientious, that we be positive and prudent in every word we use. Words matter. We have seen a savings and loan in California fail because words got out that there might be a failure and it became a self-fulfilling prophecy. We have seen things happen in the economy in large measure that were reactions to words that were said which should not have been said at all.

In making that statement, I am going to make a speech about what is happening right now on Wall Street and about our role in the Senate, and I will remember the admonition I gave that words matter. The words I want to use are words that I think are in the best interests of the people of the United States, but more importantly of this institution.

We can't play this historical blame game and set a precedent for the cause of what is going on in the financial markets today. We have to recognize that we equally, as Republicans and Democrats, have a responsibility to work together and to recognize the things we have done that have contributed to the problem. And I will give some examples.

One of the problems with the American economy today is the deficit of $407 billion, which we will realize at the end of this month when the fiscal year ends. Yes, part of that deficit is because we have been at war. And had we not gone to war, we might be in the throes of terrorism. But that is another debate. But a lot of that deficit is about Federal spending. A lot is about the budget process. As Members of the Senate, we have yet to take up a single appropriations bill on the floor of the Senate, yet in less than 2 weeks, this fiscal year will end. I think it is our responsibility at a time of deficit, at a time of spending difficulties to get that debate to the floor of the Senate and for all of us, Republicans and Democrats alike, to recognize we have a role in what that deficit is.

Secondly, the concerns regarding the financial markets now started back in May and June, when oil prices went to $147 a barrel. We are within a week, almost a week, of adjourning, yet it is patently clear there will be no resolution by Congress to any way forward in terms of domestic exploration or dealing with all the other energy issues out there. Those are two things that, had we been doing them this month and in the months previous, might have helped to ameliorate at least part of the concerns on Wall Street.

So I think all of us, Republicans and Democrats alike, must understand that we share part of the blame as an institution, and not just as one political party blaming the other. It is time for cool heads and prudent minds in the Congress to prevail. Americans are concerned. We should not play politics with their future. By way of example, the previous speaker brought back the entitlement debate of 2005 and the challenge of privatization. We must remember today that the debate we had was about one of the problems that Congress has contributed to, and that is a Social Security system from which we have borrowed all of its trust fund and spent all of its money. Because of the way we have managed the fiscal house of the United States, we will dissipate the trust fund in its entirety by 2043. That is something we ought to be addressing. We can have differences on the way to address it, but to try to stigmatize a sitting President or a future candidate when they were trying to address a problem that we all know exists is not the way to deal with these financial difficulties.

On the question of regulation, I am not so sure it is a question at all of needing more regulation as much as it is a question of using the regulatory powers that we now have to address some of these problems. I will give a couple of examples.

On Wall Street, within the Securities and Exchange Commission, there used to be an uptick rule. And the uptick rule basically was that as the market was going up, you could play the market game with speculation. But if it was going down, you couldn't short sell it. What is happening on Wall Street now is there are a lot of people selling short, and they are selling short to the detriment of the American people but to the benefit of the individuals themselves. That is part of the problem. We should ask the Securities and Exchange Commission to look deeply into regulations that worked in the past and see if they can't bring back the uptick rule to stop what has been an abuse in terms of short selling.

Secondly, I have said on the floor of the Senate three previous times—and I will repeat it today because I believe it strongly, and because I think it is more true now than ever before—a significant contributor to the problems we

are facing today is an absence of transparency and accountability on behalf of investment banking. The subprime securities that were created on Wall Street, and were rated investment grade by Moodys and Standard & Poor's, are the fundamental foundation of these financial collapses not just in the United States but around the world because those securities were bought as capital basis for many of the lending and financial institutions.

As we look to the future, and the recovery which we will see—because America always recovers—it is important that we never allow something like the securitization of high-risk paper and rating as investment grade to ever happen again without some level of transparency and an absolute level of accountability on behalf of the institution.

I want to tell a brief story, only for the purpose of letting people know what a small world we live in and how our words matter and the consequences to our actions. I traveled to Kazakhstan in August with the majority leader, Senator REID. It was an educational trip of immense benefit to me, and I think of immense benefit to the country, in terms of what we did. Kazakhstan is a country of 16 million people with the largest find of oil in all of Asia. It is a wealthy country that built its capital city of Astana from scratch 10 years ago.

When we landed in Astana and left in a vehicle provided by the embassy and drove into town, there were landscaped gardens, beautiful buildings, gold-domed mosques—obviously, the best of everything because of the wealth they had.

But I noticed something interesting. I counted 17 buildings, midrise and high-rise, partially completed, cranes up, with nobody working. When we got to the embassy I asked our ambassador when he said, Are there any questions: Is there a holiday?

He said: No. Why do you ask?

I said: Nobody is working on all these unfinished buildings. Why is that?

He said: The U.S. subprime mortgage crisis.

I said: I don't understand.

He said: The bank of Kazakhstan bought a bunch of the subprime securities in the United States, and when Merrill Lynch wrote their portfolio down to 22 cents on the dollar, the bank of Kazakhstan did the same thing. And when they did, they had to stop funding construction and stop funding mortgages.

If we do not think we live in a small world, if we don't understand the consequences of our words and the policies that are initiated in terms of our financial products, we have another thought coming.

Last, I compliment the Congress and use as an example the housing bill, where we have the power to address and strengthen our economy. In July, this Senate passed, by a vote of what I remember to be 83 to 14—it may have been slightly different—a bipartisan housing bill that did a number of things: It modernized FHA, raised loan limits, provided a refinance mechanism for subprime loans rather than foreclosure, but also answered the question of Freddie and Fannie and provided an opportunity for the Secretary of the Treasury and the Federal Reserve to address Freddie Mac and Fannie Mae should those institutions get in trouble.

While we were gone in August they got into trouble. They got in trouble in part because of their own doing but in trouble in part also because of a lack of confidence. If we had not passed that bill that allowed Secretary Paulson to come in and stabilize Freddie and Fannie, the source of mortgage money for the people of the United States of America, the problems we are experiencing now are nothing compared to what would have happened.

Our actions matter and our words matter. We should be careful to understand that in a time of uncertainty in our financial markets and of concern by all Americans, rich and poor, Republican and Democrat, our words matter. We should work diligently to give people confidence in our system of government and our financial system, provide the intervention and the appropriate aid while necessary but not overregulate or stigmatize a system that has worked for the better part of two and a quarter centuries.

I love this country, and I appreciate the people I represent. I suffer as they do today with the uncertainties in the financial markets. I hope all of us will commit ourselves to do those things within our grasp to see to it that we have a sounder economy, a sounder dollar, and a sounder America. Let's do our appropriations. Let's have an energy policy that works. Let's look at those positive things that have happened in the past on Wall Street that can bring back a level of accountability and transparency that are absolutely essential in the United States of America.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

THE ECONOMY

Mrs. MCCASKILL. Mr. President, I would like to talk about what is going on in our economy right now. I think it is important that we point out a couple of things at the outset.

First, I had the opportunity yesterday afternoon to spend some time with some great community bankers from my State. They said something to me that really resonated, and that is: I don't think we have done enough to tell America the difference between deposit banks and investment banks. There are a whole lot of folks I represent right now who are nervous. My sister caught her mother-in-law with cash in her pillowcase this week.

The reason they are nervous is, frankly, a lot of them don't understand that the problems caused here were not because of deposit banks. Deposit banks are highly regulated. Deposit banks have both State government and Federal Government looking over their shoulders every single day. Deposit banks are fine in the United States of America—partly because of appropriate regulation and oversight by State and Federal Governments. And they are insured. Every account in America that is in a deposit bank is insured by the Federal Government for up to $100,000.

In fairness to all those great community banks and the banks in my State that have used sound business practices, that have not let greed be their watchword, that have served their communities well, let me reassure all the people who bank at those great banks that they can take a sigh of relief today because the problem we have in our economy is not with deposit banks.

Let's step back and see what has happened. There are three things that have happened. No. 1 was massive deregulation of exotic financial instruments in investment banks and insurance companies. No. 2, there was a huge amount of greed. And, No. 3, no one was watching out for the taxpayers.

I heard my colleague from Georgia talk about short selling and naked short selling and saying we need to tell them to enforce the law.

Think about that for a minute. We need to tell somebody to enforce the law as it relates to trading? I heard just an hour ago that today the SEC is going to enforce naked short selling rules. Naked short selling—it would take longer to explain than I have this morning, but suffice it to say, it is wrong and bad because when you are hedging, when you are long selling and short selling, you need to take delivery. That is how this works. There are rules against naked short selling, but they were not enforced.

They are enforcing it today. Why wasn't it enforced last week? Why weren't the rules enforced the week before? Why weren't the rules enforced last year? They didn't want to. It is pretty simple. Nobody wanted to enforce the rules. Why not? Because the titans of Wall Street were in charge. The titans of Wall Street have had their way with this White House.

Facts are stubborn. If the law is on the books and this administration is not enforcing it, they need to explain to the American public why the taxpayers are now on the hook for hundreds of billions of dollars because these guys didn't think it was important to enforce the rules against their friends.

Credit default swaps is another exotic financial instrument that came in vogue after the massive deregulation of this administration. It was made possible by the deregulators.

Here is the thing that is killing me—it is just killing me. All of the folks

who have been screaming: Deregulation, get government off our backs, evil government off our backs, big bad government off our backs, deregulate, deregulate, deregulate—in the last 24 hours there has been—do you remember the transformer toys that went from an animal to a massive machine? We have transformers around here. These massive deregulation advocates all of a sudden say: We have to enforce rules on Wall Street. We have to regulate.

Come on. Do you think we are dumb? You can't transform overnight from a big bad deregulator to I am now the cop on the beat; I'll take care of Wall Street. It is not honest. Be principled. If you are a deregulator and you want to live with these consequences, you want to say to the American people: Hey, when we deregulate, this is the risk. This is the risk we are taking with your money.

They are going after the status quo. Many of my friends on the other side of the aisle, they are fighting the status quo. Guess what. They created it. This was their plan. It didn't work. It didn't grow our economy. It didn't create our jobs. American families, for the first time in our history, have gone down in terms of their average income. For the first time in our history America is not growing. Our prosperity is not growing.

Senator Phil Gramm marshaled through the bill that allowed investment banks and insurance companies to run wild. I have Missouri families who have lost jobs. I have a lot of autoworkers who are losing their jobs in Missouri. One of the things that is hard—one of Senator MCCAIN's economic advisers, Senator Gramm, did this massive deregulation. We have another one who was a CEO of a major corporation who walked away from a company with $42 million in her pocket. Because she did well? Because she got that company to the stratosphere? No. She was fired. The board of directors fired her and then gave her a $42 million payday.

I have to tell you, in Missouri that doesn't compute. It just doesn't compute. When you lose your job because you haven't done a good job, you should not get paid for it. I know I am offended at the notion that any of this taxpayer money is going to go to multimillion-dollar payouts to anybody who ran any of these companies. It is one of the things we have to pay very close attention to because now that taxpayer money is on the line, we have to make sure it is spent appropriately.

CEO salaries are out of control in this country, and it is not a matter of being competitive. It is not that we have to pay our CEOs so much more because everybody else is. Right now in America a CEO is making 40 times the average worker's salary. Do you know what it is in Japan, one of our competitors? Ten times. It is only ten times.

I want to mention Social Security because my colleague from Georgia mentioned Social Security. I want everyone to dwell just a minute on this notion. At the same time Senator MCCAIN, Senator Gramm, and many others were saying deregulate, deregulate, what else were they saying? The future of Social Security depends on privatization. Privatization of Social Security was our ticket to the promised land for stability in the Social Security Program. Think about that today. Think about what that means today, yesterday, Monday. Think about the consequences. We need to realize we have to learn from our mistakes. We have to fix what is broken and, for gosh sakes, we cannot talk about privatizing Social Security on Wall Street right now. I am hopeful this will be a wake-up call to all those people who advocate the privatization of Social Security.

They say: Deregulate, get government off our backs, free market, lax enforcement, big government, bad government, deregulate, deregulate, get government off our backs, big government, bad government—until their friends get in trouble. Do we have a free market with oil? No, we don't have a free market for oil. We subsidize oil companies. Do we have a free market for the pharmaceutical companies? No, Medicare D was a huge profit subsidy for drug companies in this country. Do we have a free market for Wall Street? No, we are rushing in to save them.

When their friends get in trouble, who comes to the rescue? Who comes to the rescue when trouble arrives at the doorstep? The taxpayers of the United States of America, and that, in fact, is the rub.

What we have to have is reasonable regulation. We have to enforce our laws—both our competitive laws and our regulatory laws—and we have to make sure now that we watch the taxpayer money and make sure not a dime of it goes to a payout to anybody who doesn't deserve it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to speak about the American economy. I think most of us are talking about it. Most everybody is thinking about it. With the financial markets in turmoil, the confidence of investors and consumers across my home State of Missouri, the Nation, and the globe is being challenged. Most of the media focus is on the struggles in Wall Street. My concern is for American families, anxious about their security, the security of their savings, their retirement, their assets, and their pensions.

I was disappointed to see that Leader REID, just a day or so ago, said no one knows what to do at the moment. There are steps taken in an emergency matter. The fire department in this matter has been the Federal Reserve and the Treasury. We will look at and evaluate their judgment, but it appears they have at least stemmed the tide at this point.

But there are a lot of things that we ought to be talking about doing now. There are changes that need to be made. There are changes that need to be made in regulation, there are changes that need to be made by legislation, there are changes that need to be made in attitudes.

If you want to get into the blame game, I assure you there is plenty of blame to go around. This concept, the original concept of government-sponsored enterprises, well, that is one that certainly got off the track. My colleagues on both sides of the aisle sponsored GSEs. But they got themselves trapped way out in financial derivative speculation and got outside their charter. The regulation was inadequate. There are some of us who called for a strong regulator. Others who were defending the GSEs said: No, no, no, we like having an ineffective regulator. There are a lot of examples of that. But this is not the time to point fingers. The American people want solutions because these are serious and difficult times for everyone. As I said, families are worried about their personal finances and savings.

American families are already struggling with the housing crisis as well as high energy prices, which lead to food and other cost increases, as well as health care and education. Those have to be foremost in our minds. I understand. I have listened to the people in my State. I have heard their concerns.

These families need to know that the country's leaders take their concerns seriously and are working together to make the right response to this crisis. We have to instill confidence in the public that our actions are also driven by the best interests of taxpayers so they and future generations are not saddled with debts driven by unnecessary bailouts and that Government has a plan to avert similar future crises. To instill confidence, we must show true leadership and, I would hope, put aside the politics of blame and partisanship. We have had enough of that already. The American people have had too much of that. Enough. That ought to be it. Leadership should be about bringing people together and coming up with real solutions driven by the best interests of our families and country.

Leadership is needed now more than ever. I call for my colleagues in the Senate, the House, the administration, the SEC, the Federal Reserve, and others in the public and in the private sector to come together to share ideas and discuss them.

Let me share some of the ideas I laid out in a letter I sent out yesterday to Treasury Secretary Henry Paulson, SEC Chairman Chris Cox, Federal Reserve Chairman Ben Bernanke, and the House and Senate chairmen and ranking members of the Banking Committee, because everybody needs to be in it.

First, we must all recognize that America's financial system is struggling under the weight of greed, laced

with regulatory loopholes, and compromised by complexity. Only fundamental reform of those excesses will prevent abuse from returning. We need reform to provide greater oversight, transparency, and accountability so that our economy, housing system, and consumers are adequately protected. The status quo is clearly unacceptable, and taxpayer-funded bailouts are not the answer. It is time that we reform our antiquated regulatory system to close loopholes to prevent the same type of problems we are currently experiencing, by taking a number of actions to address our regulatory system, ensure better market stability, and protect consumers.

Regulation needs to be carefully considered because there are very strong arguments that some of the problems today where some of the major institutions were put in a trap are the result of the post-Enron wave of trying to make everything bad illegal. Mark-to-market accounting was one of the things that has been instituted well depending upon how you apply it when you are in a meltdown. Right now, the value of a house covered by a mortgage may have declined 10 to 20 percent. But if nobody is buying that mortgage, if there is no market today for that mortgage, it might be marked to zero—to zero—when, in fact, the real value is probably no less than 75 or 80 percent. That puts a hit on the balance sheets, and that has repercussions throughout the system. That may be part of the cause. We need to look at that.

We need to see if excessive regulation in mark to market has put businesses at risk that should not be at risk, that should not be pushed into bankruptcy. Just as the Sarbanes-Oxley bill, designed to curb excesses—which were actually punished under existing law—has driven many of our financial institutions offshore, we have to be concerned about what the impacts of the regulations are. But I firmly believe that corporations must be held accountable for their bad decisions.

Similarly, we must find a way to prevent the use of golden parachutes to reward executives for their failed leadership. I think we were all outraged to hear the golden parachutes that were going to be given to the leaders of the GSEs who had been responsible for their institutions being wiped out essentially and put into conservatorship. I do not want a single taxpayer dollar going to pay them bonuses. If a baseball manager does a bad job, he gets fired. When we have a bad job being done by a financial institution head, the taxpayers sure ought not be called on to give that executive millions of dollars in a golden parachute.

But we also must find a way to restore personal responsibility in society. Responsible investors have an obligation not to enter into investments they do not understand. Responsible private citizens have an obligation not to take on debt they cannot afford.

Mortgage brokers should no longer receive special treatment allowing them to escape regulation and licensing requirements standard for brokers of other financial products. The Treasury's Regulatory Blueprint issued last March contains many positive recommendations, such as the creation of a new Federal commission, the Mortgage Origination Commission, which I support. I plan to introduce legislation to establish the Mortgage Origination Commission.

The Federal Government must step up its efforts in financial literacy and education, and pre- and post-purchase housing counseling. Most borrowers made responsible decisions in selecting appropriate financing vehicles for purchasing their homes and other major assets. Unfortunately, a large number of borrowers either knowingly or unknowingly agreed to loans that were detrimental to their families and their credit.

Mr. President, I stand ready to work with my colleagues here in the Senate on working on real solutions so that our Nation has confidence that we are here for them.

We have talked about the American dream. There are some who, in the name of the American dream, have pushed home ownership on people who could not afford it. Clearly, home ownership is part of the American dream, and in assisting families and individuals, we should do all we can to achieve that. I have worked for that as lead appropriator on housing on this side of the aisle for many years.

However, we have seen that American dream become the American nightmare when people have been given too-good-to-be-true offers for mortgages and asked to take on mortgages that consume all of their available income.

Well, I will tell you something, having a little experience in owning homes. Along with home ownership comes some potential financial responsibilities. A couple of weeks ago, we had to have our basement pumped out. That costs a lot of money. In the winter, I have had furnaces go down, or if we have a family emergency, that may make the mortgage payments unaffordable. We must ensure that, to the greatest extent possible, people understand that the benefits of home ownership are balanced against the risks and the costs to the homeowner, the neighbors, the communities, and even the financial marketplaces. Home ownership must be promoted, not on the basis of getting the number of homeowners up to an arbitrary level but in a responsible manner focusing on the best interests of families and not on investors or others pushing mortgages.

You can live in rental housing until you have the funds to buy a house. I have lived in rental housing. Many people live in rental housing. Before you decide to buy a home, if you are not financially well experienced, there are a lot of good counseling concerns around that can help you determine if you can buy a home and help you determine how much you can afford to pay and what kind of mortgage you can afford to take on.

I worked with Senator DODD last year to get $180 million for counseling for homeowners facing foreclosure. Well, that is working, and we are seeing a tremendous need for that counseling. I have visited with homeowners being counseled by housing counselors, with housing advocates, with community leaders, local officials who are worried about their communities going down, and the one thing every one of those people say is: We need counseling not just at the time of possible foreclosure but before they purchase the house so they do not get in the crack of foreclosure.

Well, I think we have to strengthen the oversight, the regulatory oversight of the housing finance market. The creation of a new regulator with more expansive powers to oversee the two mortgage government-sponsored enterprises, Fannie Mae and Freddie Mac, if they continue to exist, was a long overdue and necessary step.

While the importance of making this legislative change cannot be understated, I emphasize the critical need to ensure that the new regulator not repeat the same mistakes made by its predecessor. That regulator did not examine, did not look at the practices, did not call attention to the practices that the GSEs were engaged in, which may have provided some short-term profits to their shareholders and certainly healthy returns for their executives, but they failed to identity and said that these were sound operations.

Mr. President, I ask unanimous consent to have the letter I referred to earlier printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 17, 2008.

Hon. HENRY PAULSON, Jr.,
Secretary,
Department of the Treasury.
Hon. BEN BERNANKE,
Chairman, Board of Governors,
The Federal Reserve.
Hon. Chris Cox,
Chairman,
Securities and Exchange Commission.

DEAR SECRETARY PAULSON, CHAIRMAN BERNANKE, AND CHAIRMAN COX: America's financial system is groaning under the weight of greed, laced with regulatory loopholes, and compromised by complexity. Only fundamental reform of these excesses will prevent abuse from occurring again. Thank you all for your leadership in these uncertain times. As a long-time participant in housing policy and oversight issues, I offer my assistance in the hard work of reform that is too often left undone after the crisis recedes.

This week's turmoil in the financial market is the latest in a series of events that has shaken the confidence of investors and consumers throughout the nation and the world. While the media focuses on the struggles of Wall Street, my concern is for American families anxious about the security of their savings, retirement, assets, and pensions. These American families—already struggling with a housing crisis and high gas, food,

health care and education costs—must be foremost in our minds as we address the credit crisis. Our actions must be driven by the best interests of the taxpayers so that they and future generations are not saddled with debts driven by unnecessary bailouts. The public must know their government has a plan to avert similar future crises.

Any reform must provide greater oversight, transparency, and accountability so that our economy, housing system, and consumers are adequately protected. The status quo is unacceptable. Taxpayer-funded bailouts are not the answer. Loopholes in our antiquated regulatory system must be closed to prevent the same type of problems that we are currently experiencing.

CORPORATE AND PERSONAL RESPONSIBILITY

Excessive greed and abuse call for greater accountability at all levels of government and private life. We must end the troubling cycle of rewarding corporate failure with taxpayer-funded bailouts. Corporations must be held accountable for their bad decisions. Executives should not be rewarded with golden parachutes for their failed leadership. We must also restore a sense of personal responsibility in society. Investors have an obligation not to enter into investments they do not understand. Private citizens have an obligation not to take on debt they cannot afford.

STRONGER REGULATOR OVERSIGHT

We must strengthen regulatory oversight of the housing finance market. The creation of a new regulator with more expansive powers to oversee the two mortgage government-sponsored enterprises—Fannie Mae and Freddie Mac—was a long overdue and necessary step. We must also ensure that the new regulator—the Federal Housing Finance Agency (FHFA)—not repeat the same mistakes made by its predecessor—the Office of Federal Housing Enterprise Oversight (OFHEO). It is critical that FHFA have adequately-skilled staff and strong, competent leadership. OFHEO leadership delayed issuing risk-based capital standards and consistently stated that the enterprises' financial condition was healthy, and adequately capitalized to continue meeting America's housing needs. They were wrong on all counts.

OVERSIGHT OF ALL MORTGAGE ORIGINATORS

In addition, I support Treasury Secretary Paulson's efforts to address gaps in mortgage origination oversight. The mortgage brokers who originated many of the subprime and Alt-A loans that are major sources of the housing crisis were not subject to adequate federal oversight. Mortgage brokers should no longer receive special treatment allowing them to escape the regulation and licensing requirements standard for brokers of other financial products. The Treasury's Regulatory Blueprint issued last March contains many positive recommendations, such as the creation of a new federal commission (the Mortgage Origination Commission). I will introduce legislation shortly to establish the Mortgage Origination Commission and ask for your support in moving this legislation through the Congress.

ELIMINATING ABUSIVE SHORT-SALE PRACTICES

Excessive speculation that asset prices will fall, or ''short-selling,'' is artificially destroying the value of investments and companies. Actions to consider curtailing short-selling abuse include reinstating the ''uptick'' rule and protections on short sales. The uptick rule was established back in 1929 to provide stability to the marketplace. The SEC eliminated the uptick rule last year. Some experts believe that the elimination of this rule has contributed to the volatility in the stock market and the record levels of shorting. Accordingly, the SEC should reexamine its decision and reinstate this important rule. The SEC is now in the process of finalizing two rules to strengthen protections against short-selling. They should finalize these rules as quickly as possible and strongly enforce regulation of ''naked short sellers.'' Other experts believe that mark-to-market accounting regulations need to be reviewed to see if they have been inappropriately applied. I urge you to review mark-to-market and to recommend any needed changes. We must also increase oversight of hedge funds to assure transparency, accountability, and avoidance of abusive practices.

CONSUMER CONFIDENCE AND FINANCIAL EDUCATION

The Federal government must step up its efforts in financial literacy and education, and pre- and post-purchase housing counseling. Traditionally, borrowers have made responsible decisions in selecting appropriate financing vehicles for purchasing their homes and other major assets. Unfortunately, in recent years a large number of borrowers either knowingly or unknowingly agreed to loans that were detrimental to their families and their credit. To address this problem, I recommend that you aggressively promote financial literacy and homeownership counseling to consumers and promote greater transparency in the loan process by reforming the Real Estate Settlement Procedures Act (RESPA).

Confidence in our financial markets is being severely challenged during these difficult times. As the Federal government's financial leaders, your commitment to address the regulatory structure and educate consumers will be critical not only to guide our nation out of this economic downturn, but to mitigate future crises. While regulatory reform and additional resources for counseling and financial literacy are needed, we should also rethink our policy emphasis on homeownership. Homeownership is the linchpin of the American Dream. Assisting families and individuals achieve that dream should continue. However, we must ensure that the dream does not become a nightmare. Housing policy must be re-examined so that the benefits of homeownership are appropriately balanced against its risks and costs to homeowners, neighbors, communities, and the financial markets. Homeownership must be promoted not on the basis of increasing the homeownership rate to an arbitrary level, but in a responsible manner that focuses on the best interests of the individual and family, and not on investors.

The leadership you have shown during this financial crisis is commendable. Now we must work together to bring about further reform to financial and housing markets. Thank you in advance for considering my suggestions. I look forward to working with each of you to restore Americans' trust in their financial institutions and in their government.

Sincerely,

CHRISTOPHER S. BOND,
U.S. Senator.

The PRESIDING OFFICER (Mr. BROWN.) The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, as we speak, people are losing their jobs, losing their homes, and often losing the hope that their situation will improve anytime soon. According to many, the worst may yet be ahead of us. For the first time in generations, we Americans can no longer promise our children they will be better off than we are. That prospect strikes at the very heart of the American dream.

In less than 2 months, Americans will elect a new President who will inherit an economy indelibly marked by the negligent and incompetent decision-making of the Bush administration. No matter what one Presidential candidate may think, the fundamentals of our economy are far from strong. Our economy is off the rails. I believe it is important to take a few minutes to consider how it got dragged off the rails and, more importantly, what must now be done to restore Americans' faith in our economy and put our country back on more solid fiscal ground.

President Bush's successor, whoever he may be, will confront four serious problems: an out-of-control financial market, a staggering Federal debt, a looming crisis in health care costs, and an increase in Social Security obligations.

For the past 8 years, the Bush administration has preached over the financial markets a gospel of uncontrolled deregulation. Simply leave the banks and the financiers and the lenders to their own devices, they said, and all will be well.

Well, all is not well. Markets are places where people come to make money; they do not come for altruistic motives. And some are clever enough when they come to those markets to try to rig or game the market in their favor, to gain monopoly power, to hide information, to cheat, to create special advantage—in short, to find a way to gull the suckers. Markets need to be defended against that age-old risk. Markets have to operate honestly, transparently, and reliably. That is where regulation comes in. That is how markets are defended against crooks and schemers. That is why we have an FTC, an SEC, a CFTC, a FERC, to keep markets honest. Special interests constantly seek special advantages, and it is the regulators' job to push back. In that constant struggle of the special interests against the regulators, the Bush administration always took the side of the special interests. They have systematically undercut the regulators in their efforts to keep markets safe. And now here we are.

Senator MCCAIN has been against the regulators, even back to the savings and loan scandals of the 1980s. The schemers, the manipulators, the Enrons, the subprime mortgage packagers, the oil market speculators, the credit default swap artists—they all found a friend in the Bush administration. They all found an ally in the Bush-McCain policies of deregulation. And now here we are.

Under an administration that cared more about protecting big investors than protecting consumers, one might expect that at least the stock market would have thrived. But after 225 percent growth during President Clinton's 8 years in office, the stock market now hovers just about where it stood in 2001, when President Bush took office. Instead of growing by leaps and

bounds, as we in America have come to expect, under the Bush administration, our economy stood still. I ask my colleagues: Would investors prefer 225 percent growth and then paying a responsible capital gains tax, or would they prefer having big fights about what the capital gains tax rate should be while nobody makes any money? There is a lesson here. Bad economic policy is not cured by mindless tax cuts. Anybody in their right mind would rather be here than here, if they are in the market.

The month George Bush became President, the Congressional Budget Office, the nonpartisan accounting arm of Congress, projected we would see surpluses straight through the decade. These budget surpluses, the product of President Clinton's responsible governing, were projected to be enough to completely wipe out our national debt by 2009—to completely wipe out the national debt by 2009. Instead of maintaining the surpluses and paying down the national debt, President Bush chose tax cuts for the wealthiest Americans, a war he wouldn't pay for, and bad economic policies to amass a mountain of debt that he will leave to the next generation.

This chart shows the difference between the budget left by President Clinton and the one President Bush created. The difference between the two lines, this red area, is the measure of the cost of the Bush Presidency. The difference between the surpluses left by President Clinton and the deficits run by President Bush and his Republican enablers in Congress is a staggering $7.7 trillion. Perhaps the more tangible number is $260 billion, the interest we will have to pay next year on this Bush debt, $260 billion in interest, much of it to foreign nations such as China and Saudi Arabia that do not have our best interests at heart. If we could have used that $260 billion that we now need to pay interest on the Bush debt for other national priorities, here is what we do could have done: fixed almost every unsound bridge, doubled enrollment in Head Start to help kids get ready for school, doubled all Pell grants to help kids get access to college, and provided every American with health insurance—all of it. That is how big $260 billion is, and that is what we are blowing on the Bush debt.

The nonpartisan Congressional Budget Office recently estimated that the national debt will go up by another $2.5 trillion over the next decade. The next administration is going to have to figure out how to deal with that mountain of debt. I think we need a Bush debt repayment authority to study the possibility of bringing the Bush debt off budget, to handle it responsibly, to remind the American public what this Presidency has cost them, to pay the Bush debt down responsibly over time. But we must do something.

In addition, as the baby boom generation reaches retirement, we also face a tidal wave of health care costs that threatens to drown the Treasury and force unthinkable choices about health care for the citizenry. According to an analysis conducted by the nonpartisan Government Accountability Office, we have $34 trillion in unfunded future Medicare liabilities alone. That is unsustainable. And the longer we wait to reform the system, the worse it will become. President Bush has wasted the better part of a decade standing idly by as this problem exploded, as health care costs grew and opportunities for reform came and went. Time is not on our side. The need is pressing, and we have spent 8 years making no progress at all.

I have said over and over on many occasions in this Chamber that our health care system needs fundamental change. I will not pursue that point at this juncture, but let me say, our health care system is itself broken. It delivers unsatisfactory results at vast expense, and we need to fix it.

As we prepare for a new administration, we need to prepare for the wave of health care costs coming at us. Systemic reforms—a health IT infrastructure, payment reform, major quality improvements—must be at the heart of that effort.

Finally, the next administration must grapple with the challenges of Social Security. As with all these issues, the choice of President will make all the difference. Senator OBAMA will ensure that Social Security remains a strong bedrock of retirement security for generations to come. But Senator JOHN MCCAIN supports privatizing Social Security, putting it in the stock market. This is an important point. Senator MCCAIN and his Republican allies prefer to invest seniors' Social Security funds in the stock market that just dropped by 500 points the day before yesterday and another 450 points yesterday, the very same stock market that stagnated through the entire Bush Presidency while costs and prices rose by double digits. That is not a solution. That is more of the same problems.

As for the blame game, which I have heard a bit about on the floor this morning, it is bad enough that bad economic policy caused this preventable disaster. It is worse if we should fail to learn its lessons. I can understand why the proponents of the economic theories that brought us here don't want that talked about, but it would be wrong and irresponsible not to learn from this disaster. It was preventable. We made mistakes. It was economic folly that brought us here and regulatory irresponsibility. To now allow that entire lesson to pass would be an added shame for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my friend from New Hampshire, Senator JUDD GREGG, for allowing me to speak, rather than going back and forth. I ask unanimous consent that he be recognized following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I rise to discuss the recent collapse in the financial markets and the Republican economic policies that have brought us to this point.

On Monday, Lehman Brothers filed for the largest bankruptcy in American history. This collapse will hurt hard-working Americans' ability to access credit and could deteriorate their pension plans. For example, the city of Detroit's general retirement system that had invested in the bank could lose up to $25 million.

Can you imagine what would have happened if Social Security had been privatized?

This failure occurs as Bank of America announced that it was buying Merrill Lynch and the Federal Reserve announced it was taking over the world's largest insurer, AIG, for the staggering cost of $85 billion. Washington Mutual is still struggling to survive their investments tied to the mortgage market.

As a result of these events, the Dow Jones dropped more than 500 points on Monday—the biggest drop since September 11, and Wednesday it dropped almost 450 points.

These announcements come as middle-class families face the highest unemployment rate in 5 years, record home foreclosures, and skyrocketing gas and grocery prices.

Despite these conditions, our colleague, Senator MCCAIN responded that ''the fundamentals of our economy are strong.'' I would like him to tell that to the 84,000 Americans who lost their jobs, or the 91,000 families who lost their homes last month, or the 605,000 Americans who have lost their job since January.

And now, Senator MCCAIN's solution is to create a commission to study the problem. Middle-class families don't need a study to tell them that we're in an economic crisis.

They see it every day when they try to fill up their gas tanks or put food on the table.

They have known it for the past 8 years, as they have watched jobs sent overseas and their pensions disappear.

Unlike Senator MCCAIN's economic adviser, Phil Gramm, middle-class families don't need a study to tell them that this isn't a ''mental recession.'' What they need are real economic solutions and not 4 more years of the same failed economic policies.

So one of the question I know Michigan families have is, how did we get here? Unfortunately, these failed policies go back for some time.

One example can be seen under the Republican Congress, when MCCAIN's former economic adviser Senator Phil Gramm slipped a provision known as the ''Enron loophole'' into the 11,000-page appropriations bill on a Friday night before recess.

This provision allowed financial institutions to trade an unlimited amount of energy commodities on dark, over-the-counter markets that

are beyond the jurisdiction of the Commodities Futures Trading Commission.

Only now, with Democrats in the majority, are we seeing any accountability as we closed the Enron loophole. However, trading on the bilateral swaps markets and the electronic trading facilities are still conducted on these dark markets with no transparency or regulation.

The Commodities Futures Trading Commission only has the power to get information on these markets on an ad hoc basis so speculative investors continue to pour money into the markets without any oversight.

Yet Republicans continue to oppose providing more authority and resources to the CFTC.

Authority that would allow necessary regulation of our commodities markets and protection against manipulative behavior that could influence the price of food and gas for every American.

This just reiterates the failed philosophy of President Bush, JOHN MCCAIN and Republican economics that believe in less oversight, less accountability—more greed—at the expense of American families.

Nowhere is this seen clearer than what is happening in the housing market— the root of our current crisis. The lack of regulation and oversight by the Bush administration allowed for predatory lending to flourish.

In 1994, Congress gave the Federal Reserve the authority to prohibit these unfair and deceptive lending practices. The Fed waited 14 years before implementing regulations.

Senators SCHUMER, Sarbanes, and DODD introduced legislation to protect homeowners from predatory lending. No Republicans cosponsored these bills.

Then in 2004, despite warnings, the Fed actually promoted nontraditional mortgages over fixed-rate mortgages, resulting in the skyrocketing use of ARM and subprime mortgages.

In 2006, regulators finally finalized rules over nontraditional mortgage products, but it did not apply to subprime mortgages.

The Democratic-led Congress held oversight hearings, spoke out time and time again, and yet the administration still sat back and did nothing.

In 2007, the Treasury was still downplaying the subprime crisis by explaining that it was ''largely contained'' and admitting they ''could have done more sooner.''

The Republican philosophy of no public accountability and unlimited greed created markets where these risky mortgages, that they promoted, were packaged and sold as complex debt securities without any oversight. Then, without any regulation, credit rating agencies were allowed to inflate the value of these complex securities and assign triple-A ratings despite their inherent risks.

Greed continued to fuel the vicious cycle until our financial industry was completely entangled in these risky securities.

When homeowners defaulted on their loans, it sent ripple effects throughout the entire economy, bringing down the large banks that had invested in the mortgage market, such as Bear Stearns and Lehman Brothers.

Time and time again, Democrats have tried to enact changes, but every attempt has been blocked by Republicans.

In 2005, the House of Representatives passed a bill that would have created a new regulator to oversee government sponsored enterprises—providing the authority to set capital requirements and limit portfolio size.

When I was on the Banking Committee, we worked to enact this legislation, but we were blocked by the Bush administration.

This session Democrats introduced legislation to strengthen regulation over government sponsored enterprises, to keep families in their homes and help communities struggling with foreclosures.

Republicans opposed this legislation and, while more families lost their homes to foreclosures, they continued to block the bill for months.

Only after Fannie and Freddie reached the point of crisis did the administration finally lift their opposition, further highlighting the inherent problems with the Bush/McCain economic philosophy—it is always too little too late.

Now while Republicans have let the markets ''work it out,'' small businesses and families are faced with tightening credit markets, job losses, increased foreclosures and a loss of confidence in our economy.

Each of these examples shows the fundamental failures of the Bush/McCain economic policies. Policies that are based on greed as a national virtue and high profits at any cost. Policies that send American jobs overseas while increasing tax breaks for big oil.

Our economy cannot take another 4 years of this failed policy; American families cannot take another 4 years. Out country can do better. It is time for a change.

We are in a very important discussion right now, not only about what we need to do together to move our country forward, but it is important to talk about how we got here, because how we got here matters. Critiquing the philosophy that got us here matters, if we are not going to repeat it in the future. When we sum it up, when I look at what I call ''Republican economics 101,'' it is more deregulation. We heard it again today. I heard it from one of my colleagues today, the problem with all of this is that we need more deregulation, more deregulation. Lack of accountability, I call it, lack of transparency. More home foreclosures have come from Republican economics 101, more jobs lost, more tax breaks for the wealthy. That seems to be the answer to everything: Lose your job, let's have another tax cut for the wealthy. Lose your house, let's have another tax cut for the wealthy. Can't pay for gas at the pump? How about another tax cut for the wealthy. Financial markets exploding? Let's have another tax cut for the wealthy. That seems to be the mantra of the Republican economics 101 theme. More excessive profits for oil companies which have translated into $5 at the pump.

The bottom line is, we don't want more of the same. That is why it does matter how we got here. We do not want more of the same. The American people cannot take more of the same. Enough is enough. That is certainly what the people in Michigan are saying.

Let me specifically speak to what has occurred this week. On Monday, Lehman Brothers filed for the largest bankruptcy in American history. This collapse will hurt the people of Michigan, hard-working Americans' ability to access credit, and could very well deteriorate pension plans. For example, we heard yesterday the city of Detroit's general retirement system that has invested in the bank could lose as much as $25 million. I am sure that is only one example. Imagine what would have happened if President Bush had succeeded, with JOHN MCCAIN's support, in privatizing Social Security. I will never forget what happened after Enron, when I had former employees come in to me who had lost everything, trusted the company, invested in the company, lost everything. They said: Thank God for Social Security. It is the only thing I have left.

Imagine if the Republican philosophy of privatizing had happened. One of the things I am most proud about in working with our Democratic leadership and our majority is we were totally together in blocking the President from proceeding. It was one of the most important achievements as a Democratic majority, stopping the President, JOHN MCCAIN, and others who wanted to privatize Social Security. We now know that the failure of Lehman Brothers occurred as Bank of America announced it was buying Merrill Lynch and the Federal Reserve announced it was taking over the world's largest insurer, AIG, for the staggering cost of $85 billion. Washington Mutual is still struggling to survive their investments tied to the mortgage market. As a result, we have all seen the Dow Jones drop more than 500 points on Monday, the biggest drop since September 11, 2001. Wednesday it dropped almost 450 points.

Most importantly is how this affects families, how it affects middle-class Americans who are working hard every day. They are playing by the rules. They expect our Government to enforce the rules and enforce accountability. They are being hit with the highest unemployment rate in 5 years. It went up again yesterday, unbelievably, to now in Michigan an 8.9 percent unemployment rate. That doesn't count people who have been unemployed so long they are not a part of

the system anymore, or the people who are working one job, two jobs, three jobs, part-time jobs trying to hold it all together, hoping maybe one of them will have health insurance, maybe just one of them, for their families.

We have seen record home foreclosures for families, skyrocketing gas and grocery prices. These are the consequences of the reckless policies I am most concerned about.

Despite these conditions, our colleague JOHN MCCAIN responded—and he said it more than once; 16, 17 times at least that I know of—the fundamentals of the economy are strong. He is now saying that he meant the American people, the American worker. I know the American worker is strong and productive and hard-working. But we all know that is not what was meant by that comment, the fundamentals of the economy are strong. He and Herbert Hoover share those comments, the gilded age of the 1920s, when the wealthy got wealthier and wealthier and wealthier, until the system crashed and a great Democratic leader, Franklin Delano Roosevelt, came into office and put the American people first, put people back to work and created Social Security and began to rebuild the country. We are at one of those times where we need that kind of leader to rebuild for the American people and create jobs and put people back to work.

I would like Senator MCCAIN and others who believe the fundamentals of the economy are strong to tell that to 84,000 Americans who lost their jobs or the 91,000 families who lost their homes last month, or 605,000 people who lost their jobs since January, 605,000 good-paying American jobs and counting since January.

Now we hear the solution is to create a commission or to study the problem. That is what we need, to study the problem. We know what the problem is. The problem is, we need to get people back to work. We need to stop this failed Republican philosophy that has made the rich richer, while picking the pockets of every middle-class American and making those in poverty find more and more desperation every day. We know what is happening. We don't need an economic study to tell us that Phil Gramm, a former colleague of mine, chairman of the Banking Committee, was wrong when he said it is a mental recession. We are not making this up. We certainly are not a nation of whiners.

So the question is, how did we get here? Unfortunately, this does relate to failed policies. One example was under the Republican Congress when Senator MCCAIN's former economic adviser and friend, Senator Phil Gramm, slipped a provision called the Enron loophole into an 11,000-page appropriations bill on a Friday night before a recess. That provision allowed financial institutions to trade an unlimited amount of energy commodities in the dark in over-the-counter markets that are beyond the jurisdiction of the Commodity Futures Trading Commission. Only now, with our Democratic majority, have we begun to get accountability back because we have closed that Enron loophole.

However, trading on the bilateral swaps markets, the complicated financial markets, the electronic trading facilities are still being conducted in the dark with no transparency, no regulation, no accountability for investors, no accountability for the American people. The Commodity Futures Trading Commission only has the power to get information on these markets on an ad hoc basis. So speculative investors continue to pour money into markets without any oversight.

Yet Republicans continue to oppose more authority and resources to the CFTC. We have a bill on the Senate floor right now, a speculation bill to stop speculation, that includes providing more authority and resources to the CFTC, and it has been filibustered by Republican colleagues.

This just reiterates the failed philosophy of this President, President Bush, of JOHN MCCAIN, and Republican economics that believes in less oversight, less accountability, and more greed at the expense of the American people.

Mr. President, we have had enough. Nowhere is it seen more clearly than in the housing market, which is the root of the crisis. The lack of regulation and accountability by the Bush administration has allowed predatory lending to flourish. It is important to note that clear back to 1994, Congress gave the Federal Reserve the authority to prohibit these unfair, deceptive lending practices, and they waited 14 years to implement this authority—14 years.

Mr. President, I know my time has come to a close, so I will not go through all of the other things that have happened—the times the Democrats have proposed legislation, the warnings we have given, the fact we have tried over and over and over again to pass housing legislation.

I was here on the floor of the Senate when a Republican colleague talked about the fact that we finally passed housing legislation. But do you know what? We took way too long. The bottom line is this: We have been trying time and time again to enact changes, to bring accountability on behalf of the American people, and we have been blocked over and over again. It is important the American people understand we can do better than these failed Republican policies. It is time for a change.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

The senior Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, obviously, I rise to express some differences of opinion with the prior two speakers, but I want to speak more generally on the issue of where we stand relative to the financial markets. But if ''doing better'' is to follow the proposals of Senator OBAMA, which have been estimated by a very legitimate estimating source to include over $300 billion of new spending annually on new programs that are unpaid for, I do not think that is doing better. If ''doing better'' is to follow a path where we raise taxes on the American people, especially small businesses, I do not think that is doing better.

If ''doing better'' means you approach an issue which is as deep and as significant as what we confront today in the financial markets with a lot of partisan rhetoric about the failure of the Bush administration to make the stock markets function correctly, when this Congress has been controlled by the Democratic Party for 2 years and had more than ample opportunity to address the restructuring of the regulatory entities, and, in fact, proposals were made to restructure Fannie Mae and Freddie Mac, which were rejected by Members from the other side of the aisle, by legitimate leadership on our side of the aisle on that issue, that is not better.

The Nation today confronts a very significant fiscal issue. The finance houses of New York are in disarray, the credit markets are locked down, and the American people and the world generally are very concerned about their assets and how they are protected and whether they are going to be able to continue to be liquid and viable.

It is not constructive for the Senator from Rhode Island to come to the floor and start pointing to the Clinton years as showing a huge run-up in the stock market and the Bush years as showing a flat stock market, and in the process ignoring the Internet bubble of the late 1990s, which drove the stock market down radically in 2001 and led us into a recession. That run-up occurred under the Clinton years and, obviously, they benefited from that, and the Bush years, regrettably, got socked with a recession.

That is not constructive. It is not constructive to put charts up that claim an economic recovery has not occurred since the Internet bubble burst and the 9/11 attacks occurred. In fact, over the last 6 years, Federal revenues were up until about 5 months ago when we hit this significant economic slowdown. Federal revenues had reached historic highs. We had seen 3 years of the greatest increase in Federal revenues in the history of this country as a result of tax law that encouraged entrepreneurship, encouraged people to do things which are taxable.

Job creation was pretty significant too. Over 8.5 million jobs were created over that time period. Yes, jobs have been lost, and that is not good, in the last few months. But to put that in the context of a partisan atmosphere which says this is all the functioning of an administration, when Congress controls the purse strings and Congress controls a large part of the policy and

Congress is controlled by the Democratic Party, is inappropriate, in my opinion.

Furthermore, if you want to look for culprits, the real culprit of this economic disorientation we are going through is that credit was made too easy for too long and, basically, borrowing became an inexpensive event, almost a zero-cost game because of the interest rates which the Fed maintained over a long period of time at such a low level—the Federal funds rate—and, as a result, these dead instruments which were written on real estate were written in a way that basically neither looked at the underlying asset or equity value to support that debt instrument nor looked at the fact in the outyears—as those instruments required reasonable return through interest increases—whether the borrower could support them. So we have had this huge dislocation, this meltdown in the subprime market, which is being followed on by other real estate instruments.

So it is not constructive, and it is certainly a reflection of a lack of leadership when the only answer on the other side of the aisle is to come forward and start claiming they are pure and this side or the President is not, when, in fact, there is more than enough blame to go around as to how we got into this situation.

The Federal Reserve deserves a lot of that. We in the Congress deserve a lot of it for not doing our job in oversight. And, obviously, the administration deserves a lot of it. But it is not unilateral in its placement, to say the least.

So how do we get out of this? Well, I think, first off, we ought to acknowledge that an aggressive effort is being made by the Treasury Secretary and by the Chairman of the Fed to try to control the damage. When they have seen entities such as Freddie Mac and Fannie Mae or entities such as AIG—whose failure would have a systemic effect which would roll through the financial markets of the country, destabilizing not only those businesses but also banks down the road and, in the end, Main Street, and cost Main Street jobs, and cause tremendous disruption on Main Street—they have stepped in and stepped in aggressively. I respect what they have done, and I have supported what they have done.

The markets have also, basically, to some degree, reflected the fact that at least in the Fannie Mae and Freddie Mac area, this was the right action. They still have not digested the AIG issue.

While we are on the AIG issue, I think it is important to point out that we have heard the statement that it is an outrage that $85 billion is going to be put in to basically take over this insurance company—the largest in the country. Well, first off, that money does not come from the Federal Treasury. It comes from the Federal Reserve. The only way it is going to appear on our books, on the Federal Government's books relative to the budget of the United States is if the Federal Reserve pays us less in profit than they annually pay us—and they annually pay us about $25 billion—because of the cost of that action.

Secondly, what the Federal Reserve did was not bail out AIG. They wiped out, for all intents and purposes, the stockholders. All you need to do is look at the primary stockholder in that company, whose net worth dropped by $5.8 billion—which is the report I saw yesterday—as a result of this action. That is a pretty deep loss: a $5.8 billion individual loss. In addition, it is likely the senior debt will lose their position, and it will be wiped out. What will happen is that the parts of that company are going to be sold off in an orderly way, and it is very likely a large part, if not all, of that $85 billion will be recovered and the Federal Reserve won't end up with any cost on its books and may actually make some money on this action. But in the process, more importantly, they will have done an orderly unwinding of that company so you do not have a meltdown of that company, which would lead to a downstream, catastrophic event for literally hundreds of banks in this country—small banks, especially—that have used the AIG insurance to basically solidify the capital on their books. If those banks fail—and they might well have failed if AIG had gone down in an implosion—then Main Street would be affected and jobs would be lost and people would be dramatically impacted.

So this was an effort to pay some money now up front in order to avoid big damage down the road. In my opinion, it was an effort that had to be taken. But for Members of the other side of the aisle to come here and start pounding their chests about how outrageous it is that $85 billion is being spent in this manner, either they do not understand the issue and understand what happened here or they are misrepresenting the issue and in a way that is truly not constructive to settling the markets or to getting a resolution that will be positive.

We still have an issue, and it is fairly significant. The issue is that the underlying credit in the mortgaged area—mortgage-backed securities—is locked up. It is virtually impossible to move these securities off the books because nobody knows the value of these securities. As a result, the marketplace is not working correctly and you cannot move money and you cannot make loans and you cannot get economic activity and thus you cannot create jobs. The engine of our economy has always been our real estate industry.

So we as a government have to be thinking about how we should address that. It may take some significant creativity. I respect the chairman of the Banking Committee in the House who has openly said maybe we should take another look at something like the Resolution Trust Corporation which we had in the 1990s. This may be the type of vehicle we have to take a look at. But to accomplish that, we have to have a mature approach. We have to have an approach that is not a juvenile, partisan attack coming from the other side on initiatives which might constructively resolve this or at least should be debated in an atmosphere where there is some sort of seriousness about the debate besides hyperbole and political advantage trying to be scored.

I am willing to acknowledge and openly acknowledge that I respect the fact that Congressman FRANK has put this concept on the table. It would be nice if somebody on the other side of the aisle who had spoken today—and I did not hear anybody—had come forward and said they respected the fact that the Secretary of the Treasury had been willing to take some aggressive action to try to stabilize Fannie Mae and Freddie Mac and AIG for the betterment of this country and our economy, but all we are hearing is hyperbole, unfortunately. It is time we had some adult reflection on this around here. Yes, it is an election year.

Mr. President, I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Yes, it is an election year, and we know it is a Presidential year. We know everybody is trying to score points. What we are dealing with here is so big and so important to every American—basically, the fiscal solvency of our Main Streets and the fiscal solvency of the banks that support Main Street—that we can't allow ourselves—or we should not allow ourselves—to devolve into this type of hyperbole and partisanship. It would be nice if people around here would be willing to sit down and acknowledge that there are thoughtful ideas coming at this and there are creative ideas, but they are also going to be controversial; and that in the atmosphere of high partisanship, which I have heard this morning on this floor, we are not going to be able to discuss intelligently thoughtful, creative, and bold ideas because they are going to be savaged by petty partisanship.

We have a job before us as a Congress. Clearly, the Secretary of the Treasury is engaged and the Chairman of the Fed is engaged, and I hope the Congress will get engaged fairly soon, as well, in a substantive and positive way.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I thank my colleague from New Hampshire. His remarks are right on point. I appreciate the tenor of what he is saying, and I thank him very much for his mature and sober judgment.

This is a moment when we should be talking about solutions. This is a serious moment in America. We have hit a very serious financial crisis in this country. The fact is—well, this morning, I was speaking to a group of bankers, a group of business people, and their concern is heightened. What they are seeking is for Government to, first of all, try to provide a backdrop of assurance to the American people. One of the gentlemen I was speaking with was saying his office is getting deluged with phone calls from concerned investors who are wondering if their lifetime of savings is going to be eroded and go away. So what should we do at a moment such as this? Should we heighten the level of tension and crisis or should we talk in mature, serious tones about the need to come together as Americans first, Republicans and Democrats second—as Americans first—to try to find solutions?

I have seen a lot of finger-pointing. I have heard a lot of blame assessing. Much of it I find as logical as blaming President Bush for hurricanes, and sometimes I wonder when that will begin to occur.

Obviously, there have been things that have been done that have not been right. Maybe now we recognize and we can all come together around the idea that we do need a new regulatory framework for our Nation's financial institutions. We have been going on the same ones that were existing since the Great Depression and days after that. So this has now focused our attention on the need for finding ways in which we can find a way of better regulating financial institutions so we can avoid systemic risk—systemic risk—a risk to the financial system.

For those who are playing the partisan game, the big charge seems to be that somehow this administration was against regulation. Well, not to take the other side and become partisan, but let me try to set the record straight a little bit and talk about what happened. I was a part of this administration for the first 3 years of it. During that time, I and other members of the administration, including the then Secretary of the Treasury, Secretary Snow, and others made a mighty effort to try to get the Congress's attention to begin the process of regulating Fannie Mae and Freddie Mac. Now, anyone who looked at that situation—and it was part of my responsibility as HUD Secretary to partially regulate those entities—knew I did not have the authority to regulate them; that the laws were written in such a way that it made it impossible to have an effective regulator over these two giant and growing entities, and their growth has been dramatic, or was dramatic, from the time after I left HUD until the time of their collapse and Government intervention took place. They continued to grow tremendously.

It is very clear there were efforts by Republicans to try to regulate these entities and there was equally strong and better constructed efforts by Democrats to not regulate them and to allow Fannie and Freddie to continue business as usual. Finally, this year, we came together—and I commend Chairman DODD and Chairman FRANK for leading both committees of the House and Senate so we could come together in a bipartisan effort to regulate these two entities. Now, if I had had it my way, that regulator would have been stronger and even more capable than the one we put in place, but thank goodness we did act and we created a regulatory scheme. It was a little late to save them because by then the horse was out of the barn. Had we regulated them back in 2003, when I testified before the Banking Committee of the Senate, the Financial Services Committee of the House, maybe we could have begun a new regulatory scheme then, and we could have today perhaps been in a position where those entities would not have had the problems that they ran into. Our efforts were not taken very seriously at the time, and the record is pretty clear about who was in favor of regulation and who was absolutely dead set against it.

The fact is it does no good for us to today, in the midst of this enormous crisis, to be sitting around finger-pointing and trying to score points. The bottom line is we have a problem ahead of us, and the best thing we can do is to utilize sober judgment to try to come together, as I said, as Americans—not Republicans, not Democrats but Members of the Congress, Members of the Senate who have taken an oath of office—to try to do the right thing by the people whom we represent. How can we address this problem? What can we do? In fact, it may not be that there is much we can do. This is not a governmental problem at this moment in time. There is a need for us to look and see what the future of Fannie Mae and Freddie Mac is going to be. Do they belong as a half private, half governmental agency? Does it make any real sense for them to be partially beholden to their shareholders and partially beholden to the taxpayers? I am not sure it does. So we will need to legislate on that issue in a serious manner as to what the future of those entities should be.

Here is one suggestion I would make today as to how we might begin to ameliorate the problem and how we might begin to work together, bipartisanly, to try to find an answer. I believe, from talking to people in the financial world, that one of the serious needs of today's problem, that would begin to ease all these problems, is for us to begin to look to ending the enormous surplus of unsold homes. The fact is people are not buying houses. The fact is there is an oversupply. The fact is supply and demand is out of whack. So perhaps we could, through tax credits, encourage people to buy homes, to purchase homes, providing them with essentially a tax credit that would encourage them, through the tax system, to purchase a home at this moment in time. If the inventory were to be drawn down, if we had fewer unsold homes sitting in the market, it would make it much easier for the marketplace to then begin to find a bottom—a price floor—that could then begin to ease the burden on all these financial institutions that are holding paper that today is not worth what they thought it would be.

I wish to shift subjects, but before I do, I would make a call that we try to temper a little bit our desire to score a point today on the backs of the American people who are frightened and who are concerned—and rightfully so—about a very difficult problem and try to, rather than finger-point, join hands; rather than finger-point, let's put our hands together, Republicans and Democrats, to work together toward a solution, toward some honest-to-goodness effort. That is what the American people expect of us. That is why they sent us here, to work together to solve problems; not to try to assess blame and not to try to score political points.

PUBLIC SAFETY

Mr. MARTINEZ. Mr. President, I wish to talk about another matter which has to do with the public safety of our people. Public safety is among the highest priorities of Government. Americans should feel—and have a right to feel—safe in their homes, their neighborhoods, and their communities. Although the national violent crime rate has dropped substantially since 2000, we know any crime is too much crime. As elected officials, we ought to do what we can to prevent criminal acts.

In recent years, my home State of Florida has, unfortunately, seen a rise in violent crime—a very sharp increase. If we look at the numbers in recent years, there is a clear trend: The murder rate in Florida rose more than 28 percent in 2006 and another 6.5 percent in 2007. Instances of armed robbery increased by 13.4 percent in 2006 and nearly 12 percent in 2007. So while the overall crime rate rose only 1.4 percent—and it was the first time in more than a decade—we did see a rise in violent crime.

Many of the crimes committed in Florida are being committed by those with prior records and those who are already fugitives from justice. A U.S. Marshal—a good friend—told me fugitives from justice posed the most risk to society because they have to keep committing crimes in order to keep going and crime then becomes their livelihood.

So that is why, since the creation of the U.S. Marshals Service, their priority has been to capture fugitives. They work closely with local and State law enforcement agencies, they devote the resources necessary to track fugitives across State lines, and they have

several regional task forces set up specifically to go after the worst of the worst criminals.

Currently, my State of Florida falls under the purview of the Southeast Regional Fugitive Task Force based in Atlanta, GA. Given Florida's size, its population, and the escalation of violent crimes, we need a special focus to more effectively target those responsible for the most serious of crimes.

Last year, I requested the resources necessary to establish a regional Fugitive Task Force in Florida. We secured $2.8 million, and while not enough to establish a task force, it did provide the resources to increase the Marshals' presence in my State. Over the past 10 weeks, the Marshals Service put those resources to work in an effort that they call ''Operation Orange Crush.''

In Miami, Jacksonville, Orlando, Tampa, Fort Lauderdale, West Palm Beach, and other places, the Marshals Service linked up with other State and local law enforcement agencies and targeted the worst of the worst fugitive criminals.

They went after murderers, rapists, child sex offenders, and gang members, and they very specifically went after violent offenders. The results were absolutely astonishing. Nearly 2,500 fugitives were apprehended. More than 2,900 warrants were cleared, 113 homicide suspects were arrested, and 255 sex offenders were also captured. They also took in 76 firearms and about 100 pounds of illicit narcotics.

Among those captured in Operation Orange Crush was fugitive David Lee Green, an escapee listed on the Marshals' 15 Most Wanted list, and a criminal who has been on the run since the year 2000, out there committing more and more crime. Green was found in Titusville after escaping from a Federal correctional institution in Elkton, OH, where he was serving a 235-month sentence for cocaine distribution. In addition, he was wanted for machinegun possession.

Another captured fugitive, Rosalino Yanez, was arrested in Okeechobee County.

Authorities in Fort Pierce wanted him for a 2003 murder, when he apparently used a shotgun to fire and kill two men. He is also wanted in Georgia for attempting to commit murder there.

Another arrested was Nolan Woods, who was captured in Miami on a warrant for sexual assault of a minor. So this man was also captured and put behind bars.

These are some of the more than 2,400 arrests that were made. These were made possible because of the additional resources this Congress made available to the U.S. Marshals Service.

Given these statistics and what the Marshals Service was able to do in a 10-week period—in just 10 weeks in my State—demonstrates that there needs to be a permanent Regional Fugitive Task Force in Florida. Rising violent crime rates pose a serious threat to our children, our families, and our communities. These results demonstrate that Florida has a need, and the resources used will yield the desired results.

Establishing a permanent Regional Fugitive Task Force in Florida will require Congress's support through the fiscal year 2009 and beyond. But given the results of Operation Orange Crush and the outstanding commitment of the U.S. Marshals Service, I am very hopeful we can take the results of this task force and make this be a reality in the coming days.

So I am very pleased, and I wish to give a word of thanks not only to the Marshals Service but also to all law enforcement in the State of Florida who worked together cooperatively to make this terrific result happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

THE ECONOMY

Mrs. CLINTON. Mr. President, we have seen the financial landscape in our country reshaped overnight. The titans of Wall Street have been rendered insolvent or even bankrupt. These are firms that survived the Great Depression, world wars, the attacks of September 11, but were no match for a mounting credit crisis that was allowed to escalate in the shadows of our financial system.

The Federal Government has taken over Fannie Mae and Freddie Mac. Bear Stearns had to be rescued by JPMorgan Chase, after the Federal Government guaranteed J.P. Morgan's investment. While they are in talks to keep part of the company viable, Lehman Brothers has declared the largest bankruptcy in U.S. history. Merrill lynch has been purchased by Bank of America, and the Federal Government has agreed to rescue AIG.

This past Monday, we saw the largest drop in the Dow Jones Industrial Average since 9/11. Now even money market funds are affected; for only the second time in our history, one has been valued at less than 100 cents on the dollar. Alan Greenspan called this a ''once in a century event.''

In my State of New York, tens of thousands of hard-working employees have lost their jobs. The livelihoods of tens of thousands more who depend on Wall Street's economy are threatened as well.

New York City and New York State, already facing serious economic and fiscal challenges, will now be forced to contend with a battered Wall Street, the lifeblood of our State's economy. The sudden collapse of these firms and the Government takeover of some has shaken our markets and buffeted the economy as a whole. Many are now asking: What is next? I know that New Yorkers and other Americans are deeply concerned and more than a little bewildered. As our markets have grown more complex and interconnected globally, so, too, have the crises that have emerged. We are still sorting out the details.

One of the consequences of the secrecy and lack of oversight under the Bush administration is that we do not know what we do not know. But it is important to recognize what we do know about what went wrong so we can assess what needs to be done right now to make it right.

What we have seen over the course of the last 8 years is an administration that refused to recognize the threats that lurked in our economy—no matter what lurked just beneath the surface or what problems were facing middle-class families.

We know that many CEOs are paying lower tax rates than their receptionists. We know that President Bush and those who carry his mantle seek to lower those taxes even further. Middle-class families have seen their wages decline, even as the cost of living has skyrocketed. This administration has the worst job creation record in 70 years. Millions of families were locked into ballooning and unaffordable adjustable rate loans as this administration stood by denying there was a crisis. Regulations designed to keep pace with the markets have been steadily chipped away by Washington Republicans even as companies experimented to the tune of hundreds of billions of dollars in ever-more complex and risky financial instruments. Now, we were reassured that the risk was too diversified and investments too sophisticated to put our economy in jeopardy. Meanwhile, behind closed doors, the cracks were showing as the value of mortgage-based securities slipped day by day. And the President and his supporters in Congress repeatedly chanted—and still chant today—the mantra that the fundamentals of our economy are strong.

The administration waxed philosophic when middle-class families started facing foreclosures at record levels. The administration and its allies derided my proposals over the last 2 years to offer assistance to troubled homeowners seeking refinancing as a ''bailout.'' They dismissed my concerns and the concerns of millions of Americans even as the storm clouds gathered. They said they didn't believe the Government should intervene and provide borrowers an affordable opportunity to avoid foreclosure.

Even when I and others warned the Bush administration repeatedly from the start of this crisis, that decisive action was demanded immediately to help families stay in their homes, that that was the best way to stave off a deepening economic crisis, their only responses were predictions for a ''soft landing'' and that the crisis could be contained.

As I traveled throughout our country, I could see that no soft landing was forthcoming. Many families, hundreds and even thousands of miles from Wall Street, were having their lives turned upside down by the home mortgage crisis and the ripple effect being

felt throughout the economy as a consequence of the broken economic policies of the last 8 years.

Unfortunately, the Bush administration waited until this past summer to admit that massive housing relief was necessary. The administration finally supported, in concept, much of what I had proposed—mortgage modifications, freezes for unreasonable mortgage rate increases, and an expanded role for the Federal Housing Administration. But their response was halfhearted, without adequate resources or a commitment to enforcement. So the home mortgage crisis slowly but surely eroded the value of risky debt instruments upon which Wall Street firms were dependent. The house of houses of cards began to fall. My proposals, as well as those of others, were falsely greeted as too much, too soon. Now we are forced to reckon with too little, too late.

When giant Wall Street firms revealed their dire straits and turned to this administration for the exact same help as we had sought for middle-class families—discounted loans, loan modifications, and Government-backed lending to weather the storm—ADAM SMITH was nowhere in sight.

Taxpayers have loaned these banks upwards of half a trillion dollars. After years of laissez-faire policies for the middle class, the Bush administration has acted on behalf of Wall Street, with the largest and most significant Federal interventions in the history of our modern financial system. The largest banks in the world could have closed-door meetings with the White House and Federal Reserve and Treasury Department to discuss their bailout options, but millions of homeowners with mortgages worth more than their homes or who are facing default and foreclosure don't have the same opportunity.

This administration seems to be, once again, paralyzed. I represent both the workers and the homeowners and the investment firms. I wish we had taken action long before this, for the sake of all of my constituents. But now we must have a concerted, focused effort. I don't believe we can wait until the next President. I am extremely hopeful and optimistic that we will have a President who will work with us to resolve our economic challenges, but I don't think we can wait.

However, I do believe we can avoid a deepening crisis. We can take steps right now to address the root causes of what is taking place in our economy to stem the tide of foreclosures, mortgage defaults, and the aggregating consequences in the credit markets, on Wall Street, and throughout the global economy. But we must cast aside the haphazard, halfhearted approach of this administration and bring every stakeholder to the table to seek out and implement the right solutions.

We must be as vigilant on behalf of homeowners and middle-class families as we are on behalf of Wall Street firms. We must chart a new course based on the facts at hand, not the ideology at work for 8 long years. We have tried being reactive. It is now time to be decisive.

No option should be off the table—certainly not because they don't fit into a narrow ideological prism that this administration has abandoned for some at the first sign of trouble. Ideologues in Washington or in the market who thought that the only danger to the marketplace was the Federal Government are now going hat-in-hand to that same Government seeking help to stay afloat.

So to those who suggest that the steps taken thus far are enough, let me be clear: We may need to take even more significant steps to avoid a self-sustaining cycle of depressed home prices and foreclosures, with the consequent effect on the entire marketplace. We have already pumped hundreds of billions of dollars of liquidity into the markets, but we still cannot see the end of this crisis.

The biggest problem now is that our entire financial market is anchored by the mortgage securities that are untouchable. We have seen the banks and the financial institutions that had the largest exposure to these instruments among the first to fail. Now we have begun to see some of the mightiest institutions—even those making a profit—fall by the wayside and the market thrown into upheaval, and others the target of predatory short-sellers.

The Federal Reserve has used virtually every arrow in its quiver, from rate cuts, opening its lending windows, and, in desperation, has even created some new arrows through its new lending facilities. By some estimates, the Fed has put out more than half a trillion dollars through discounted loans, bailouts, and takeovers to stabilize the market and the economy. While necessary to prevent even deeper disaster, we have seen that the benefits of these actions have had limited effect.

This situation reminds me of that old fable where people are standing by the side of a river and they keep seeing babies being rushed down the river in the current. They desperately reach out and try to save as many babies as possible. Day after day, they are reaching out. They get new tools, they build a bridge, they get a ladder, and they are constantly trying to get to those babies, hoping they can save many of them. Finally, someone walks up and says: Who is throwing them in? Go upriver and find out the real problem and stop that.

The real problem has always been the way our home mortgage system got totally out of whack, with new kinds of instruments that were sold many times over, with very little regard to the realities of life, human nature, and the inevitable ups and downs in the economy, with the result that until we reach in and fix the home mortgage crisis—and we can bail out everybody from here until kingdom come—we will not get a handle on this economic crisis.

Here is what I believe we should do:

First, in light of historic bank failures, even with the largest Federal intervention in the history of the mortgage market, we need a government entity, a modern-day homeowners loan corporation, referred to as HOLC, or we need to build on the Resolution Trust Corporation created to help deal with the savings and loan crisis. I personally believe and was among the very first to suggest that a HOLC, a homeowners loan corporation, could be a preferable way of unfreezing and beginning to fix our struggling mortgage market.

Some of my colleagues and many other respected economists and Government officials have called for the creation of an entity like the Resolution Trust Corporation which was created after the savings and loan crisis to liquidate in an orderly way the virtually worthless assets that the failed S&Ls held.

Yesterday in the Wall Street Journal, Paul Volcker, Eugene Ludwig, and Nicholas Brady made such a proposal. They said a HOLC, RTC—we have to come up with an entity that will assume these debts and burdens and begin to work our way out.

Last spring, when I called for a modern version of the HOLC—that is the Depression-era entity that bought up old mortgages and issued more affordable ones in their stead—most people didn't pay much attention. But I think it is important to note that by the time the HOLC closed its books, that agency had turned a small profit and helped over a million people keep their homes. And this was 70 years ago.

Our population has grown dramatically. Obviously, if we did it right, we would be able to save a lot of homes, and I think if it is administered correctly, it could be actually a net expenditure or even winner for the Federal Government.

With the FHA reforms I long championed and adopted this past summer in our omnibus housing bill, the FHA could be a modern home ownership lending corporation. But we need to look to new ways to revive and, if necessary, create a new market for mortgage securities based on sound accounting, transparent recordkeeping, and responsible lending.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator has used 10 minutes.

Mrs. CLINTON. I ask unanimous consent for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Madam President, I did not know I had a time restraint.

A new government entity such as the HOLC with focus on attacking the source of the problem can serve a purpose of clearing a lot of those toxic mortgage securities from the market. We know there will not be any semblance of a normal or orderly marketplace until we have found a way to resolve these mortgage securities that

are metastasizing in the bottom of our markets.

By taking this paper out of the market and quarantining it in this new entity, we will give the market breathing room to recover. We also will be able to set the stage for an orderly sale of these securities and in return allow some of them to recover and regain some of their value. Perhaps as importantly, not only would our financial markets stabilize, but so would our housing markets.

This is an extraordinary measure, but it is not without precedent. This is the greatest market upheaval since the Great Depression. We are, indeed, in crisis, and in times of crisis there are opportunities for leadership. Congress can show the American people that leadership by working with the President to embrace this bold proposal to take immediate action to address the abusive and manipulative short-selling practices that are rattling the markets, threatening firms and jobs, and sending shock waves across the broader economy.

I commend the SEC for yesterday tightening rules against manipulative short selling. The SEC's rulings are a positive step in curbing the heightened volatility casting uncertainty on domestic markets and financial institutions. However, the Commission did not go far enough.

As a Senator from New York, I have a special duty to represent the workers of the financial services industry and to try with all my might to retain New York City as the financial capital of the world. The abuses that have disrupted the markets today will impact the lives of so many far beyond New York. So I think it is necessary for the SEC to take steps similar to the emergency rule it imposed this past July when the Commission ''concluded that there now exists a substantial threat of sudden and excessive fluctuations of securities prices generally and disruption in the functioning of the securities markets that could threaten fair and orderly markets.''

Conditions now pose a greater threat than they did in July. Several of the institutions that the Commission sought to insulate from abuse do not even exist or certainly not in the same form they did 2 months ago.

The situation is evolving rapidly, so we need to stay a step ahead, not a step behind.

I urge the Commission, as I expressed yesterday in a letter to Chairman Cox, to move toward a temporary moratorium on all the abusive and manipulative short-sale practices associated with ''substantial financial firms,'' such as those the Commission identified in July.

A temporary moratorium would allow the marketplace to take a step back, take a deep breath, and it would allow the Commission and other regulators to identify and weed out the sources of these abusive transactions.

Moreover, the Commission should give close consideration to the many calls for the immediate restoration of the uptick rule, whose repeal has been linked to the recent market volatility and proliferation of these short-sale transactions.

I know there are technical problems in moving toward digitalized trading, but we ought to figure out how to handle that.

Third, I am calling on President Bush to convene an economic summit that brings together leaders in the administration and Congress with lenders, consumer advocates, nonprofits, financial institutions, and all the stakeholders. Such a summit, I believe, would restore confidence and demonstrate that the entire country is focused on solving the problem we face.

Fourth, I want to propose once again that we aggressively pursue and encourage mortgage modifications. I have introduced such legislation. I believe it is important. Madam President, 10 million homeowners are underwater today, carrying more than $2 trillion in mortgage debt. That is a huge anchor on our markets and our economy. Modification done right is a strategy that serves lenders and borrowers, as well as the broader markets.

Fifth, it is clear that for too long, the rapid evolution of the securities and banking industry overwhelmed our regulatory framework, resulting in an entire shadow banking system that operated outside of oversight and without accountability.

It is not enough to shift responsibility or move lines on a flow chart. We need a new regulatory framework. We have been living off the one from the Great Depression. Now is the time to create a new framework.

Sixth, I proposed the Corporate Executive Compensation Accountability and Transparency Act to impose new transparency rules on executive pay and the accounting techniques that hide compensation and provide shareholders a say in executive compensation packages.

Finally, and seventh, I am proposing that we require any financial institutions borrowing money from the Federal Reserve's new lending facilities to open their books and ensure accountability and transparency to identify unsound practices.

These banks and other entities have tapped the Fed's new lending windows for over $300 billion in capital. They shifted a lot of that risk onto the backs of our taxpayers. These are unprecedented interventions, and we should make sure these companies are not using taxpayers' dollars to subsidize golden parachutes or risky investments, throwing your good money after bad. If we are bailing you out, we deserve to know exactly your liabilities, and you have to be part of this new regulatory framework.

This crisis has not abated. It is time for us to start acting like Americans again. There isn't anything we can't solve once we put our minds to it. For that we need leadership. I know that our leader, Senator REID, has said the Senate will remain in pro forma session. We are ready to work with the administration, to work with the other stakeholders to change course and end the failed economic policies and failure of regulatory oversight that brought us to this point.

There is much more we need to do. Individuals have to take responsibility, we know that, but in this dynamic environment, we must work together to stabilize the market, tackle the root causes that have festered too long, and restore confidence in our economy.

We will weather this storm, but let's do it sooner instead of later. Let's try to save as many boats in the water right now instead of cleaning up the wreckage on the banks. I believe we can do that.

I thank you, Madam President, for your attention. I hope we will be able to start seeing action very soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I ask unanimous consent that I be allowed to speak for up to 20 minutes and the Senator from Vermont follow me, and that he be allowed to speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, I am astonished at the diatribe by some of our Democratic friends who are charging that our current economic woes are ''the Republicans' fault,'' as if somehow our system of housing finance and the complex mortgage-backed investments were created by President Bush. The American people know better and, frankly, they deserve better.

Similarly off base are efforts by some Democrats to rewrite history by trying to cast Senator MCCAIN and President Bush in the mold of President Hoover. It is, of course, a false and complete misunderstanding of history and I believe nothing more than attempted mudslinging.

There is an excellent history of the Great Depression by Amity Shlaes called ''The Forgotten Man.'' In it she reminds us that Herbert Hoover was an interventionist, a protectionist, and a strong critic of markets. If anything, Herbert Hoover and then Franklin Roosevelt prolonged the Great Depression by their intervention in the free market with their support for more taxes and tariffs, all of which, of course, caused a spiral of deflation.

No one can argue that my colleague Senator MCCAIN is an interventionist or protectionist such as Herbert Hoover. He is a strong critic of the greed and the cronyism that are two things that have led to our current financial problems.

What are the facts about the current situation? Where did it all begin?

I think almost everyone agrees that this financial crisis was precipitated by the housing crisis, the bursting of the bubble of overinvestment and speculation in home mortgages. Housing

prices skyrocketed to unsustainable levels as mortgages were given to people who simply could not afford them, and speculators ran up prices even more. All of the experts I talked with agree that until housing prices level out naturally—in other words, not artificially through some kind of Government interference—our financial crisis will not reach a conclusion. That is what is necessary to begin the rebound so that we can recover from the current crisis.

While it is true that both parties took pride in supporting more home ownership, a goal to which all Americans would certainly aspire, Democrats cannot deny that they promoted expanding loans to more and more people who had previously found it very hard to get a mortgage because they could not make a sufficient downpayment or failed to meet other normal loan criteria; in other words, people who were higher credit risks. So it isn't just lenders but also politicians who enticed and encouraged folks to buy homes they could not afford. And this, of course, fueled speculation as well.

It is also true that members of both political parties were strong defenders of Fannie Mae and Freddie Mac, the so-called government-sponsored enterprises, or GSEs. But I can't think of a single Democrat who fought for comprehensive, meaningful reforms of these entities over the last decade.

Fannie and Freddie made huge campaign contributions, and those campaign contributions secured many friends who were willing to stymie even the most modest proposals for regulation, proposals put forth by Republicans both in Congress and in the administration.

I cite, for example, a New York Times article of September 11, 2003. I will quote two brief paragraphs:

The Bush administration today recommended the most significant regulatory overhaul in the housing finance industry since the savings and loan crisis a decade ago.

It goes on to say:

The plan is an acknowledgment by the administration that oversight of Fannie Mae and Freddie Mac—which together have issued more than $1.5 trillion in outstanding debt—is broken. A report by outside investigators in July concluded that Freddie Mac manipulated its accounting to mislead investors, and critics have said Fannie Mae does not adequately hedge against rising interest rates.

The article concludes with a criticism, two paragraphs more:

Significant details must still be worked out before Congress can approve a bill. Among the groups denouncing the proposal today were the National Association of Homebuilders and Congressional Democrats who fear that tighter regulation of the companies could sharply reduce their commitment to financing low-income and affordable housing.

''These two entities—Fannie Mae and Freddie Mac—are not facing any kind of financial crisis,'' said Representative Barney Frank of Massachusetts, the ranking Democrat on the Financial Services Committee.

Again, ''These two entities—Fannie Mae and Freddie Mac—are not facing any kind of financial crisis.''

Quoting again:

The more people exaggerate these problems, the more pressure there is on these companies, the less we will see in terms of affordable housing.

Our friends on the other side of the aisle claim the current financial crisis stems from a lack of regulatory oversight, but they don't mean a lack of oversight over Fannie and Freddie, which they resisted. They don't mean regulations that actually would have headed off the crisis of these GSEs.

I think most of my colleagues would acknowledge that I am one of the most free market Members of the Senate. I am not one to usually call for more regulations. But in the case of Fannie and Freddie, I did. As chairman of the Republican policy committee in 2003 and 2004, I provided two detailed analyses of the potential for catastrophic failure of the GSEs unless they were precluded from taking on more and more questionable debt. I noted that while their executives and shareholders were making a lot of money in the short run, the taxpayers would be on the hook in the long run. And that is exactly what occurred.

The first paper the Republican policy committee released under my watch suggested that the implicit Government guarantee of both Fannie and Freddie allowed the companies to borrow significantly more than they would have without the guarantee, and that they used those resources to invest and trade in risky mortgage securities, not to pass on the benefit to borrowers.

In September 2003, 5 years ago, I recommended that Congress ''improve disclosure requirements and transparency, increase risk-based regulatory oversight; and begin to consider how to create a greater separation between the taxpayers and the business operation of these firms without causing financial dislocation or upsetting the mortgage markets.''

I also warned that without reforms, either or both companies could fail. And I said:

The potential cost to U.S. taxpayers could range into the hundreds of billions of dollars.

I am sorry to report that I was correct. The bailout will cost at least $200 billion. That is the amount that has been cumulatively committed to Fannie Mae and Freddie Mac.

The second paper I released in April of 2004 reported that then-Chairman of the Federal Reserve, Alan Greenspan, had endorsed fundamental reforms for Fannie and Freddie. Greenspan threw cold water on the most often repeated rationale for allowing Fannie and Freddie to continue growing, indeed, for their very existence: that they increase home ownership and reduce mortgage rates. My report, quoting once again ''challenged the Senate to act quickly to reduce the risks to the taxpayer, either by fundamentally altering their relationship with the government, or by establishing a new regulatory regime.''

But the Senate failed to act in 2004, when it could have headed off this crisis.

I also want to highlight the efforts made by Senator SHELBY, the ranking Republican on the Senate Banking Committee, to reform Fannie and Freddie. In 2004 and 2005, Senator SHELBY tried to enact comprehensive GSE reforms of the kind I have referred to only to be stonewalled by then-Senator Sarbanes. First, in 2004, Senator Sarbanes refused to consider the legislation. He said the problem was the receivership provisions. At the time, Fannie and Freddie could only be taken into conservatorship if they failed but not receivership. Fannie and Freddie used their objections to this provision to label my colleague, Senator SHELBY, as anti-home-ownership.

When SHELBY tried again, Senator Sarbanes told him the reforms couldn't move forward because he objected to the portfolio limits that SHELBY's legislation would have imposed on Fannie and Freddie. Same kind of thing I had called for earlier in the report to which I referred. Remember, their portfolios were highly leveraged. Again, SHELBY and those who supported him were castigated as anti-home-ownership. Each time he pressed for these reforms, the supporters of Senator Sarbanes and Freddie and Fannie came up with reasons to oppose them.

When Congress passed the Fannie and Freddie bailout legislation this last summer, we were finally able to secure fundamental reforms, thanks again to Senator SHELBY and to Secretary Paulson, but no thanks to most of the Democrats who worked against the reforms. Unfortunately, by then the damage was already done. The legislation came too late to avoid their collapse. Instead, we had to end up managing their collapse, and their collapse had spread throughout the entire financial system to the point that we now have a whole series of companies that we are having to try to find a way to assist in order to prevent further collapse of our financial system.

Even at this late date, the chairman of the Senate Banking Committee and the chairman of the House Financial Services Committee would only agree to the GSE reforms proposed by Secretary Paulson after Republicans gave in to their demands for billions of dollars to go to groups such as ACORN, the far-left advocacy group that has engaged in voter fraud.

In a last-ditch attempt to save Fannie and Freddie from greater scrutiny, the chairman of the House Financial Services Committee even tried to delay the appointment of the new, more powerful regulator set up in the legislation until next year. Fortunately, on this, Senator SHELBY prevailed. When the two entities were taken into conservatorship this month, the new regulator shut down all political activities of Fannie and Freddie

and fired their executives and barred them from getting lavish compensation packages.

That is the kind of thing that should have been done a long time ago, and it is exactly the kind of thing Senator MCCAIN is talking about trying to reform if he is elected President.

One final point about the political entanglement of Fannie and Freddie in Washington. When Senator OBAMA began searching for his Vice Presidential running mate, he tapped former Fannie Mae CEO Jim Johnson to help conduct the search. This wasn't surprising. Johnson had the same role in Senator KERRY's 2004 campaign. But Senator OBAMA had to end his relationship with Jim Johnson after it came to light that Johnson had received at least three sweetheart loans from Countrywide. Remember, Countrywide was accused of pushing many people into home mortgages they could not afford. It ultimately failed, and it had to be acquired by a bank. I should also note that Johnson is credited by many as having built Fannie Mae into the financial giant it became. He built the failed business model that will cost taxpayers hundreds of billions of dollars. When he was CEO, he aggressively hired an army of lobbyists to protect Fannie Mae from any meaningful oversight.

Well, Fannie and Freddie guarantee about $5 trillion now of the approximately $12 trillion in total outstanding home loans in the United States. That amounts to $5 trillion in mortgage-backed securities guaranteed by the pair. Fannie and Freddie sold these to countless different companies not just in the United States but around the world. They were sold as sound investments. But with real estate prices dropping, nobody knows how to value these investments, and that is part of the problem of this continuing crisis. Countless major investors here and abroad are now at risk. Witness the problems with Bear Stearns, Lehman, Merrill Lynch, AIG, to name only the most prominent.

So the problems that several Republicans predicted and tried to prevent have now come to pass. The Treasury has placed Fannie and Freddie in conservatorship, risking up to $1 billion of taxpayer money for each of them. Add to that the $30 billion the United States had to guarantee in the Bear Stearns debt to get J.P. Morgan to acquire the bank, plus $85 billion to nationalize AIG, and you begin to see the degree of commitment the American taxpayers are now obligated to—all of this because several prominent Democrats, and sometimes even Republicans, refused to appropriately and seriously address the problems and dangers posed by Fannie Mae and Freddie Mac.

That is how this all got started. And unless there is a willingness to prevent the GSEs from doing it all over again, with taxpayers guaranteeing against losses, we will not have learned the lesson we should learn from this catastrophic event. I am anxious to see if my Democratic colleagues will agree or whether, as before, they will try to perpetuate the same corrupt system that got us where we are today. I hope, Madam President, this will be an opportunity for us to begin working together, to stop pointing political fingers of blame at each other, to learn the lessons of the past, and to ensure that never again will we allow this kind of situation to develop at the cost of our constituents—the taxpayers of the United States.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, I would like to focus on three aspects of the current economic and financial crisis that is wreaking havoc on tens of millions of working families throughout our country and, in fact, people throughout the world. I think the questions we have to deal with are, No. 1, how did this crisis develop; No. 2, what can we do in the short term to address it and to protect middle-class families—people who are scared to death all over our country about losing their 401(k)s, people who are worried about losing their jobs, people who can't afford health insurance today—and, No. 3, what can we do long term to learn from the mistakes of today so that we create an economy where this crisis never erupts again.

I think those are the areas we might want to be focusing on right now.

Madam President, we are here today in the midst of the most serious financial and economic crisis that our country has faced since the Great Depression of the 1930s primarily—primarily—because of one reason; and that is, over the last many years, especially in the last 8 years of President George W. Bush, government policy, government ideology has been dominated by an extreme rightwing position that tells us—and we have heard it over and over and over again on the floor of the Senate—that government is bad, government is evil, government has to get out of the way so we can allow large multinational corporations and the wealthiest people in this country to do all of the wonderful things they will do to create prosperity for all Americans.

Now, among specific policies, what President Bush and others of that view have said is it is important for us to give huge tax breaks—trillions of dollars in tax breaks—to the wealthiest people and largest corporations in our country so they will then invest in America, create good-paying jobs, and their wealth will trickle on down. That is the trickle-on-down theory of economics.

In fact, my friend, Senator KYL, who just spoke a moment ago, is the lead advocate, along with Senator MCCAIN and many other Republicans, of the repeal of the estate tax that would provides $1 trillion in tax breaks over a 20-year period to the wealthiest three-tenths of 1 percent. Three-tenths of 1 percent receive $1 trillion in tax breaks. That is part of that ideology.

Further, what they have said is, we need to not worry about manufacturing in America because what we should establish is a policy of unfettered free trade. We don't need tariffs. What we need is to allow corporate America the freedom to throw American workers out on the street—people who are making 15, 20, 25 bucks an hour, health care, pensions—because somehow we are going to create wealth in America and good-paying jobs in America as we shut down plants, we move to China, and corporations there pay workers 20, 30 cents an hour, and we bring the products back into this country. Anyone who goes shopping in a mall knows how difficult it is today to find a product made in America, but that is a plus.

I have to say, in that regard, the champion—and he is honest on this one. Senator MCCAIN has been criticized recently for not being the most honest candidate we have seen in terms of his answers and so forth, but he has been honest on this one. He has been the lead advocate of unfettered free trade. This is an important part of this rightwing ideology: that it is good for America that corporations can go to China and bring products back into this country. But the third pillar of this rightwing ideology that I want to discuss this afternoon, and perhaps the most pertinent to the crisis we are now facing, is over and over again what we have heard from President Bush, what we have heard from Senator MCCAIN, what we have heard from many of our Republican friends is, deregulate, deregulate, deregulate; that the government has to get out of the way so that ExxonMobil and the other large multinational corporations can do all of the wonderful things they will do to create wealth in America.

I will just give one example. It is not a major example but a humorous example. All over this country, Madam President, parents who have little kids who play with toys have been worrying about the toys and the quality of the toys coming into this country. It was recently learned that at the Consumer Product Safety Commission, because of that ideology of deregulation, there was one guy, one person whose job it was to test all of the toys, thousands of different types of toys coming in from China and every other country in the world—many of them unhealthy, many of them having toxic ingredients in them. Because of deregulation, because we have great faith in these companies bringing toys in from China, we didn't even have to have a strong regulatory system. I am happy we have moved in that direction in the last few months, but that was the case.

The deregulation mantra goes obviously a lot deeper than toys. Let me focus for a moment on this issue of deregulation because it is at the heart of the current financial crisis we are facing. I want to say a word about the

former Senator who, it turned out, was the chief economic adviser to Senator MCCAIN and who actually was the leader on deregulation.

I know in politics things change from yesterday to today. I have not heard Senator MCCAIN's last pronouncement. I guess he wants to regulate everything today. But yesterday and in the rest of his career he was a champion of deregulation and his major economic adviser was a gentleman named Senator Phil Gramm, formally the Senator from Texas.

To review a little bit of what Senator Gramm's role was in pushing us toward this deregulatory society, as chairman of the Senate Banking Committee in 1999, Senator Gramm spearheaded legislation that bears his name. It is not a great secret, it is his legislation, the so-called *Gramm-Leach-Bliley bill, and that broke down critical regulatory safeguards the Government had put in place after the Great Depression to prevent—what? To prevent exactly what we are seeing today. Senator Gramm spearheaded that effort and broke down those firewalls.

Having laid the groundwork for our crisis in the financial sector, the very next year Senator Phil Gramm is credited—and I do not think there is a lot of debate about this—with slipping into a large unrelated bill legislation that deregulated the electronic energy markets, including, of course, oil. There are leading energy economists—who have testified over and over again just this week, among other committee hearings before Congress—who are telling us that as a result of the deregulation of the energy futures market, 50 percent of the cost of oil, when it was at its peak of $147 a barrel—50 percent of that was due to speculation and that speculation was allowed to take place because of the deregulation of the energy futures market spearheaded by Senator Gramm.

We are seeing what deregulation did to the financial institutions, what it has done to energy prices, but that is not enough. Senator Gramm was a very aggressive and a very effective, if I might say so, Senator. As we all know, the Federal Government is in the process of nationalizing AIG and bailing them out to the tune of $85 billion. AIG, as we all know, is the world's largest insurance company.

It also turns out that the AIG situation is closely tied to the same extremist ideology that has been pushing us toward economic disaster. A key part of the responsibility for AIG's collapse lies once again with this same key Member of the Senate, Senator Phil Gramm, and his rightwing ideology. It turns out that Senator Gramm slipped a 262-page amendment—I always find it amusing how you can ''slip'' a 262-page amendment—into a larger bill that was instrumental in creating, and I know this number is a little bit difficult for anybody in the world to digest, a $62 trillion market for very risky, unregulated financial investments called credit default swaps, that are central to AIG's meltdown.

This is extremely complicated. Very few people understand anything about it. But we are talking about an unregulated $62 trillion market for credit default swaps, which played a major role in the collapse of AIG and the fact that the Federal Government is now in the process of bailing that company out.

As an online article from Time Magazine explains, AIG's traditional insurance business was doing well. In other words, when they were in the business that they had historically been in, actually they did quite well. But what AIG got involved in was more than traditional insurance. They got involved in risky derivative schemes called credit default swaps, or CDSs, that allowed big companies to guarantee each other's risky lending practices. The point here in this whole complicated scheme of things is that all of this is deregulated primarily because of the efforts of Senator Gramm. The big, bad Federal Government no longer can protect consumers, can protect our economy because we are going to trust all of these guys who are playing in a $60-plus trillion business.

In order to give the American people a full understanding of the risks posed by these unregulated credit default swaps, I wish to quote briefly from a September 15 article by Professor Peter Cohen, a graduate of the Wharton School, that details the full scope of the problem we face and the role Senator Gramm had in its creation. Let me quote from Professor Cohen.

> Lurking in the background of this collapse of two of Wall Street's biggest names, is a $62 billion segment of the $450 trillion market for derivatives that grew huge thanks to John McCain's chief economic advisor, Phil . . . Gramm. That's because in December 2000, Gramm, while a U.S. Senator, snuck in a 262-page amendment to a government reauthorization bill that created what is now the $62 trillion market for credit default swaps. I realize it is painful to read about yet another Wall Street acronym, but this is important because it will help us understand why the global financial markets are collapsing. . . . CDSs are like insurance policies for bondholders. In exchange for a premium, the bondholders get insurance in case the bondholder can't pay. . . . In the case of the $1.4 trillion worth of Fannie Mae and Freddie Mac bonds, the Government's nationalization last Sunday triggered the CDSs on those bonds. The people who received the CDS premiums are now obligated to deliver those bonds to the ones who paid the premiums.

Professor Cohen continues:

> Gramm's 262-page amendment, dubbed the ''Commodity Futures Modernization Act,'' according to the Texas Observer, freed financial institutions from oversight of their CDS transactions. Prior to its passage, they say, banks underwrote mortgages and were responsible for the risks involved. Now through the use of CDSs—which in theory insure the banks against bad debts—those risks are passed along to insurance companies and others . . .

wrote the Texas Observer. I will not go on.

The bottom line is Gramm, who is MCCAIN's leading financial adviser, spearheaded the effort to deregulate financial services that opened up this huge unregulated market. The result of that has played a significant role in placing us where we are right now.

We can go on and on. This is complicated stuff and I am sure there are people who can talk about this for many hours. In my view, the time for hand wringing is over. What we have to understand is the efforts of President Bush to ''deregulate, deregulate,'' and those of Senator Gramm, Senator MCCAIN and many others, was wrong. It largely contributed to where we are today.

It seems to me that Congress right now needs to put an end to this radical deregulation. We need to put the safety walls back up in the financial services market.

I was a member of the Banking Committee in the House in 1999 when this whole issue was discussed. Many of us then—a minority, but some of us then—saw exactly what was in line to occur. Some of us at least voted against it.

What we have to do now is understand that we need to reregulate the electronics energy markets, we need to end the unregulated credit default swaps. Unfortunately, the response we have been hearing from the administration and from Wall Street is not to do that but in fact to move us in another direction, which is to push for further consolidation in the financial services sector.

I have a very simple question. Do I hope I am wrong on this one, but I fear I may not be. That question is: What happens when these now even bigger entities, these multi-multi-multibillion dollar corporations—what happens when they run into trouble in the future? None of us hope that happens, but what happens if that does occur? Once again, clearly, it will be the American people who will be on the hook.

This country can no longer afford companies that are too big to fail. If a company is so large that its failure would cause systemic harm to our economy, if it is too big to fail, then it is too big to exist. What we need to do right now is to assess which companies fall into this category.

For a start, I don't think you need to be a Ph.D. in economics to understand this. I think Bank of America, if I may be allowed to say so, is certainly one of those companies. Let's take a look at Bank of America. It is the largest depository institution in our country. It has assets of $1.7 trillion; $711 billion of that money comes from bank deposits representing over 10 percent of all bank deposits in the entire country—one bank, 10 percent of all bank deposits.

In August, the Bank of America bought Countrywide, the largest mortgage lender in the country. And then last week it bought Merrill Lynch, the largest brokerage firm in America. There is so much concentration of wealth in the Bank of America that clearly, if it were to fall in the future,

what do you think the U.S. Government is going to say? You can absolutely expect that the President or the Congress will say: My God, we can't allow Bank of America to fall. Because if they fall, it will impact the entire national economy, the entire world economy. The taxpayers of this country are going to have to bail out Bank of America.

My suggestion is before we allow ourselves to be in that position, maybe we make certain the Bank of America never is allowed to have that kind of power.

In my view, we should not be making Bank of America bigger; we should be breaking it up. We should start that process today and we should be breaking up other large financial institutions that are ''too big to fail.''

Finally, in terms of dealing with this unfolding disaster, we need to make certain that working Americans, the middle class of this country, are not asked to foot the bill for the current economic crisis that was brought to us by these large multinationals. If the economic calamity requires a Federal bailout, it should be paid for by those people who actually benefited from the reckless behavior of people empowered by the extreme economic views of Senator Gramm, President Bush, and Senator MCCAIN.

Right now, today, the wealthiest one-tenth of 1 percent earns more income than the bottom 50 percent. That gap between the very rich and everybody else is growing wider. We have the dubious distinction of having by far the most unequal distribution of income in the world, and on top of that the richest 1 percent owns more wealth than the bottom 90 percent.

The wealthiest 400 Americans—this is a startling figure that for obvious reasons people don't talk about too much, but this is amazing. The wealthiest 400 Americans in this country have not only seen their incomes double, but their net worth has increased by $670 billion since President Bush has been in office. Four hundred families have seen their net worth double and increase by $670 billion since President Bush has been in office.

Amazingly, the wealthiest 400 families in our country are now worth over $1.5 trillion—400 families. On average they earn over $214 million a year. As a result of President Bush's policies and the policies of our Republican colleague, the tax rate for these families has been cut almost in half, to 18 percent.

Amazingly—and this is a clearly a national disgrace—the wealthiest 400 families pay a much lower tax rate than most police officers do, than nurses do, than teachers do, than firefighters do.

Now, what does this say about us as a nation or about our politics, or the power of the wealthy over Government, when the middle class is paying a greater percentage of their income, a middle class which is in decline, a middle class where millions of workers have seen a reduction in their wages, and yet they are paying a higher percentage of their income in taxes than the very richest people in America?

It is this very small segment of our population which has made out like bandits, frankly, during the Bush administration. In my view, we need an emergency tax on those at the very top to pay for any losses the Federal Government suffers as a result of efforts to shore up the economy.

In other words, before we ask the middle class to pay more in taxes, before we ask working families to pay more in taxes, it is obvious to me that it is simply fair and right to go to those groups, that group of people who have benefited most out of Bush's policies, who have seen their incomes and their wealth soar. Let's ask them to help us bail out the economy rather than the working families who had nothing, nothing to do with this crisis, and, in fact, who have suffered under the 8 years of President Bush.

Before I finish, I wish to step back for a moment and examine this current crisis in the context of who our Government represents. What does it say about an administration that is prepared to put $85 billion at risk to bail out AIG but which has fought tooth and nail against programs that benefit working families all over this country? In my State of Vermont, people are worried about going cold this winter. And yet President Bush wanted to make hundreds of millions of dollars in cutbacks for the LIHEAP program that keeps people warm because we did not have enough money to do it.

We have enough money to provide hundreds of billions of tax breaks for the top 1 percent, we have enough money to spend $10 billion every month in Iraq, we have enough money to bail out AIG and Bear Stearns, but somehow we do not have enough money to keep people warm, to make sure that young people can go to college, to make sure that working people have affordable housing?

Since George W. Bush has been in office, nearly 6 million Americans have slipped out of the middle class and into poverty; over 7 million Americans have lost their health insurance; more than 4 million Americans have lost their pensions; over 3 million good-paying manufacturing jobs have been lost; total consumer debt has more than doubled; the median income for working-age Americans has gone down by over $2,000, after adjusting for inflation.

The interesting question to ask is, in the midst of that crisis facing tens of millions of working families, where has President Bush been? Where has his voice been in saying we have got to bail out working families who are seeing the decline in their standard of living and are falling into poverty? We have got to protect old people who are going to go cold this winter. We have to make sure that everyone in our country is able to get a decent education and can afford college. We have got to make sure that all Americans have health insurance. I have not heard the President say we need to bail out the middle class or working families, but he surely has been there to bail out large multinational corporations.

The American people deserve better. We need to reject the failed economic policies and priorities of President Bush and JOHN MCCAIN. We need a government that is not going to allow the wealthiest people and the largest corporations to loot our economy. We need a government that will put regulatory firewalls back in the financial sector and end the use of unregulated credit swaps. We need a government that is going to prevent speculators from stealing from them at the gas pump. We need a government that breaks up corporations that are too big to fail. We need a government that is going to view the problems of ordinary Americans as almost as important as they view the needs of large multinational corporations.

In other words, we need a government that represents the people of this country rather than just the wealthy and large multinationals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

THOMAS VANDER WOUDE

Mr. BROWNBACK. Madam President, we also, I think, need a government that will stand up for the weakest and most vulnerable amongst us as well.

I have got a real story of human heroism that I wanted to share with the body, and then I am hopeful we can agree to a piece of legislation that Senator KENNEDY and I have done that has been rolled into this bigger package that has drawn a lot of difficulty.

But this is a piece Senator KENNEDY and I have worked on for a couple of years now. There is no reason for this to be blocked. So I am hopeful we can then move to it and pass it through this body, move it on forward.

I have got a picture of a gentleman. I want to show you a wonderful man. This is Thomas Vander Woude. This is an incredible story here in the suburbs around Washington, DC. On September 8, Thomas Vander Woude returned from mass that he had gone to in Gainesville, VA. He attended mass regularly and was working in his yard with his youngest son, who is 20 years old, Joseph. He is known by the family as Josie. Josie is a Downs syndrome adult. He fell through a 2 foot by 2 foot piece of metal that covered an opening to a septic tank, Josie did. His dad Thomas immediately rushed to his aid. According to an account in the Washington Post, when he saw that Joseph could not keep his head above the muck, Vander Woude, who was 66, jumped in the tank, ''submerged himself in sewage so he could push his son up from below and keep his head above the muck.''

Tom Vander Woude saved his son, but he drowned in the process. As it is stated so eloquently: There is no greater love than to lay down your life for another. And Tom Vander Woude laid down his life for his 20-year-old Downs syndrome son. This is a beautiful story that has taken place of the dedication of a father for his son, an act of heroism, but in his quiet life of dedication to his son, to his wife Mary Ellen of 43 years, to his six sons, 24 grandchildren, and to his country.

Tom served his Nation as a pilot in Vietnam, and after the war worked as a commercial airline pilot. Around the community of Gainesville, though, he was known as a generous neighbor, a volunteer at church, a basketball and soccer coach for the high school in Manassas that five of his sons attended.

He was also a farmer, something dear to my heart, I know to the Chair, the Presiding Officer as well. Most of all, he was known as Josie's devoted dad. Wherever you found Tom—at a game, at church, helping a neighbor—there was Josie, lending a hand.

Tom Vander Woude knew the value of his son's life. He considered it so precious that he gave his own to save it. He never considered the special care and attention that Joseph required because of his Downs syndrome, he never considered that a burden to the family. On the contrary, ''he always considered Joseph a wonderful blessing to the family,'' a special gift from God who brings out the best in his family and the lives of all of those he touches.

This is true of so many families who have children with difficulties. They find that through all of the difficulty and trial of caring for and providing for their child who has a mental disability, these special individuals are ambassadors of love and of understanding, filled with an openness and unconditional affection that acts as a humanizing force of compassion in their families and in their communities.

But we have to be open to this kind of gift and to the potential of every human life to make our world a better place. Now that I reflect on Tom Vander Woude and the value he placed on the life of his son, I also thought of Sarah Palin and what she said about her son, Trig, born in April. When the Governor and her husband Todd were told last year that the child she was expecting in May would be born with Downs syndrome, they knew that ending that pregnancy was never an option for them. After all, why would it be? ''We understand,'' she was quoted as saying at the time, ''that every innocent life has wonderful potential.''

The problem is that between 80 and 90 percent of the children diagnosed with Downs syndrome in the United States will not make it to the world, simply because they have a positive genetic test in prenatal screening, tests which can be wrong, by the way. I have had a number of people come up to me and say they had a positive Downs syndrome designation and the child was born and the child did not have Downs syndrome.

America is poorer because of this. To deny children with disabilities a chance at life will make us more insensitive, callous, and jaded, and will take away from the diversity of American life. I do not think this is what we were meant to do.

So Senator KENNEDY and I, for about 2 years now, have been working on a bill. What we are trying to do with this bill is to see that more Downs syndrome children make it here and get here. It is a pretty simple bill that establishes a registry of people who are willing to adopt Downs syndrome children. So that if someone gets that diagnosis and they say, I cannot handle it, fine. The answer is not to kill the child, the answer is to put the child up for adoption. We have got people willing to adopt it, and also to put forward information to people about the current condition of a Downs syndrome child and what all is available, because a lot is available for this child.

So we worked a long time, got the spending lined up—we are in good shape on that—and we are ready to move forward with this so we can get more of these special kids here.

What I was hoping we can do, and we had it almost passed through, and then this got caught up in the clutter of things, was that we could get this bill hot-lined—Senator KENNEDY's sister is a big proponent of this, has done great work with the Special Olympics—that we could do this. It got caught up in this overall package. Nobody objects to this bill. What I would like to see us do is let us take the pieces of this overall omnibus that we can agree to and let's do them. So then we have got some progress that is being shown.

UNANIMOUS-CONSENT REQUEST—S. 1810

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 701, S. 1810, the Prenatally and Postnatally Diagnosed Conditions Awareness Act. The lead sponsors are Senator KENNEDY and myself.

I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table with no interviewing action or debate, and that we can get more of these special children here.

The PRESIDING OFFICER. Is there objection?

Mr. SANDERS. On behalf of the leadership, I object. This bill, as I understand it, is part of a number of bills that are noncontroversial and are going to be included together.

UNANIMOUS-CONSENT REQUEST—S. 3297

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 784, S. 3297; the bill be read a third time and passed; and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. I object.

Madam President, I would say, let's take pieces of that overall big bill that we can agree to.

UNANIMOUS-CONSENT REQUEST—S. 1810 AND OTHERS

I ask unanimous consent that we agree to consider S. 1810 which I cited, and then the PROTECT Our Children Act, and the Effective Child Pornography Prosecution Act—they have all been considered and cleared on both sides—and we move to the immediate consideration of those.

The PRESIDING OFFICER. Is there objection?

Mr. SANDERS. On behalf of the leadership, I object. I understand that is contained within a group of other noncontroversial bills.

Mr. BROWNBACK. Madam President, I hope we could move forward with this. It would show that we can get something done in the body. There is no objection. We have worked on this for multiple years. We have got the funding worked out. This is a time in the country where people have heightened awareness of the genetic discrimination that takes place in utero. We have passed bills here that said you cannot discriminate against an individual for their genetic type once they are born, but in utero they are killed. That surely is not something that people want or defend or think is right.

This is not even a limitation on that. It is saying that all we are going to do here is establish a registry and provide current information if you get a Downs syndrome designation. I hope in the interest of this wonderful gentleman Tom Vander Woude we could see this considered. I am sad that we are not doing that in this particular situation.

The day after Trig was born to the Palins, they released the following statement. I thought it was so beautiful, I will read it here:

> Trig is beautiful and already adored by us. We know through early testing he would face special challenges. We feel privileged that God would entrust us with this gift and allow us unspeakable joy as he entered our lives. We have faith that every baby is created for good purpose and has potential to make this world a better place. We are truly blessed.

All we are asking is that more people would really have that opportunity to do that or, if they don't feel they can handle it, to put that child up for adoption on a registry that we establish. It would be an important thing for us to be able to move forward with. I am sorry we cannot get that piece done here today.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY VOTING PROTECTION ACT

Mr. CORNYN. Mr. President, as the Senate knows, yesterday we voted to pass the Defense authorization bill. However, one of the casualties of yesterday's process—which was unique, to my knowledge; we actually had only two rollcall votes on amendments to the Defense authorization bill, which I don't think has ever happened before, and many important amendments were blocked by the process, amendments that might have been included in the managers' package. I wish to mention just one of those, which is the Military Voting Protection Act.

This was originally offered as a freestanding bill earlier, but then it changed to become an amendment to the Defense authorization bill because we thought it was particularly appropriate, as we were dealing with the needs of the men and women in uniform around the world, that we also respect and enforce their right to cast a vote.

We know from 2006 statistics alone that of all of the eligible civilian and military voters around the world who were eligible and who actually requested an absentee by mail ballot, only 5.5 percent of those votes were actually counted. That is a disgraceful statistic and one we need to do something about.

I compliment Senator LEVIN, Senator FEINSTEIN, and others for working with us during the process of the Defense authorization bill to come together on what I believe was a clear and acceptable amendment to all sides, but because of the bizarre process we found ourselves in yesterday, this bill was basically a casualty of that process, as I say.

So what I am hoping to do is take a bill we worked on that is very important in order to protect one of the most important civil rights of our men and women in uniform—the right to vote—and hopefully, by unanimous consent today, we can pass this bill and get it on its way to the President for signature in due course. I don't see any reason, since we did work together on this on a bipartisan basis and it has been cleared by both sides, there would be any objection.

UNANIMOUS-CONSENT REQUEST—S. 3073

Mr. CORNYN. So let me ask unanimous consent at this time that the Rules Committee be discharged and the Senate proceed to the immediate consideration of S. 3073, the Military Voting Act.

I ask unanimous consent that the amendment at the desk be agreed to—by the way, that is the amendment we worked on with Senator BENNETT, the ranking member, and Senator FEINSTEIN, the chairman of the Rules Committee, together with Senator LEVIN and Senator WARNER. I ask unanimous consent that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Mr. President, I object on behalf of the leadership, as the Rules Committee needs time to look at this and digest this and figure this out to try to work something out. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, I am disappointed that the other side would object. This is the same amendment that was already cleared by the Rules Committee, so I don't understand what the process is that the Senator is referring to. I hope this isn't just another delay tactic. It is something that really cries out for us to address.

I have to say, when I travel back to my State and talk to my constituents, they absolutely believe this Congress is dysfunctional. If we can't find some way to come together on a bipartisan basis to pass noncontroversial voting rights protection for our military such as this, I guess there is not a lot of hope for doing other, perhaps more complicated, more involved things.

This is very straightforward. To have an objection to this bill which has already been worked on and cleared through the process and which was a casualty of the bizarre process by which we adopted the Defense authorization bill, without any right, really, to offer any amendments such as this, is, frankly, beyond me.

In the remaining few days this Congress is in session, I hope whatever concerns the Senator was referring to which have not been made known to me will be addressed. I will come back here every day, if necessary, and offer a similar unanimous consent request. I would ask those on the other side who object to the passage of this bill to offer me some explanation for what the specific concern is. If there is a problem we can eliminate by working with them, we would be glad to do it. But to just stonewall this important amendment to protect one of the most basic civil rights for our men and women in uniform—the right to vote—is, frankly, beyond me.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEBB). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. BINGAMAN. Mr. President, I want to take a few minutes to express my strong support for the so-called extenders package, which includes the Energy Improvement and Extension Act and will come before the Senate, as I understand it, as early as this afternoon.

Passage of this bill is very important for the country and will have wide-reaching impacts. It will reduce U.S. dependence on foreign oil, curb greenhouse gas emissions, create hundreds of thousands of American jobs, promote R&D in our innovative industries, ease fiscal burdens on rural counties, and reduce the tax burden on middle-class families.

The bill demonstrates the critical role that tax incentives can play in addressing our country's most pressing challenges.

Let me focus today on the very robust package of tax incentives for clean, renewable energy, and energy efficiency. Those are incentives I and many of my colleagues have worked on since the beginning of this Congress. We have already taken eight votes this Congress on various versions of this energy tax package. Unfortunately, as the ''green'' energy sector has sat by and production has slowed in that sector, and as skyrocketing gas prices have made our dependence on foreign oil more apparent than ever, our energy tax incentives have been hostage to a broader dispute between the parties concerning whether, and how, to offset the costs of extending various tax provisions. I am very pleased that after a number of false starts, we appear, finally, to have reached a compromise.

The compromise will enable us to become a more energy-efficient nation. It will wean us off of our dependence on fossil fuels. It extends the production tax credit by 1 year for wind energy and by 2 years for other qualified renewable sources. I had hoped we could achieve a longer term extension of the production tax credit, but this is all that could be afforded within the package's cost constraints. Undoubtedly, this bill's extension of the production tax credit will enable our renewable industries to stay afloat. Today, I want to state my commitment again to work for a long-term extension of the production tax credit, which is very much needed, which I hope we can achieve in the next Congress.

This package, however, includes long-term extensions for tax credits that make distributed green energy technologies affordable for American businesses and families. The investment tax credit, which gives businesses a 30-percent tax credit for investing in solar, wind, geothermal, and ocean energy equipment, is extended for a full 8 years. So, too, is the residential energy efficiency property credit, which gives families a 30-percent tax credit for the cost of installing solar equipment at

their residences. That is an 8-year extension of that provision, which is very good news for many Americans.

For both of these tax incentives, the bill expands the classes of qualifying equipment. This means businesses and families will have added flexibility in choosing the energy-saving technologies that make the most sense for them. Both credits are expanded to include small wind technologies that are used for onsite energy production, and geothermal heat pumps, which can use the Earth as either a heat source, when operating in heating mode, or a heat sink, when operating in cooling mode. There are already more than 1 million geothermal heat pumps installed in the United States, and those who have installed them can save up to 70 percent annually on their utility bills. So when this bill becomes law, families will be able to choose among installing solar technology, small wind technology, and geothermal heat pumps in their homes, and the 30 percent tax credit will be available for any of those installations. In case of solar electric investments, we greatly improve the incentive by removing the current $2,000 credit cap.

The bill also expands the business credit to include combined heat and power systems, which use a heat engine or power station to simultaneously generate both electricity and useful heat. Businesses that install these systems are able to get both heat and electricity from the same source, which decreases both energy costs and greenhouse gas emissions.

The benefits of these investments, these incentives, go far beyond energy independence, greenhouse gas reduction, and energy cost savings. They will enable U.S. firms of all sizes to add a great many ''green'' jobs on American soil. The Navigant Consulting organization recently put out a report estimating that the 8-year extension of the solar credit that I have just talked about will create 1.2 million employment opportunities in this country, including 440,000 permanent jobs, and $232 billion in domestic investment. Solar energy is already an important economic engine in my State of New Mexico. I am very pleased this extension is anticipated to add an additional 12,000 direct jobs in my State and 7,000 indirect jobs.

Shifting to the need to reduce demand for petroleum, the bill creates a new plug-in electric drive vehicle credit. We are hopeful that plug-in electric vehicles will come to the market next year and that the Government will help individuals purchase these vehicles through tax credits. This bill provides those tax credits will start at $2,500, and they will climb as high as $7,500, depending upon the battery capacity of the particular vehicle.

For commercial vehicles, the bill adds incentives for idling reduction units, which provides an alternative source of power used to heat, cool, or provide electricity to the cab or other parts of the truck. There are more than 200,000 trucks carrying refrigerated cargo around this country any day. The fleet owners will be incentivized to install advanced insulation on those trucks that can dramatically reduce the amount of gasoline those trucks consume trying to keep that cargo cool. So this is a very important provision.

Finally, the bill addresses our conservation and efficiency needs. It extends credits for energy-efficient improvements to new and existing homes and commercial buildings. Because energy used to heat and cool residential and commercial buildings accounts for nearly 40 percent of U.S. energy consumption—and nearly as much of our carbon dioxide emissions—these tax incentives are especially important. Owners of existing homes will be able to claim a tax credit of up to 10 percent of the combined costs from all qualified electric efficiency improvements, such as installing insulation in their homes, replacing windows, water heaters, and high-efficiency cooling and heating equipment. For new homes, there is a $2,000 tax credit for a home builder who constructs a qualified new energy-efficient home, certified to achieve a 50-percent reduction in energy usage. With new homes likely to remain part of our Nation's housing stock for more than 60 years, we need to make sure that builders have the right incentives to make energy efficiency a top priority. Owners of commercial buildings will continue to be able to deduct up to $1.80 per square foot of building floor area if they achieve a 50-percent energy savings target through energy reductions for the building's HVAC and interior lighting system.

With this addition to the provisions related to energy, American businesses are counting on Congress to enact this package because it contains an extension of the R&D development tax credit. It contains important tax relief for American families. It patches the alternative minimum tax to prevent it from engulfing millions of additional hard-working families. It lowers the income threshold for the $1,000 child tax credit from $12,000 to $8,500. That change alone enables 25,000 New Mexico children to newly qualify and an additional 94,000 to receive a larger credit than under prior law.

It extends the qualified tuition deduction for higher education expenses. That is a deduction of up to $4,000 that helps more than 4.4 million middle-class families meet the cost of sending their children to college.

Finally, the bill includes the secure world schools provisions and the payment in lieu of taxes provisions. These are extremely important for Western States in particular but for virtually all of our States.

As to the payment in lieu of taxes, let me talk specifically about that issue. We increase funding for payment in lieu of taxes in the current fiscal year. We fully fund the program for 4 years. These Federal payments are essential to local governments, including many in my State, in order to offset the losses and property taxes due to nontaxable Federal lands located within their boundaries. This funding is long overdue, and it is more desperately needed now than ever before.

Passage of this legislation, this energy incentives package, will demonstrate to the American people that we are willing to shift our tax priorities in a new direction toward a national energy policy that promotes diversified domestic sources of clean energy.

It furthers the significant progress we made in recent years with respect to promoting investment in efficiency and the renewable energy technologies that can help grow our economy. And beyond energy issues, it addresses key concerns of American families, businesses, and municipalities.

I applaud the various Senators who have had a major part in the development of this legislation, particularly Senator BAUCUS and Senator GRASSLEY, but also our leadership, both the Democratic and Republican leaders, for bringing us together around this package.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

UNANIMOUS-CONSENT REQUEST—H.R. 6049

Mr. REID. Mr. President, as we speak, the financial turmoil of this country is ongoing. One way we can help is create some jobs, and that is what this legislation regarding the tax extenders would do.

We have waited for months for this legislation—months. It seems to me we should move forward. I am so disappointed that it has taken so long to get where we are. It has been months.

Senators have worked for a long period of time. We had a problem early on about how we were going to pay for it. I admire and respect the work done by Senators CANTWELL and ENSIGN. They have worked very hard. It was a bipartisan effort to move forward. We have Senators BAUCUS and GRASSLEY who have worked very hard, joining with Senators CANTWELL and ENSIGN to move this legislation forward. We have a program to do this.

The longer we wait, the more difficult it is. We are in the waning hours of this legislative session, and there is going to be a lot of hue and cry that we not go home now. There is all this financial turmoil.

I tell everyone here, we should try to complete our work. The committees have a right to meet, even if we are not in session. And if there is something they come up with that we need to do, the President can call us back within a matter of minutes.

So let's try to get the work done that we know we have to get done now. The work we know we have to get done now is to get the tax extenders passed. We have to do something on energy that is nontax related, we have to do something on stimulus, and we have to do something on a CR. There are other issues we can work together to get done. But here it is Thursday afternoon. It is 2:30 in the afternoon.

I am going to ask for consent. It is something I have discussed at length publicly. I have discussed it privately with the Republican leader. We want to get this done. I think that is a fair statement.

It is never quite enough. There are some people who never can quite get enough. They want a little bit more. In the Senate, as it is set up, a person or two can wreak havoc with what is going on around here. I hope people understand that if we don't get this bill done, it is going to add to the financial catastrophe we are facing in our country.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6049, energy extenders, at a time to be determined by the majority leader, following consultation with the Republican leader; that when the bill is considered, it be considered under the following limitations: that there be 60 minutes of general debate on the bill, equally divided and controlled by the leaders or their designees; that the only first-degree amendments in order be the following, with no other amendments in order and that they be subject to an affirmative 60-vote threshold, and that if the amendment achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table; that if the amendment does not achieve that threshold, then it be withdrawn; that each amendment be subject to a debate limitation of 60 minutes equally divided and controlled in the usual form: Baucus-Grassley substitute amendment regarding energy tax extenders with offsets; Reid or designee perfecting amendment regarding AMT with offset; Baucus-Grassley perfecting amendment regarding tax extenders, amendment without full offset; that it be in order for Senator CONRAD to raise a budget point of order against the amendment; that once the debate time has been used or yielded back, the motion to waive the applicable point of order be considered to have been made; further, that if the motion to waive is successful, then the amendment be agreed to and the motion to reconsider be laid upon the table; that if the motion to waive is not successful, the amendment be withdrawn, and that Senator CONRAD control up to 10 minutes of time during debate on this amendment; provided further, that regardless of the outcome of the vote with respect to the Baucus-Grassley substitute amendment, the Senate vote in relation to the remaining two amendments covered in this agreement; that the votes in relation to the above-listed amendments occur in the order listed after the use or yielding back of time; that upon disposition of all amendments, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended, if amended, with no intervening action or debate.

I will say this before asking for acceptance of this consent request. It is Thursday afternoon at 2:30. This bill has to go to the House of Representatives. I had somewhat long conversations with the Republican leader. I think this is going to work out fine. The longer we wait, the more difficult time we are having getting this through all the hoops that need to be jumped. So I hope people will allow us to go forward with this bill.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CORNYN. Mr. President, reserving the right to object, I share the majority leader's hope that we will be on a glidepath toward completion of the Senate's business on a timely basis. I largely support the provisions of this bill.

We have been consulting with the Finance Committee chairman, Senator BAUCUS, and Senator GRASSLEY, the ranking member, and in good consultation with the staff. The problem is that as proposed, my State, the State of Texas, where 2 million people are without power because of the devastation of Hurricane Ike, are being treated in a discriminatory manner under some of the provisions of this bill.

I am hopeful—indeed, I am optimistic—that we can work through these issues. Our initial discussions have been very productive. I expect we will be able to reach some resolution, but we are not there yet.

For that reason, I reluctantly object.

Mr. REID. I ask through the Chair a question: When? That is the question. When is all this going to be worked out, if it is going to be worked out?

Mr. CORNYN. Mr. President, I say to the distinguished majority leader, we have had productive meetings, as I said, with the Finance Committee staff and the Joint Tax staff. We are consulting now with the Governor of our State and with other officials who have responsibilities in the areas most affected by this devastating hurricane.

We think after consultation, hopefully over the course of the afternoon, we can wrap this up. But it is going to take all of us working together to try to reach that resolution. I am hopeful we can get there, but we are not there yet.

Mr. REID. Mr. President, I will say this: I received a call from the Governor of Louisiana and the Lieutenant Governor of Louisiana. Everyone wants more. When is enough enough? We know Texas has been hit hard by this storm, and our hearts go out to the people without homes and without power. We understand that. But this is not the last train through this body. We are going to have a stimulus bill and a continuing resolution. Let's finish this bill. No one wants to leave Texas without the resources they need, but we need to complete this legislation now.

I say, if I heard my friend right, they are going to have to work through the afternoon to do this? What do we do with the State of Louisiana? Do we have to wait now to match that, that they get their fair share, as comparing it to Texas? As I said, there is other business we have to complete before we leave. One of them is a continuing resolution.

I say to my friend, if he doesn't get everything he wants on this bill, wait until then. We need to get this done; otherwise, we are going to be in a bottleneck, and there is no way in the world we can finish this work we have to do by a week from tomorrow.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The objection is heard.

The Republican leader.

Mr. MCCONNELL. Mr. President, let me say to my good friend from Nevada, this is a very legitimate concern that the Texas Senators have. They are working diligently, as the junior Senator from Texas indicated, with Senator BAUCUS and Senator GRASSLEY.

I support this bill; the majority leader supports this bill. It has broad bipartisan support. I assure my good friend the majority leader that there is not an effort here to try to slow down the passage of this extender package. But we would like to get it right, if we can, and this is a legitimate concern the Texas Senators have. I am convinced that they are working as rapidly as possible; that Senator BAUCUS and Senator GRASSLEY are sympathetic to their concerns and, apparently, think they are legitimate concerns that could be addressed. So I would like to try to cheer up my good friend the majority leader that maybe progress is just around the corner.

Mr. ENSIGN. Mr. President, I hope this can be worked out very quickly, and I applaud both the majority leader and the Republican leader for their efforts to get passed the renewable energy tax bill that Senator CANTWELL and I have worked so hard on this entire year. I also want to thank Chairman BAUCUS and Ranking Member GRASSLEY for their work in putting this whole package together. We have been working the last couple of weeks trying to come up with a compromise and we are finally almost there.

The Ensign-Cantwell Clean Energy Tax Stimulus Act passed the Senate by a vote of 88 to 8 back in April. The bill was not paid for at that time, and the

House of Representatives did not want to see a bill like this enacted into law without it being paid for. So over the last couple of weeks, we have worked to make sure there was an offset and to make sure this offset was not going to be damaging to further exploration of other new energy. While producing more green energy, we do not want to hurt the production of other types of energy. So we worked hard to do that, and I think we have succeeded in this bill.

This bill will create at least 440,000 permanent jobs just in the solar energy sector alone, and Senator CANTWELL and I are very proud of this legislation. It is critical we get this passed before we leave town. We need to enact proper policies to help create more jobs all over the United States right now. The economy is in trouble, and this is a shot in the arm to the economy which also will produce more green power for the United States, makes us less dependent on foreign sources of energy, and it is the right thing to do.

We want to join together to push this important legislation through, and obviously we have to work to make sure the House of Representatives takes up the bill and passes it in time to get to the President's desk. I am convinced the President will sign it.

The renewable energy tax extenders will be combined with AMT relief and other business extenders that are important for our entire economy, especially to the high-tech sector of our economy.

The American people are calling for bipartisanship. Senator CANTWELL and I have joined together and have been working very hard to get the rest of the Senate, including the two leaders and the Chairman and Ranking Member of the Finance Committee, to go along with us. This is the time for bipartisanship to show that we are Americans first and that we can join together to accomplish important tasks.

I hope we can go to this bill as quickly as possible, get it passed through the Senate and on to the House of Representatives, where I hope they will pass it. Then we can send this bill off to the President so we can see these renewable projects begin—these important projects on solar, on wind, on geothermal, on biofuels, and on so many other things.

In my State, there are a lot of people who would like to add solar panels to their homes to help produce their own electricity. Current law just doesn't work effectively enough to incentivize that activity. The credits are not right. There is no predictability. Financially, it just doesn't pay off. With the bill we have on the floor, there would be a financial payoff to actually encourage homeowners to put solar panels on their homes where there are States, such as mine, that have a lot of sunshine.

This is an important bill, and once again I thank my colleague from the State of Washington, Senator CANTWELL. She has been absolutely fabulous to work with this on this, both she and her staff. I appreciate both our staffs. Jason Mulvihill on my staff, and Lauren Bazel and Amit Ronen on Senator CANTWELL's staff, are working together on this so that hopefully we can get this bill done as soon as possible.

I yield the floor so Senator CANTWELL can make a few comments.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I do wish to be recognized, along with my colleague from Nevada, to talk about the importance of the passage of this legislation, and not just the extenders—which are good for not only the States of Washington and Nevada as it relates to sales tax and R&D tax credits and county payments and a whole variety of things—but most importantly these renewable energy credits, where we are trying to change the focus and the direction of our country by unleashing the power of the solar industry to help create about 400,000 new jobs for our country. So we do want to get to this package done.

I thank the leaders as well, Senators REID and MCCONNELL, for trying to get this legislation on the floor. I hope we can get through this last hiccup and actually get this legislation before our colleagues and get it passed today—hopefully today—because I think that is how important it is to send out this message.

I certainly thank Senator BAUCUS and Senator GRASSLEY for their perseverance in continuing to try to work through vote after vote on this so we could have a package.

I want to say to the Senator from Nevada, Mr. ENSIGN, how much I appreciate his willingness to engage in this subject starting really the beginning of this year and for understanding what the opportunity was to look at renewable energy and to make sure the tax credits were more predictable and there was more long-term certainty for businesses so that we could take advantage of the manufacturing base that could be created in the United States. I certainly applaud him and his staff for their perseverance in trying to come up with a funding mechanism for this package of green energy tax credits in the last 2 weeks and coming up with a breakthrough on exactly how to pay for them.

So we are at this momentous point now where the bipartisan efforts of working across the aisle have paid off. Frankly, I think we need more of that—working across the aisle—on some of these solutions so that we can actually move legislation. I hope we can come back in the next few hours and actually talk about some more of the specifics of this legislation because it is really breakthrough legislation.

For the first time, we are giving an extension of the solar investment tax credit and fuel cell tax credit that will, I believe, change investment patterns in such a significant way that we will be reaping the benefits of that kind of generation of power to replace what we are currently doing on our grid today.

We also have incentivizing new provisions for plug-in electric cars, which will help in that transition so that people understand our future source of energy and power for our transportation sector has a very bright future. We provide for tax breaks for participating in that transition and help them realize they will be able to drive for $1.00 a gallon in these plug-in electric cars instead of for $3.50 or $4 a gallon using fossil fuel.

In this legislation there is over $10,000 in consumer tax breaks and credits on all sorts of things, from home improvements to making sure that consumers, particularly in the northeast part of our country, get a tax break for moving off of home heating oil and on to wood stoves that will help them reduce the cost in their heating bills in the future.

There are a lot of breakthroughs in this legislation which I hope to get back to this afternoon. So I hope we can get our colleague from Texas to remove his objection and that we will be able to move forward on this important legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senators from Washington and Nevada not just for the product of their work but for the way they are working together. I think what the American people want to see the Senate focus more on the biggest issues facing our country and work across party lines to get a result.

I was one of the few Senators earlier who voted against the Ensign-Cantwell legislation because I thought it disproportionately favored one form of renewable energy. I think this is a great improvement over what had been done before, and I especially like the fact that solar has a chance to move up the line as a developing energy. It is not proven yet, it is not able yet to do all we hope it will do, but this should help. And the idea that we would use this vast reservoir of unused electricity we have at night around the country to plug in our cars, rather than spend money on gasoline that we send overseas to unfriendly people, is a very appealing idea.

All those ideas have broad support on both sides of the aisle, and Senators Cantwell and Ensign have been persistent in their efforts to fashion a bipartisan result. So I congratulate them for what they have done, and I thank them for it. I feel confident, with the support of the majority and Republican leaders, that we will get to a result.

My colleagues' work on this bill, and the majority leader and the Republican leader's work on this bill, to bring us toward a bipartisan result on one of the largest issues facing our country is in great contrast to some of what I

heard this morning from the Democratic side of the aisle about today's financial structure. What I heard was what I call kindergarten politics. It looked as if somebody had been down in the War Room with crayons and paper on the floor coming up with how do we score political points about the financial crisis in the country today, instead of saying: What can we do, working together, to reassure the American people we are going to take every step we need to take here to make certain we restore the vibrancy of our economy?

I came to the Senate, not as a Senator but as a staff member, more than 40 years ago, and what was going through my mind is the way Lyndon Johnson and Everett Dirksen would have worked when Everett Dirksen was the Republican leader and Lyndon Johnson was the President. When it was important, they worked together, and they let the American people know that. So did President Kennedy and Senator Dirksen, when he was the Republican leader. So did Senator Mansfield, from the Democratic side of the aisle, and President Nixon, a Republican.

I remember Senator BYRD telling me that both he and Senator Baker, the Democratic and Republican leaders when President Carter was here, changed their minds about the Panama Canal, and they cast controversial votes because they thought it was the right thing to do. We had a major issue before the country, and some in the country didn't like the result, but they respected the fact that Senators had the instinct to recognize that when something is important, threatening our country, that people expect us not to play kindergarten politics but to put that aside, leave it off the Senate floor, and come here and do our jobs.

The same was true with President Reagan and Tip O'Neill, the Speaker of the House, who had very different points of view. But when Social Security was nearly broken, they worked together.

Now we have a serious financial crisis facing our country, and what do we get from some of the Members of the other side of the aisle but a lot of kindergarten partisan politics, which should be left in the trash can somewhere. We even had the majority leader criticizing a former Republican Senator for something the majority leader himself voted for. Why was it even being discussed? Because somebody over in the kindergarten room wrote out a press release and handed it to somebody. So instead of seeing what we just saw on the Senate floor a few minutes ago, which was a Democratic and Republican Senator saying: Let's work together on energy, we saw something much different.

From the Republican side of the aisle, we could come and say: Well, this whole financial crisis is caused fundamentally by a collapse in housing prices. And one of the greatest factors in that is the great housing institutions, Fannie Mae and Freddie Mac. When we brought up a bill to reform Fannie Mae and Freddie Mac, all the Democrats voted no and all the Republicans voted yes. We could say that. We could say it was a Democratic President who stopped us from bringing in oil from Alaska 10 years ago, which today would have kept gas prices from going up. We could say it was a Democratic President who encouraged a lot of people to buy homes who didn't have the money to pay it back.

But that is not what we should be doing here. We should put all that aside, and we should say to the President and say to the Speaker and say to each other: We have a serious financial crisis facing our country. What can we do, working together, to reassure the American people we are going to take any step we can to ensure the security of their savings accounts, the values of their homes, the security of their money markets, of their accounts? We can do that. We should do that. That is what most of us are elected to do, or we feel we are elected to do.

So I was very disappointed to see so much of the partisan kindergarten-talk coming from the other side of the aisle this morning. I would much rather see the kind of action that the Senator from Washington and the Senator from Nevada have demonstrated throughout the year and did today, as did the majority leader and the Republican leader when they said: We are very close to having a renewable energy bill that meets the objections many have had. And that is one step we can take to deal with the problem of the high price of energy, because we need to, as we say, find more American energy as well as use less energy, including alternative and renewable energy.

There is one other thing that we could do together and I would like to briefly outline it today. It was pointed out in an article in the Washington Post last week by Susan Hockfield, the President of MIT, one of our great research universities.

I ask unanimous consent that her oped be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. She suggested that we should have a dramatic new investment, a new Federal investment in energy research and development; that our current spending for energy research and development had shrunk, in her words, ''almost to irrelevancy''; and that the $2 billion to $3 billion that the Federal Government is spending annually on energy R&D is less than half of what our largest pharmaceutical company spends on research each year.

Yesterday, I had a visit from the President of Yale University who made the point that, since 1973, we have found as much oil as we have used. Mr. President, 1973 was the year we had the big oil shock. He pointed out the reason we were able to do that was because of extensive science and technology advances.

Most of our wealth since World War II in this country has been created by our brainpower advantage, and we worked together as a Senate and as a Congress, with everyone taking credit, to pass legislation to help. We called it the America COMPETES Act—to help keep America's brainpower advantage so we can keep growing good jobs here.

What the president of MIT and the president of Yale are saying, and most of our research universities would say and most of us know, is we need to keep pushing on science and technology. As we stand here today, thinking about how we deal with high gasoline prices and electricity prices that are increasing and the national security issues that arise from depending so much on other countries in the world for oil; and as we think about the financial markets and how over the long-term we strengthen our country so we are able to withstand any sort of jolt to the system—one of the most important things we should consider doing, and doing in a bipartisan way, is to make a dramatic new Federal investment in energy research and development. I may have more to say about that next week. It is a tremendous opportunity for the next President to take.

Let me give an example of what I mean by it. In May, I went to the Oak Ridge National Laboratory in Tennessee, along with BART GORDON, the Democratic chairman of the House Science Committee. I proposed that the United States set as a goal putting our country on a path to clean energy independence within the next 5 years and do it in a way that we have done it before, with a new Manhattan Project for clean energy independence.

The Manhattan Project was the project the United States launched during World War II to create the atom bomb before Germany did, because we were afraid that if Germany beat us in that, it would blackmail us in the same way many oil-producing countries are blackmailing us today. We succeeded in that. But we did it because we put a clear focus on it, we put an objective, we dedicated the money, we drafted companies, we assembled the best scientists in the world, and we won that race.

We could do the same with energy. What I suggested in May was that we adopt seven grand challenges. First, of course, we ought to do what we already know how to do, which is to drill offshore and create more nuclear power. But then there are some things we don't know how to do, and most of the legislation we are considering—whether it is the legislation that Senators ENSIGN and CANTWELL have proposed or the Gang of 20 legislation or the bill that Senator BINGAMAN and others might propose—does not do much for energy research and development.

Energy research and development would be this, for example: To make, within the next 5 years, electric cars and trucks commonplace—which would mean research on advanced batteries; and to make solar energy competitive within the next 5 years with fossil fuels.

Incentives will help with that. That is in the tax extenders bill that will be coming before the Senate. But in order to accomplish that, we need money for research and development.

Among the other challenges, I suggested carbon capture and sequestration. We need to be able to use our coal plants and we need other ways of capturing carbon than taking it and putting it into the ground. We need it within 5 years as well.

I see my time has come to an end. My point is the same. I like what Senators ENSIGN and CANTWELL have been doing. I like the approach. I would like to see more of that rather than the finger-pointing and blame calling, and one of the areas in which I hope we will work is a dramatic new Federal investment in energy research and development.

EXHIBIT 1

[From the Washington Post, Sept. 11, 2008]

REIMAGINING ENERGY

(By Susan Hockfield)

Almost 70 years ago, as Germany invaded France, President Franklin D. Roosevelt received an urgent visit from Vannevar Bush, then chairman of the National Advisory Committee on Aeronautics and formerly vice president and dean of engineering at the Massachusetts Institute of Technology.

Bush's message was simple: For America to win the war that was to come, it had no choice but to make aggressive, focused investments in basic science. The case was so compelling that Roosevelt approved it in 10 minutes. From radar to the Manhattan Project, the innovations that decision unleashed produced the military tools that won the war.

That same presidential decision launched the enduring partnership between the federal government and research universities, a partnership that has vastly enhanced America's military capabilities and security, initiated many important industries, produced countless medical advances and spawned virtually all of the technologies that account for our modern quality of life.

Today, the United States is tangled in a triple knot: a shaky economy, battered by volatile energy prices; world politics weighed down by issues of energy consumption and security; and mounting evidence of global climate change.

Building on the wisdom of Vannevar Bush, I believe we can address all three problems at once with dramatic new federal investment in energy research and development. If one advance could transform America's prospects, it would be ready access, at scale, to a range of affordable, renewable, low-carbon energy technologies—from large-scale solar and wind energy to safe nuclear power. Only one path will lead to such transformative technologies: research. Yet federal funding for energy research has dwindled to irrelevance. In 1980, 10 percent of federal research dollars went to energy. Today, the share is 2 percent.

Research investment by U.S. energy companies has mirrored this drop. In 2004, it stood at $1.2 billion in today's dollars. This might suit a cost-efficient, technologically mature, fossil-fuel-based energy sector, but it is insufficient for any industry that depends on innovation. Pharmaceutical companies invest 18 percent of revenue in R&D. Semiconductor firms invest 16 percent. Energy companies invest less than one-quarter of 1 percent. With this pattern of investment, we cannot expect an energy technology revolution.

While industry must support technology development, only government can prime the research pump. Congress must lead.

The potential gains—from the economy to global security to the climate—are boundless. Other nations are also chasing these technologies. We must be first to market with the most innovative solutions. We must make sure that in the energy technology markets of the future, we have the power to invent, produce and sell—not the obligation to buy.

How much should we invest? In 2006 the government spent between $2.4 billion and $3.4 billion (less than half of the annual R&D budget of our largest pharmaceutical company). Many experts, including the Council on Competitiveness, recommend that federal energy research spending climb to twice or even 10 times current levels. In my view, the nation should move promptly to triple current rates, then increase funding further as the Energy Department builds its capacity to convert basic research into marketable technologies.

Vannevar Bush's insight was his appreciation of the value of basic research in powering innovation. I believe that we stand on the verge of a global energy technology revolution. Will America lead it and reap the rewards? Or will we surrender that advantage to other countries with clearer vision? I believe we can chart a profoundly hopeful, practical path to America's future—through rapid, sustained, broad-based and intensive investment in basic energy research.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, before I begin, I ask unanimous consent that my remarks be immediately followed by Senator SCHUMER of New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. RES. 626

Mr. VITTER. Mr. President, last night the majority leader filed cloture on an unusual bill. It is a bill he drafted, combining 36 completely unrelated bills, making it one big package, the so-called Reid omnibus, which is the anti-Coburn omnibus, or my favorite term, the ''Tomnibus.''

That is a very unusual and suspect way for the Senate to proceed. Senator REID says it is necessary because all these measures are being blocked by one or two Senators. The only problem with that argument is there are other measures that are being blocked by one or two Senators, but he has not included those in his omnibus because they are his Members who are doing the blocking, who are doing the obstructing, who are in the tiny narrow majority on those bills.

I have one of those bills. I wish to talk about it today. That is S. Res. 626. This is very simple, very straightforward and has the support of the huge majority of the American people and the huge majority of the Senate. It is a resolution expressing the sense of the Senate that the Supreme Court of the United States erroneously decided the case Kennedy v. Louisiana and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child.

First of all, I would like to thank my cosponsors in this Senate resolution, Senators CRAPO, BURR, CORNYN, DOLE, SESSIONS, KYL, DEMINT, GRAHAM, and COBURN.

I would like to thank so many other Senators who agree with this important resolution and agree with everything stated therein.

As you know, the Supreme Court, in a very narrowly decided 5-to-4 decision, has now construed the Constitution to categorically bar the imposition of the death penalty for the crime of child rape, even though, of course, the document says nothing of the kind. The majority noted that a child rapist could face the ultimate penalty, the death penalty, in only 6 States and not in any of the 30 other States that have the death penalty and not under the jurisdiction of the Federal Government.

One big problem is that Justice Kennedy's confident assertion about the complete absence of Federal law in this area is wrong. It is completely wrong. It is clear that it is wrong. The Federal Government does have jurisdiction and there is a Federal law applying the death penalty, making that available for the rape of a child. Congress—yes, Congress—revised the sex crimes section of the Uniform Code of Military Justice a few years ago, in 2006, to add child rape as offense punishable by death.

The revisions were in the National Defense Authorization Act of that year. President Bush signed that bill into law and then issued an Executive order which put the provisions of that act into the 2008 edition of the Manual for Courts Martial.

My resolution is simple and straightforward. It asks the Supreme Court to rehear the case of Kennedy v. Louisiana because they got that aspect of Federal law so very wrong. It says that among the worst of all crimes is the crime of child rape and that there is nothing in the Constitution to take away the death penalty from States, in terms of appropriate penalties for that crime.

The Louisiana district attorney's office in Jefferson Parish has asked for a rehearing on this case on July 21, 2008, based specifically on that very false assertion made before the Supreme Court about Federal law, so that rehearing is being actively considered. It is very appropriate in this context, as the Supreme Court considers right now, as we speak, possibly rehearing the case, that the Senate be allowed to speak on the matter; that the Senate make its voice heard on the matter and point out that rehearing should go forward and that the case was erroneously decided.

This is a serious issue. Obviously, on the face of it, child rape is a heinous crime. But it is even more heinous when you look beneath the surface and understand more about the repercussions.

It has been estimated that as many as 40 percent of 7- to 13-year-old sexual assault victims are seriously disturbed. Psychological problems include sudden school failure, unprovoked crime, dissociation, deep depression, sleep disturbances, feelings of guilt and inferiority, and much more.

The deep problems that affect these child rape victims often become society's problems as well. Commentators have noted the clear correlations between childhood sexual abuse and later problems such as substance abuse, dangerous sexual behaviors or disfunctions, inability to relate to others on the interpersonal level and other psychiatric illnesses.

Victims of child rape are nearly 5 times more likely than nonvictims to be arrested for sex crimes themselves; they are 30 times more likely to be arrested for other serious related crimes.

Justice Alito's dissent summed up the impact and horror of the offense of child rape:

> Long-term studies show that sexual abuse is grossly intrusive in the lives of children and is harmful to their normal psychological, emotional and sexual development in ways which no just or humane society can tolerate.

For all these reasons and in light of the clear fact that the Supreme Court got it very wrong with regard to Federal law on the subject, I believe this sense of the Senate is important to pass. I believe that a huge majority of Senators do and will support it on passage and that it is an important statement to make as the Supreme Court actively considers this possibility of rehearing.

I would simply like the same type of opportunity which the majority leader is giving his Members in bundling these other bills into the so-called Reid omnibus, or anti-Coburn omnibus or ''Tomnibus.'' Why can't this provision, which has bipartisan support, which has very strong supermajority support, be passed in an expeditious way as well, so we can make our voices heard in a timely way, as the Supreme Court considers rehearing this very serious case which they got very wrong?

With that in mind, I ask unanimous consent to discharge the Judiciary Committee from further consideration of S. Res. 626, a resolution expressing the sense of the Senate that the Supreme Court of the United States erroneously decided Kennedy v. Louisiana and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child; that the Senate immediately proceed to consideration of the resolution and that it be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, reserving the right to object and I will object, but I wish to make a comment too. First, without stating whether I would be for or against such a resolution—I have not seen the language—there are Members on the other side—on my side of the aisle who do object and on their behalf I am objecting.

I would say this to my colleague. It would seem to me whether one supports the idea of making sure the death penalty extends to rapists, that the best place, when we are dealing with the Supreme Court, is an amicus brief to the Supreme Court, making the legal arguments—because obviously the Supreme Court is not supposed to just listen to what a body such as this believes but, rather, look at the law.

So that might be the appropriate way to go. But having said that, without taking my own personal position on this, I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Mr. President, if I can briefly wrap up, obviously I am disappointed. I understand the Senator's objection. But a great frustration in all of this, in holding bills, in filing secret holds, in everything else, is that we never know on whose behalf those objections are being made.

So I would ask my distinguished colleague if that can be made part of the record. Apparently he did not make the objection on his own behalf, he made the objection on behalf of other Senators. I think it is a legitimate part of the debate and should be an important part of the record to hear on whose behalf these objections are being heard.

With regard to the Senator's comment about an amicus brief, obviously that is being done from a number of quarters. I am participating with groups in doing that. So that suggestion has already been taken up. But I would love to make part of the record on whose behalf any objection is heard.

Again, I would ask the question through the Chair, because it has been a very elusive, frustrating part of this process and this debate, on whose behalf this objection is being made.

Mr. SCHUMER. All I can tell my colleague is more than one Member. And under the rules, I guess that has to be disclosed within 5 days.

Mr. VITTER. Well, I will look forward to that disclosure because that has been a frustrating part of this process and this debate today.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR.) The Senator from New York.

Mr. SCHUMER. First, before I get into the substance of my remarks, I apologize to my colleague from Louisiana. It is 6 days after which objectors are known, not 5. So that was my mistake.

THE ECONOMY

Mr. SCHUMER. Today I rise to discuss the recent turmoil in our financial markets. Over the past few days the upheaval in New York has been extreme, as we have witnessed the bankruptcy of Lehman Brothers, one of the oldest and most well-respected financial institutions in the world, the purchase of Merrill Lynch by Bank of America, and the Government takeover of AIG, America's largest insurance company.

Those stunning developments followed closely on the heels of the Government takeover of Fannie and Freddie a mere 10 days ago. And I watched with great sadness those lining up at some of these companies to take their belongings away after years and years of work and heard the tales of woe from my constituents.

Our job here is to cushion the blow for those who are innocent of any wrongdoing and have lost their jobs. I am trying to do all I can to minimize job loss in New York. But it is also to prevent this from happening again. That is why I rise to speak today, to lay out an outline of principles, and a broad-brush plan that might help us deal with this crisis.

These unprecedented events have made it clear to the country what many of us have been saying for some time. We are in the midst of the greatest financial crisis since the Great Depression. After 8 years of deregulatory zeal by the Bush administration, an attitude of ''the market can do no wrong'' has led it down a short path to economic recession.

From the unregulated mortgage brokers to the opaque credit default swaps market to aggressive short sellers who are driving down prices of even healthy financial institutions based on innuendo, this administration has failed to take the steps necessary to protect both Main Street and Wall Street.

There may not be a silver bullet to fix what is currently dragging down the economy, but we can take steps to mitigate the costs and ensure that the impact of this crisis will be short term. We need to offer a smart, targeted, and timely solution that will help our economy weather this storm and keep as many families from losing their homes in the process as we can.

Every minute matters, and the future competitiveness of the U.S. economy depends on the administration's response. The series of ad hoc interventions in the market over the past 10 days were important to avoid a systemic disaster, but we cannot continue to act in such an uncoordinated and ad hoc fashion.

Furthermore, the Federal Reserve is being asked to do things that go far beyond its mission. I represent 19 million New Yorkers, many of who live on Main Street and work on Wall Street. So I know better than most that our response has to be aimed at both areas. It must protect the downstate economy, and the upstate economy. And

the two—whatever one feels or wants to say—are intrinsically linked. Make no mistake about it. The reckless lending practices and irresponsible risk taking conducted by many of our financial institutions during this era of deregulation have proven costly for the U.S. economy and its taxpayers.

The Federal Government cannot and should not write a blank check to the institutions that have exacerbated this crisis. The U.S. taxpayers have already extended $300 billion worth of capital to troubled banks and financial institutions, asking for nothing in return.

So starting today we need to condition the Federal Government's financial lifeline on the institutions' firm commitment to take actions to get us out of our immediate economic crisis. If the Federal Government is going to continue to support the economy, its new formal lending program with financial institutions must address both the need for restoring stability and confidence in the U.S. financial market, and the need to set a floor in our plummeting housing market.

Some people focus on one, some people focus on the other. The fact is we need both. We are not going to get out of this great mess unless we deal with the mortgage crisis and the homeowner, and we deal with the cycles in our financial system which not only affect Wall Street and its jobs, of course, and my constituency, but affect all of America, because lending is the lifeline of the economy.

Someone from Chrysler told me that right now you need a FICO score of 720—that is a credit rating that is very high—to get an auto loan. If that continues, we would only sell 10 million cars in America next year as opposed to the 15 or 16 million we sell now. That shows you the interrelationship right there. The auto worker is related to the financial institutions. We must fix both in a practical, nonideological solution aimed at getting our economy back on its feet.

The rapid deterioration of the financial sector is fueled by the steep rise in delinquencies and the foreclosure of risky mortgages that have been sliced and diced and sold in complex instruments that are becoming rapidly toxic waste on the balance sheet of our largest financial institutions.

The best way to stop the bleeding is to turn these mortgages into viable assets on a large scale. But the combination of an economic downturn, tumbling home prices, complex mortgage security, and irresponsible underwriting by unregulated mortgage brokers has made this a daunting and so far insurmountable challenge.

Over the past few years we have heard many discussions of a so-called RTC, Resolution Trust Corporation, and RTC-like proposals modeled after the Government-owned asset management company charged with liquidating assets after the 1980s S&L crisis.

Today, Senator MCCAIN made a similar proposal. And before I address that, let me speak for a minute on Senator MCCAIN. He has been a leading advocate for deregulation for a very long time. All of a sudden, he sounds almost like a populist. He seems to reverse course day in and day out.

Two days ago he said: AIG should not be aided by the Government and should go bankrupt. And today he is calling for large Government intervention in the financial markets. It is no wonder that Senator MCCAIN said he does not understand economics. His erratic behavior in the last 2 days is inconsistent—saying one thing on Tuesday and another thing almost directly opposite on Thursday—makes you understand why people would not trust him with the economy.

Today he called for the firing of Chris Cox of the SEC. Well, I have a lot of differences with Chris Cox and with the SEC. They have been far too deregulatory to me. But where does Senator MCCAIN differ in policies with Chris Cox? Does he have a different view on short selling? Does he have a different view on holding company regulations? Who knows? Maybe he will replace Chris Cox with Phil Gramm who considers someone who lost his job a whiner, and considers all of us hurting in this economy a ''nation of whiners.''

It is hard to take the proposals by Senator MCCAIN very seriously unless he backs them up, not only with detail, but with consistency and a philosophy.

But getting back to his proposal today, something of an RTC-like company, the central challenge with that approach, and anyone who is advocating the RTC—and my colleague Senator DODD has outlined this very well recently—is that the Federal Government would take on all of the risk of the bank's troubled assets without addressing the root of the problem, the housing market.

Proposals such as Senator MCCAIN's may help Wall Street but they will do nothing for Main Street. Two major problems exist. First, troubled mortgages have been sold into complex mortgage-backed securities which have themselves been split into pieces and sold to thousands of investors around the world.

In order for an RTC to be able to modify the mortgages, it would have to gather up all of the pieces of every security and put the proverbial puzzle back together. This would be incredibly difficult and virtually impossible. That is why the proposals by Secretary Paulson, as well intentioned as they are, have done very little in the foreclosure area. Because if one investor of the hundreds who hold a piece of a mortgage says ''no,'' there can be no refinancing, no reformulation. It is a huge problem.

Second, even if it were possible for borrowers to have piggyback loans on second mortgages, which is an estimated 50 or 60 percent of the troubled mortgages, the RTC would have to go back and buy the second lines as well in order to work out the loan.

In other words, even with the first mortgage, if you could get all of those hundreds of pieces together, there is a second mortgage in 50 to 60 percent of these troubled mortgages and the second mortgagors or mortgagees are not going to stand for—the first mortgagors are not going to stand for reducing their mortgage while the second mortgage is as large as ever.

In short, the complex structure of the most troubled mortgages underwritten over the past several years would prevent an RTC from being able to help most homeowners. Furthermore, it seems like the RTC is Rashoman these days.

Some propose the name ''RTC'', like the Wall Street Journal financial page, to buy financial instruments; some propose it to deal with the mortgage situation, which is difficult, as I mentioned. And I think when we look at the specifics, the RTC model is not the best way to go. In fact, it might not work at all.

Therefore, I am proposing that we examine a two-part approach that will help suffering homeowners across the country keep their home and restore stability to Wall Street.

First, we must get banks and other financial institutions to drop their fierce opposition to judicial loan modification in exchange for any additional assistance from the Federal Government.

This year my colleague, Senator DURBIN, led legislation in the Senate that many of us cosponsored that would make a simple change to current law to allow judges the authority to modify harmful mortgages on primary residences. The industry adamantly lobbied against this legislation, arguing it would harm the secondary mortgage market. Simply put, this is wrong. Between 1978 and 1993, when such modifications were allowed, the evidence is clear. It had no impact on the secondary mortgage market whatsoever. What is even more absurd, a judge can already modify a mortgage on a second home. So if you own two homes—or seven homes—the bankruptcy court can help. But if you are like Joe and Eileen Bailey and most of us and you only have one home, which is, by the way, also your largest and most important asset, and you find yourself in trouble, there is nothing a bankruptcy judge can do.

This critical solution is achieved by simply removing the bankruptcy law's language that denies relief to homeowners for their primary residence. Court-supervised loan modification is the simplest, fairest, and least expensive way to get all the parties of a mortgage together and modify the loan down to the fair market value of the home with no cost to the U.S. Treasury. This provision also guarantees the lenders at least the value they would obtain through foreclosure, since a foreclosure sale can only recover the market value of the home. In addition, it saves lenders the high cost and significant delays of foreclosure. Because

bankruptcy is enshrined in the Constitution and because the bankruptcy judge has the power, unlike the mortgage processor, to require all the parties to come together, this can work and, again, at no cost to the Federal Government.

Second, to restore confidence in financial markets and institutions, rather than continuing to intervene on an ad hoc basis as additional companies face problems, we should look at options to formalize ways for the Federal Government to provide capital injections and secured loans for banks that are struggling. This will give financial institutions the capability to de-lever their balance sheets and write down their bad assets over time. The rapid failure of a large number of financial institutions would have a disastrous long-term effect on the American economy, a situation we must avoid at all cost. The Government could establish a new agency similar to the Reconstruction Finance Corporation or RFC-like model employed during the Depression. The RFC is far preferable to RTC. But we must condition the development of this formal structure on the agreement of banks to abandon their opposition to judicial loan modifications, and not only banks but others who hold pieces of mortgages as well. An RFC-like agency would receive equity and possibly secured debt from the banks in return for providing capital or liquidity. The equity received by the Government would allow the Government to share in any upside appreciation of the banks and minimize taxpayer costs in the process. The RFC would also get some degree of oversight lending activities of banks it has invested in, and the Government would come first. The Government would get repaid before others in the financial chain.

I represent the State of New York where many of my constituents live on Main Street and many work on Wall Street. Both are in dire trouble. We have the largest city in the country, and we are the financial capital of the world. We have upstate New York which would be the seventh or eighth largest State in the country. In addition, we have the third largest rural population. Right now all are in trouble because in this complicated economy all are interrelated. We have a responsibility to address the problems faced by both homeowners and financial markets. Attempts to solve only one side of the equation will not get us out of this crisis. Without a comprehensive solution that helps keep people in their homes, no amount of money advanced by Uncle Sam will restore the fundamental strengths of the American economy.

Chairman Bernanke has said it over and over again: Until we solve the mortgage problem, we are not going to solve our economic or even our financial problem. But unless we also solve our financial problem, the economy will not recover, and the housing problem will get worse. So we need to do both. Those who say just do one or the other, for ideological or policy reasons, will not come up with a solution. The solution I have proposed does both, and it links the two. To those who say the Government can't get involved in these institutions for no cost, we are making sure there actually is a cost, not only in the repayment plan but in the fact that they will have to treat mortgages differently and help beleaguered homeowners. By doing that, they will help the economy.

To those who propose a plan of just helping the homeowner, worthy as that is and as much as I have worked hard and believe in it, if our financial institutions and our financial lifeblood continues to be brittle, frozen, and sparse, it will be far more difficult to solve the homeowner problem because the economy will get worse, housing prices will go down, and the cost and ability to keep mortgagors in their home will be less.

This solution represents the best way to get us out of our financial crisis in a comprehensive way. It should have appeal to those on both sides of the aisle. Most importantly, it is a solution that deals with the entirety of the problem in a comprehensive way.

Given our economy hurtling southward, given the horrible stories we read in the newspapers every day about those who work on both Main and Wall Streets hurting, we cannot afford not to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. I understand we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. MENENDEZ. Madam President, because of the hard work of Chairman BAUCUS of the Finance Committee, Senator CANTWELL and several others, we may—I say ''may'' and I will talk about that in a moment—have finally secured a deal to extend the renewable energy tax credits and to temporarily fix the alternative minimum tax. If we can do this, it is a huge accomplishment that will generate hundreds of thousands of new, green-collar jobs, stimulate the economy, improve our energy independence, and lower energy costs for all Americans. And it cannot come too quickly, as we heard from our distinguished colleague from New York.

Unfortunately, in order for the Democrats to secure a deal to do this, we had to agree to a bill that, in my opinion, is not as strong as previous versions of the bill. On eight separate occasions, our Republican colleagues had the opportunity to keep the rapidly developing wind and solar industries growing at an astonishing pace. But, instead, they decided to play politics. Time after time, Republicans filibustered and then voted to block consideration of proposals to extend critical tax credits for wind, solar, biomass, and geothermal energy. So Democrats had to sit down with our colleagues from the other side of the aisle and work out a deal.

I have heard a lot recently about how Washington is broken and how there needs to be a greater spirit of bipartisanship. I agree. But I want the American people to understand that comes at a price. What is often overlooked is there is a price to be paid for that compromise. In this instance, the price being paid is $8 billion over the next 5 years to big oil. In essence, at a time when financial markets are in turmoil, banks are failing, Americans are struggling to make ends meet, Republicans have required a big oil bailout, a bailout for the most profitable industry in history, at a time when they are beating their own record profits.

I also have concerns about some of the oil shale and tar sands provisions of the bill in an environmental context. But on balance, based upon the circumstances of where we are and what is possible, this bill will do a lot more good than harm.

Renewable energy is essential for our environment and our economy. But renewable energy is, most importantly, the opportunity to produce massive amounts of domestic, clean, cheap energy and generate hundreds of thousands of new jobs in doing so. Simply put, renewable energy is a core solution to our energy woes and a massive business opportunity. Don't take my word for it. Just ask landowners in Texas or Minnesota or Iowa or Wyoming who are receiving $3,000 to $5,000 per month for allowing a windmill to be sited on their property. Or ask oilman T. Boone Pickens who is plowing billions of dollars of his own money into wind energy, even though he made his money on oil and has a plan to use renewables to end our addiction to oil.

Last year the United States installed enough wind turbines to power over 1.5 million homes, and the solar power industry is growing at over 40 percent a year. In fact, over one-third of all additional electric power capacity that was added to the grid last year was from renewable sources. So despite claims by the Republican Presidential nominee, these technologies work. They work now, and they are producing an enormous amount of energy.

They have done so in large part because of the leadership and investment by the Federal Government in incentivizing those renewable energy industries. By extending the wind and solar tax credits so these industries can continue their rapid growth, we could easily add 150 gigawatts of installed capacity within 10 years.

What does that mean? That is enough electricity to power over 37 million homes. By 2030, even if we do not pass additional policies to create a national grid or further incentivize distributed energy, we could get well over 25 percent of our Nation's electricity from wind and solar power.

This tax package also has a very important provision to help us transition from oil to renewable fuels. The bill

contains a large tax credit for the purchase of plug-in hybrid vehicles, cars such as the Chevy Volt which will be able to run solely on electricity only for the first 40 miles after being plugged in.

If projections by some experts hold true and half the cars on the road in the year 2030 are plug-in hybrids, we could easily cut our use of oil by one-third or more. By this time we would be producing enough renewable energy to power all of these cars and still have electricity to spare. If we want cheap gasoline, to be free from imported oil, create hundreds of thousands of new jobs, then we need to pass this tax credit extension. It is that simple.

I am relieved in one sense that my colleagues on the other side of the aisle have finally come to the table to let us vote on something that will actually produce energy, but I am concerned that there are still those objecting to us proceeding. This fall, voters, however, are not going to forget that the price the Republican Party has forced on the American people in order to get to these renewable energy sources is to continue $8 billion in subsidies for big oil. When the American voters see that, they are going to have a much different view of what they do in these elections, and we will see a very different Federal Government come January.

I also want to address another essential piece of the tax extenders program, and that is the temporary fix of the alternative minimum tax. New Jersey's hard-working families deserve real tax relief. More than 70 percent of the President's tax cuts have gone to people making over $200,000, while families who earn anywhere between $50,000 and $75,000 have received less than 5 percent of those cuts. Yet the President has done nothing to make the AMT exemption permanent, a tax which, in the next 4 years, would affect nearly every family of four earning between $75,000 and $100,000 if nothing is done.

The President has directed all his efforts, priorities, and the Nation's bank account to tax breaks for the wealthiest, leaving little room, let alone money, for the reforms that will affect nearly 24 million middle-class families.

When Americans wonder why there has been little attention on what most tax analysts refer to as the ''single most important tax issue'' facing the Nation, they should know that it is because tax cuts for the middle class have clearly not been a priority of this administration.

I am glad we are moving in this Democratic majority in a different way. The fact is that, without this bill, middle-class families will be faced with a harsh reality at the end of the year. In my State of New Jersey, where roughly 270,000 families were subjected to the alternative minimum tax in 2006, the number of middle-class taxpayers subject to this tax would explode if no fix is enacted. Average families, who are far from wealthy, could face significantly higher taxes this year if we do not act on the crisis at hand. This fix makes very clear that our priority should be to protect middle-class families from an unintentional tax hike, and that millions of taxpayers should not wake up next tax season to realize they owe more in taxes even though their income has not changed.

Let's remember, this was a tax intended to ensure that those making over $200,000 a year were not able to game the system and avoid paying any taxes toward the common good at all. It was never intended to raise the taxes of average Americans.

So let's send a clear message that the values we embrace are the values of helping American families. Let's embrace fairness and equal treatment for those who are working hard. We can do that in this bill.

Finally, let me thank again Chairman BAUCUS and others for their hard work in crafting this legislation to extend the renewable energy tax credits and to temporarily fix the alternative minimum tax.

But I do urge my colleagues who are objecting to bringing up this legislation to drop their objections. You cannot expect more for oil than even what you have gotten in this bill. These are obstacles the American people clearly cannot afford at this time, that this country cannot afford at this time in one of the worst financial times.

This will be one part of a solution to move us in a direction that creates jobs, that can stimulate our economy, that can break our dependency on oil, that can do something about our environment and, at the same time—and, at the same time—ensure that we give relief to middle-class families through that relief in the alternative minimum tax.

I hope if, in fact, we can get through our colleagues' objections—the majority leader has tried to bring up this bill already—if we are able to do so, we can send a message as this week comes to a close that the Senate is finally on the way to giving relief to American families in a real, meaningful way, and as people are losing their jobs in this economy, we can be at the threshold of creating a new generation of jobs in which people will be able to prosper and the Nation will be able to meet its energy needs for the future.

Madam President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX EXTENDERS

Mr. WYDEN. Madam President, there is extraordinary economic hurt in much of rural America this evening, and that is especially the case in my part of our country in rural Oregon. We are going to have a chance to do something about that with the tax extenders legislation. I come to the floor today to urge its passage.

A number of colleagues have been wondering about the folks in green shirts who are out and about on Capitol Hill this week. These are some of the country's best people committed to making this country a better place, and they are here because they come from communities where the Federal Government owns much of the land and the Federal Government, regrettably, has been talking about breaking its commitment to these communities.

About 100 years ago, the Federal Government entered into an agreement with these communities. In effect, the Federal Government said: When the National Forest System is created, so it benefits people across the country—in Minnesota, in New York, in Florida, and all across the land—because we are going to have property owned by the Federal Government, we will assist those communities with funds for schools and essential services.

That worked for a number of years when the timber cut was fairly high and we were able to get the funds those communities needed for essential services. However, when the laws began to change in the 1990s and timber cut went down, all of a sudden those communities were hard-pressed to keep the schools open in my part of the country and to make sure there was essential law enforcement service—on the beat fighting methamphetamines and providing key services on our Federal lands. So in 2000, I authored a law with our friend and colleague, Senator CRAIG, and brought those communities money for schools, money for essential services, but regrettably, that money has run out. As the revenues and benefits that we receive from our national forests change with the times, Congress simply can't walk away from its responsibility to provide funding to rural counties.

Now, because of the good work particularly of Chairman BAUCUS and Senator GRASSLEY, there will be an opportunity to renew our commitment to these rural communities and to do it in a way that is going to allow these communities, after a few additional years, to get into additional opportunities for economic growth and creating good-paying jobs for their citizens. For example, I have said that if we pass this legislation—and it authorizes $3.8 billion in desperately needed funds for rural schools and essential services—we are going to use those 4 years so that at the end of that period, our rural communities can be involved in a number of other economic development activities that will allow their communities to prosper. For example, we

communities can be involved in a number of other economic development activities that will allow their communities to prosper. For example, we know that in our part of the country—and this has been true in much of the land where there is great risk of fire—there is a need to thin some of these forests. In our part of the country, it is second growth. It may be different in the Midwest and Minnesota and other parts of the land.

But the point is, they are working together—people in the forest product sector, environmental leaders, scientists, and others—they are coming together and over the next 4 years will act in a fashion that will allow us to say that, on our watch, by making sure we acted today so these communities could survive, we used this period so that they could get into additional opportunities that would allow their communities to prosper and provide good-paying jobs for their people.

Right now, pink slips have been sent out to county workers, teachers, and others, and without the action that has been achieved in the extenders legislation on a bipartisan basis, led by Chairman BAUCUS and Senator GRASSLEY, without their work becoming law, it is my view that the very fabric of rural communities in our part of the country and over much of the United States will be torn asunder.

A number of colleagues have worked hard on this legislation, and that is because this 100-year commitment we have had with rural America has always been bipartisan. The fact is, Americans who enjoy the National Forest System don't come to the forest and get asked whether they are Democrats or Republicans. It has been something that has been beneficial to our Nation, and in return, we said that our rural communities would be given the funds they need for essential services. The fact is, in much of the country where there is not Federal land, where there is not land in Federal ownership, they sell private property, they tax private property, they generate revenue, and they pay for essential services. That is what is different about my home State where the Federal Government owns much of the land. We haven't been able to do that.

I see my friend and colleague on the floor, Senator CRAIG. We worked together to update our commitment to rural America back in 2000. We put in place, for example, resource advisory councils—and Senator CRAIG remembers this well—that brought together people in the forest product sector and environmental leaders. Several of them said: What you were able to do with Senator CRAIG has people working together in the natural resources field who never worked together before.

So this has been a program that has worked. We have tried to extend it on a multiyear basis. I offered legislation previously with Senator CRAIG. We got 74 votes. An overwhelming majority of the Senate supported this legislation. Yet we were not able to get it enacted into law.

Mr. CRAIG. Madam President, would the Senator yield?

Mr. WYDEN. I am happy to yield.

Mr. CRAIG. Madam President, I thank the Senator from Oregon, Mr. WYDEN, for the work he has continually done on behalf of timber-dependent school districts and this uniqueness that Western States have that have these large portfolios of public land and have grown increasingly dependent upon the action taken by the Federal Government and the reaction in the States and the impact on the economy of local communities. When he and I stood together and worked out Wyden-Craig, Craig-Wyden and worked with our timber-dependent school districts and got it funded, we solved a very big problem.

The advisory committees the Senator speaks to were in themselves a phenomenon in the sense that after 2,300 decisions by those groups to do activities on public lands, and not one of them objected to by an interest group or a suit filed to stop them, Senator WYDEN and I grew convinced that we could work together to resolve our public land issues when we put determination and resource behind them, and that is what we did.

I thank Senator WYDEN very much for staying with this. It is my understanding that in the tax extenders package we will consider this coming week, we will see a reauthorization of Wyden-Craig that will get this work done, send a message back to our school districts and our counties that we are here to help, to assist, and to stabilize the very dire economic conditions those school districts and counties are experiencing. I thank Senator WYDEN for sticking to it and with it because it is that kind of resolve that may solve this substantial problem.

I thank the Senator for yielding.

Mr. WYDEN. Madam President, I don't want to turn this into a bouquet-tossing contest, but the fact is that Senator CRAIG and I have been partners in this for some time. We believed we had a good model when we moved to pass it during the Clinton years in 2000. It has exceeded our expectations in terms of bringing people together and helping these rural communities survive.

I simply say to colleagues that as part of this tax extenders package, by extending the program now through 2011, the legislation would give rural communities the certainty they need to plan for the future and get them off this roller coaster of disaster one day, hope the next, that has been the pattern of the last few years.

There are a lot of exciting things going on in the rural West. My friend from Idaho and I, as we sat on the Forestry Subcommittee, have heard the exciting developments, for example, in projects to thin and restore the Nation's forests, have heard about the good work that is being done in terms of biomass, taking essentially woody waste and turning it into a source of clean fuel. We have been working together to make sure the Federal Government gets the right definition of biomass so that we can allow these programs to go forward. Carbon sequestration would be a third opportunity that we know will be a sensible step because it will help improve the climate and create economic revenue.

So as Senator CRAIG and I sat and listened to this testimony all of these many hours about thinning and biomass and carbon sequestration, it became clear to us that as long as our rural communities weren't denied the funds they needed to keep going, which is what we are talking about today, they could use these next 4 years to get into some very exciting and promising fields in the years ahead.

Madam President, I am very pleased that my friend from Idaho has come to the floor, and I know I have exceeded my time for morning business. I simply say to my colleagues that I hope they will pass the extenders package. The funds involved are for secure rural schools, and it is critically needed now so they can use this time to make sure young people, law enforcement, and other essential needs are addressed.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, I understand that Senator AKAKA is en route to the floor to speak and possibly put forth a unanimous consent request. He is entering the Chamber now. I know he has time for that consideration. I will not speak as in morning business, but I will close by saying I thank my colleague from Oregon.

The years we have worked together have become a very valuable partnership for the benefit of public land States and for us to recognize the changing world in which we live in these States. But the demand is still on the communities. No matter how the use of public land—or how we apply policy to public land changes, we still have to maintain roads, bridges, and schools if there is going to be vitality in a community that can support new economic opportunity in the coming years. That is what the Senator has so eloquently spoken to. We both recognized that, and we used the Public Land Subcommittee of the Energy and Natural Resources Committee, which I chaired and which he now chairs, as that link and partnership to accomplish a great deal of this. I thank him for that work.

I yield the floor.

Mr. WYDEN. Madam 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. AKAKA. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 1315

Mr. AKAKA. Madam President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 674 and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken, the text of S. 1315, the Veterans Benefits Enhancement Act, as passed by the Senate on April 24, 2008, be inserted in lieu thereof, the bill, as amended, be read the third time and passed; that a title amendment which is at the desk be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Madam President, reserving the right to object—and I will object because of my concern of the way the given legislation is being handled—this is an issue on which the chairman of the Veterans' Affairs Committee and I have had some difference. At the same time, I clearly recognize the phenomenal commitment of the chairman to veterans and, in this case, to Filipino veterans who served us so gallantly during World War II.

It is my understanding there is a conflict in the House at this minute relating to the passage of legislation the Senate has moved. This is an effort to avert that conflict and bring the bill to a conference committee in a different form by using a House-passed bill. It is a tactic I hoped we would not use to address this important issue. The Senate can and should revisit this issue at another time. I hope we will.

It is with that intent that I object to this unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

The Senator from Hawaii is recognized.

THE VETERANS BENEFITS ENHANCEMENT ACT

Mr. AKAKA. Madam President, of course, I am very disappointed that an objection has been made to this unanimous consent request. The intent of the request is to create a means by which there might be further action on this very important veterans legislation before the Congress recesses next week.

On April 24, 2008, the Senate passed S. 1315, the Veterans' Benefits Enhancement Act of 2007, by a vote of 96–1. Since that time, the bill has languished in the House.

This bill would improve benefits and services for veterans, both young and old. It includes numerous enhancements to a broad range of veterans' benefits, including life insurance programs for disabled veterans, traumatic injury coverage for active duty servicemembers, automobile and adaptive equipment benefits for individuals with severe burn injuries. In addition, the bill includes a provision that would correct an injustice done to World War II Filipino veterans over 60 years ago. It grants recognition and full veterans status to all of these individuals, both those living inside and outside the United States.

In order to cover the costs of S. 1315, the bill would overturn a court decision in a case known as Hartness. That decision allowed for certain veterans to receive an extra pension benefit based solely on their age, a result never intended by Congress. The purpose of the provision in S. 1315 is simply to restore the clear intent of Congress, but some have mischaracterized it as an attempt to withdraw benefits from deserving veterans and grant them to undeserving veterans. This misconception is the main reason that action on S. 1315 has been held up.

I am not interested today in debating the merits of the bill—either the increased benefits or the revenue provisions—but rather ask that the Senator or Senators who object to the request to set up a conference with the House—advise me of their concerns to see if it might be possible to find a way forward. I am very committed to this veterans' benefit legislation and would like to see if we can reach final action before the end of next week. If we are not able to do so, I intend to renew my efforts in the next Congress.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I wish to return to the issue which has been the topic of the day—and should be, obviously—and that is the stress on the financial systems in the United States.

Earlier in the day, I asked why we couldn't have an adult discussion of this subject rather than a lot of hyperbole and partisanship. I doubt it was my comments that energized it. In any event, the Senator from New York, Mr. SCHUMER, did come down and make a couple of points on how he thought we could proceed. I wish to comment on those specific points and elaborate a little bit.

First off, the term ''Resolution Trust Corporation'' has been thrown around a great deal. I am, as I mentioned earlier today, rather familiar with that term because I was Governor of the State of New Hampshire at the time that we had the real estate meltdown in the Northeast and the Resolution Trust Corporation came in, as well as the FDIC under Chairman Seidman. Chairman Seidman did an extraordinary job, by the way, for us. We had to reorganize our banking system. The assets fell into the hands of the Resolution Trust Corporation, which then proceeded to dispose of those assets which basically had caused the banking system to fail in the Northeast and earlier in the Texas area.

I think that vehicle was appropriate to that time. I think what we are hearing today in the term ''resolution trust'' is the concept, not the specifics of that vehicle. Thus, when Senator SCHUMER said it was inappropriate for Senator MCCAIN to throw out the concept of resolution trust as an approach to addressing this extraordinarily critical matter, I think he may—I don't know, I can't speak for Senator MCCAIN—I suspect Senator MCCAIN's purpose was to talk about the concept of a government entity, such as the resolution trust, which comes in and basically relieves the pressure on the financial markets by creating value under assets which nobody at the present time can value. That is what we need. That is exactly what we need.

I would not dismiss the idea out of hand. I would simply say it is a term of art now versus a specific structure, and the term of art is essentially stating that the Federal Government does have a role potentially of coming in and putting value on assets which cannot be valued by the market and which are locked down and which have caused the whole credit market in the Nation to freeze down.

That is what has happened today, of course, in these mortgage-backed securities. Nobody knows the value of the security underlying the mortgage-backed security and, therefore, it is impossible to sell them and, therefore, the fluidity of the economy has been disrupted and, in fact, we are seeing a freezing of the economy as these securities hold in place instead of being traded.

What has been suggested, and actually, interestingly enough, appears to be the suggestion of the Senator from New York, is we create some sort of structure which allows the Federal Government to step in and essentially put value underneath these mortgage-backed securities by using the good faith and credit of the American taxpayer to essentially set a price for those. He suggested a couple ways of doing this. Let me comment on those suggestions because I think they are worth commenting on.

First, as the price of doing this, he suggests we should change the bankruptcy laws, a proposal debated here at some length earlier in the year, so bankruptcy courts would have the right to write down mortgages in bankruptcy. That is an appealing idea on its face because most of these mortgages are going to be written down anyway. But the issue becomes, what is the cost

of that on the marketplace. If the mortgage underwriter knows there is a potential that the mortgagee may file bankruptcy and that mortgage may be adjusted significantly in bankruptcy, then the cost of that mortgage is going to go up and go up a lot because it is going to have to cover the premium and some actuarial estimate of how many mortgages might end up in bankruptcy, might end up being written down.

As we know, bankruptcy doesn't deal with secured assets such as a mortgage in the sense it doesn't write them down. The secured assets come first. This proposal has its upside from a standpoint of being attractive to a way of getting these mortgages performing again. But it has the downside of probably creating a much higher price for mortgages in the marketplace in the initial offerings.

Of course, what we want to do is make mortgages more readily available in a sound and reasonable way, not in a speculative way, the way they were in the last few years under the subprime system.

There may be a way to do this. I wouldn't close the door to it. I simply say, in looking at this, we have to be realistic and recognize that the cost of writing mortgages in this way will go up, and there may be a way to keep that price from being excessive by limiting the availability of that option. So I am willing—not that it is my role, but I would certainly think it is something to look at.

The second idea the Senator suggested was that we allow the Federal Government to basically buy into troubled banks and get what I presume would be equity back by creating a new entity, a new agency to do that.

That is also an interesting idea, and I respect the fact he brought that idea forward. I suggest that is a long, complicated exercise, however, and we are not in a period where we have a whole lot of time. What we need is something that is going to make sense soon and give us some fluidity in the marketplace reasonably quickly.

Probably the only way we are going to accomplish that is to pursue a course of the Federal Government injecting itself into the process by purchasing mortgage-backed securities in some manner, maybe through one of the agencies we have already gotten possession of—Freddie Mac, Fannie Mae, or one of our other agencies—and taking them off the books of these entities and reselling them in some way that recoups value to the taxpayer. That gets liquidity into the process, and it hopefully gets a stability into the pricing mechanism for these mortgage-backed securities which are at the core of our problem.

Honestly, if we had done this or taken this type of route with stimulus 1, where we used $160 billion, we probably could have abated this entire problem or at least muted it significantly because that is a lot of money, $160 billion. If we had not handed it out in $600 increments to everybody to be spent to buy a television made in China so the Chinese benefited from it—we didn't benefit from it—instead, if we had put it on the problem, which is the mortgage issue and the fact there was a lot of debt nonperforming and where you couldn't ascertain the value and use it to settle out that part of our economy, we might have made great strides earlier, and we might not be where we are today, which is in such dire straits.

I think it is good at least that the topic has been opened, and I congratulate Senator MCCAIN for being willing to stick his toe into this rather choppy water and do it in a way that isn't in the tradition of what one would call classic conservative politics. He is basically suggesting we might need to look at a major initiative through the Government to stabilize the situation. That is a departure. He should be congratulated for being strong enough, creative enough, and mature enough to be willing to step into that direction.

I wish, quite honestly, Senator OBAMA was saying something similar. Senator OBAMA continues to talk, unfortunately, in hyperbole on this issue, sort of out here on some other planet, relative to the reality of the on-the-ground problem. At least Senator MCCAIN is talking about the problem in a mature, substantive way. Obviously, the ideas haven't totally evolved or developed yet, but he is opening a dialog that I think is very constructive to the question of how we get to a solution, as Senator SCHUMER, quite honestly, did in his proposal.

As I said, I have outlined what I think is the point to begin the dialog. This may all be moot anyway because there is significant rumor that the Treasury and the Fed are moving much faster than the Congress, which should not be a surprise, which they usually do. That is why we have them. The Treasury did a good job, in my opinion, on Freddie Mac and Fannie Mae, and the Fed did the right thing with AIG.

Another issue that has been raised, however, that is giving us some problems is the short-selling issue. There has been a lot of discussion about short selling, how it has been predatory and inappropriate. It is true. There is no question but that naked short selling is a serious problem. I congratulate the SEC for pursuing aggressive rules on the equity side of naked short selling so people have to cover what they are doing.

But when you do an event on short selling on the equity side, it opens short selling on the debt side. If a short seller thinks a company is a target and they are going to go after that company, a person who is approaching this from a very predatory approach on the equity side and the equity side is shut down by the SEC or, more importantly, by financial houses, with the British action which basically bars short selling from financial houses until the beginning of next year, then that short seller is probably going to move over to the debt side.

Spreads jump dramatically, and the practical effect of that is it becomes virtually impossible for people to borrow money because the spreads are so high, and that is an equally contracting event. It makes commercial paper very hard to move.

I do hope that as we look at the short-selling issue, we not only look at the equity side but we also look at the debt side. In that arena, there are a lot of different ideas that have been suggested. One that I heard is that you should—and I don't know that this works, but I think it is worth throwing out—is that you have to look at the credit default swap arena and have more transparency so people know what the risks are and they know what the value is and they know what is going on in this arena.

That can be done through creating some sort of clearinghouse along the lines of what we do with S&P futures. That has been a suggestion. Maybe that is the way to go.

In any event, we cannot fix half of this equation, in my opinion, and expect the markets to not adjust in a way that actually continues the retardation of the markets or the retardation of the economy because of the lack of transparency on the debt side as to who owns what and what the spreads are. Not the transparency on the spreads but the fact that people are not going to be able to get commercial paper because the spreads will be too high as a result of the short selling.

I am not talking about eliminating it. I am not even talking about chilling. I am talking about making it more transparent, and that I think will be very helpful.

In any event, it seems to me at least we are getting some good and positive discussion on these issues around here, which is a change, and hopefully we can continue on this track. It may be that the Congress will be out of session before anything can be done, and that may actually be good, too, if we don't have anything good to do. But as a practical matter, I think we have to maintain our flexibility as a government, and we have to be willing to support those who are trying hard in this area to try to get our markets back operating at some level of normalcy, specifically the Secretary of the Treasury and the Chairman of the Fed. And we should not try to hyperbolize this issue and create an atmosphere where the well of opportunity to look at things that are different and creative, maybe outside the tradition of the ideology of one side or the other, is poisoned by excessive partisan discussion.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, we have some startling new figures about how difficult it has become for the middle class to get by. We now have some new numbers, through the Joint Economic Committee and the work of Professor Elizabeth Warren, that in fact the average middle-class family has lost about $2,000 in wages, $2,000 per year, for the last 8 years, and the expenses have now gone up about $4,400 per year. That is a net loss of $6,400 per year. And with family childcare, you add an additional $1,500 per year. This is how much more expensive it was than 8 years ago.

So we are seeing more and more families in debt, more and more families having trouble getting by due to the failed economic policies of this administration, and as we have seen from the events of the past week, the country is facing an enormous financial crisis, probably the largest we have seen since the Great Depression.

Although the administration is still wary to admit this is a recession, we have seen time and time again over the last 8 months more and more jobs lost. Many institutions—some that have been on Wall Street for decades, some for a century—are finding themselves in the same position as many families were when their house was foreclosed on, with nowhere to go, and secretaries with nothing to their name. People had their retirement money in stock in the company. They were depending on that stock for their future but now have nothing to their name. This week we saw things take an even greater turn for the worse.

When Chairman Bernanke was in front of the Joint Economic Committee back in April, days after the Bear Stearns buyout, there was some talk that maybe that would stabilize things. But Wall Street was simply in denial. When you look at this past decade, Mr. President, you can see it was a decade of greed, a decade of risk, and there wasn't much fear in how those deals were made—jumbo mortgages, securities with no backing. Too much, too much, too much.

Look at IndyMac in California, and Fannie Mae, Freddie Mac, Lehman Brothers, Merrill Lynch, AIG, and all of these firms that insisted they were solvent, until the eleventh hour. That practice put everyone's savings at risk.

Next week, in our Joint Economic Committee, we are going to be hearing from Chairman Bernanke and discussing exactly where we go from here. I believe in this country. I believe we will move forward. But I can tell you lax regulation, decaying agencies, and some of the people who were put in charge of them have led us to where we are today.

I saw it firsthand on the Commerce Committee with the Consumer Protection Agency, a shadow of its former self, with 50 percent fewer employees than it had during the Reagan era. Big surprise when these toxic toys started coming in from places such as China. There was no one there to mind the store. There was one guy named Bob in a back room.

When you look at these mortgage instruments, there was no one watching over them, no one to enforce the rules. As a former prosecutor, I know you can have all the laws on the books, but if you don't have people enforcing them and people who are committed to the purpose of making sure that regular people are protected in this economy, it is not going to matter what laws are on the books.

We also had rampant change in some of our regulations—the Enron loophole. We had the chair of the Commodity Futures Trading Commission before a joint meeting with our Agriculture Committee, and I asked him if he didn't want some more tools in his arsenal so he could maybe look at what is going on with these trades and the speculation going on with foreign countries. Even if you don't want to use them, I asked him: Don't you want those tools we can give to you? As a prosecutor, I figured I wouldn't use every law that was on the books, but I always wanted more tools to look at things.

He said: No, we are fine the way we are. It was that attitude, Mr. President, that got us where we are today. So we are going to have to change things in this country. We are going to have to get some balance. I believe in vigorous entrepreneurship. My State is home to nine Fortune 500 companies and many thriving small businesses. We believe in entrepreneurship in our State, but we also believe there must be a balance and there must be fairness and somebody minding the store. And that has been lacking over the last 8 years.

We do have an opportunity as we look at how we are going to get this economy moving. I mentioned there was so much greed and not enough fear in the last 8 years. Well, now we stand on the precipice of where we don't have too much fear, but we want to move forward as an economy, and there is one thing we know we can do immediately in the next few days. We can make sure the incentives are in place to keep moving forward with this new green economy to compete with other countries and have the right incentives in place.

I am talking about the extenders for renewable energy that have really led to a boom in my State. We are third in the country with wind energy. Southwestern Minnesota is home to hundreds of large-scale wind turbines, helping to make us a leader in wind power. Along with biofuels, these wind energy farms have spurred a rural economic renaissance in that part of our State.

Let me give a few examples of this and examples of hope for this economy as we go forward and how we can put incentives in place so we can keep going.

I see my friend from Kansas across the aisle, and I know he has a picture of a wind turbine in his front office. We know there is a future for this country with development in this area.

In 1995—and this is just an example from Minnesota—SMI & Hydraulics, Inc. began their business in Porter, MN, primarily as a welding and cylinder repair shop for the local farmers and businesses. Today, SMI & Hydraulics, which manufactures the bases for the wind towers we see all across this country, just recently expanded a facility to 100,000 square feet and created over 100 new jobs in just this little town. It is a barn with these big wind bases that actually come out of it. It is an amazing success story.

Last year, the renewable electricity sector pumped more than $20 billion into the U.S. economy, generating tens of thousands of jobs in construction, transportation, and manufacturing. Throughout the country, renewable energy has led us down a path toward new jobs, lower energy bills, and enhanced economic development. We need to move this country forward.

For me, and the State of Minnesota and so many other areas across this country, the protection tax credit is critical to realizing this goal. The protection tax credit, in combination with strong State renewable electricity standards, has been a major driver of wind power development in Minnesota. That is why I was so concerned we might actually lose it. All the studies show if you let it go, about 8 months before it is forecasted to go off, you have an enormous drop in investment, and that is exactly what we don't need now in this country. We need a plan to go forward.

I personally would like to see it go into effect for 3, 4, or 5 years. I have a bill with Senators SNOWE and CANTWELL to put it in place for 5 years. But if all we can agree on today is to extend it for another 1 year for wind, solar, geothermal, and all kinds of renewable products and wasted energy, that is what we should be doing. But I will try. We are working on a bipartisan basis with a group of Senators to extend it for at least 3 years for renewable fuel sources. Because as we struggle with this economy we know, as we say in Minnesota, the approach is not just going to be a silver bullet, it is going to be silver buckshot. It is going to involve all kinds of energy production, increased energy production. But it is also going to involve looking at things in a new way. That has been lacking so much, this long-term look at our economy while other countries have leapfrogged us. While we developed the technology for wind and solar, we have been leapfrogged by other countries. Anyone who watched the Olympics in China knows what we are up against on the world stage for competition. They saw not only the athletes from all over the world but they

saw the precision with which the Chinese were able to pull off that opening ceremony in those Olympics.

We have to get our act together. We have to get our act together for our economy and be sensible and not look at 1-day solutions and 1-day spins. We have to have a plan for this economy, and this is a start, but we also have to have some balance in our regulatory system so our economy can function and our businesses can function as they were meant to.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I join my colleague from Minnesota. I have a map that shows the wind energy capital of the world, the Saudi Arabia of wind, right in the middle of our country. I have a nice corner here in Minnesota with some good wind power. We have a lot right here in the middle of the country in Kansas and we want to harvest it. I am delighted to see that the wind energy piece in the production tax credits is in the bill, the tax extenders bill. That is what I wanted to come to the floor, because it is critical to the investment taking place for wind power generation. We are doing that in this particular bill.

I, as well as my colleague from Minnesota, wish to see these production tax credits extended for a series of years rather than one; planning that arrives in a 3 to 5-year window would give a lot better opportunity for capital to come into the business. I think this is a critical piece we have to get done.

I met with my Kansas wind energy associates yesterday, people putting in these units on a big scale, and small scale. They are saying we need to have these credits in place.

I was at Pratt Community College about a month ago. They have put in three midsize wind turbines that are cutting down the community college's electric bill about $1,000 a week. They are looking at it and saying this credit is a great one, it has a nice payoff. It is right in this zone where we have high wind electric generation. It is working and working well.

I do note for my colleagues, on this particular issue you cannot rob Peter to pay Paul. This is the sort of thing where you have to do all the energy issues. You can't punish one or another. We need all of it. We have said that for some period of time. I hope we would start to do that.

The unfortunate piece of the tax extenders is the pay-for provision of it, where it is going at the refining capacity in the United States. I do not think that is wise at all. I want to cover this briefly here.

Of the $17 billion energy portion of this tax package, that is being paid for mostly by tax incentive freezes and adjustments to other sectors of the energy industry, primarily the refining sector. That is not where we should go. We need more refining capacity, not less. It is not the sort of thing that we should rob from one piece of the energy pie and sector to put it in another one. That is not the way to go forward on this. It is to grow the entire energy piece.

This bill will alter current law and freeze a manufacturing tax deduction at 6 percent instead of the current law, which would raise it to 9 percent by 2010 for the sale and exchange of oil, natural gas, or primary refined products. This is something that was going to be used by refineries to expand refining capacity and was going to provide a tax deduction from 6 to 9 percent. That is a good incentive. It will see the refining industry that is important to my State as well that is looked at, a refining industry that has been punished by Hurricane Ike, in rebuilding, to use that money to encourage more refining capacity in the United States. We need to do it rather than to tax it.

That is why I urge, when we look at these in the future, we do not punish one piece of the energy sector to pay for another one. I support wind power generation. It is key and critical. I am very supportive of the wind package in here. I want to make sure that we do all in the energy field because we need all of it in the energy field. We do not want to continue sending $500 billion overseas every year for oil. Much of that goes to countries that do not like us. We need to be able to do more of the production and the refining here in the U.S., and the current state of the technology will allow us to do it.

We have somewhere between 10 and 18 billion barrels of oil available under 2,000 acres in ANWR, along with another 45 billion barrels available in the offshore and deep water areas of the Gulf of Mexico. Unfortunately, many of those proposals, we are not going to be able to vote on here. We need to be able to get at that oil and we need to be able to get at the oil shale production in the western United States—in Utah, Wyoming, and Colorado.

I note to my colleagues, we need to do all of it. On this side of the aisle I think they will find support for all of it, but not to pick pieces of it.

There is another thing I want to point out, and I don't have the map here, but I think it is illustrated by the map I do have here. We have a lot of electric wind power capacity generation, given the strength of wind we have in our State. But we need to be able to move that to markets; we need to be able to move it to markets in my State but also be able to move it across State lines as well to be able to take advantage of this energy production. To do that you need backbone lines to be able to move it.

A lot of times you are going to need that wind to mix with, whether it is natural gas electric production, coal or nuclear production. We need to expand those so you have the base load there to build the wind energy into, to have the pipelines of electricity to move it to various places in the market throughout the country.

We need a 21st century grid. That is going to require not just wind being harnessed to it but also the base power being generated for times in the season and places where wind is not blowing, to be able to move it. I urge my colleagues to look at this as the total package. That is how we move this forward and how we balance the three E's of energy, environment, and the economy. It is all of them working together to get us a more stable economy, having more of this energy production here at home and having a better environment in the process. It is not just throwing any of these out in the process to get that done.

I hope in a new Congress, when we can look at these things, and in a new administration, I hope we can look at these things together and work them all in together, balancing those three E's to move the country forward.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) Without objection, it is so ordered.

Mr. BROWN. I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, in the last 18 or 19, 20 months since I have been a Member of the Senate, joined by my friend from Rhode Island, I have held, around my State, about 115 or so roundtables in most of Ohio, all of Ohio's 88 counties, from Mahoning County to Ashtabula to Williams County, from the southeast to the southwest, all over the State, listening to groups of 15 to 20 people for an hour and a half or so tell me about their hopes and their dreams and what we can do to build their communities and help strengthen the middle class in the State.

I hear regularly, in more emphatic terms almost every month, about the anxiety facing our State's middle-class families. They can be as rural as Fulton County or Highland County, they can be as urban as Cuyahoga or Franklin or Hamilton County, or they can be in between, places such as Mansfield and Lima and Zanesville and Chillicothe and Portsmouth. I hear people in Ohio who work hard, who play by the rules, and they are watching too many of their jobs or their neighbors' jobs move overseas. They are seeing their own health care and energy costs soar. In far too many cases, even in unionized plants, they are seeing their pensions disappear.

I hear this sense of betrayal. People understand—intuitively understand—that in most of the last 8 years, especially up until last year but even so,

still, how they feel this Government has betrayed the middle class. When President Bush had control of the House and Senate, with the Republican majority in the House and Republican control of the Senate and Bush and Cheney in the White House, they saw the drug companies writing the Medicare laws; they saw the insurance industry dictating health care policies; they saw the oil industry ramming through energy legislation; they saw Wall Street pushing these job-killing trade agreements through the House and through the Senate. They understand, again intuitively, that the Bush-Cheney-McCain ideology that markets can always police themselves is bankrupt.

Every year of the Bush administration and every year of Republican control of the House and Senate, we heard this mantra, this conservative orthodoxy that markets always do the right things; that markets can police themselves; that any regulation is evil; just open our country, no reason for environmental rules, no reason for worker safety rules, no reason for rules, period, governing financial institutions.

Let's take one issue. Imagine if George Bush and Dick Cheney and JOHN MCCAIN had gotten their way 3 years ago, in January 2005—I believe January or February. President Bush and JOHN MCCAIN and Dick Cheney authored their scheme, their legislation—call it legislation—to privatize Social Security. This risky, reckless privatization scheme they were trying to push through Congress met incredible opposition, not just from Democrats in Congress—because we believe strongly in a Social Security that works, not one that is privatized, that Wall Street gets its hands on—but the American people spoke resoundingly, loudly, clearly that they did not want this Social Security privatization.

But go back. Imagine if the voters of Rhode Island or the voters of my State of Ohio—if George Bush and JOHN MCCAIN had gotten their way 3 years ago with that risky scheme to privatize Social Security, imagine what American seniors would think today as their private Social Security accounts disintegrated before their eyes. Imagine the next Social Security statement they would get after we have had a week like this, when they opened up the envelope that was mailed to them that itemized how their private accounts were doing, their Bush-Cheney-McCain private accounts.

Imagine what choices they would face. Their food prices are already going up. Gas prices are through the roof. Heating prices, especially in States such as Rhode Island and Ohio—imagine what seniors in Dayton and Findley and Bowling Green and Akron and Canton would think when they opened their Social Security statements and saw what had happened, as they look forward to the winter and high energy prices.

Look at JOHN MCCAIN's economic advisers. I have not been privileged to serve in the Senate that many years. I was in the House then, and I was not here when Phil Gramm served as a Senator. Phil Gramm was JOHN MCCAIN's economics mentor. JOHN MCCAIN looked to Phil Gramm for advice about economics. Phil Gramm is the one who said we are not in a recession; we are in a mental recession. Americans should just get over this. Then he told Americans to quit whining. It is easy for Phil Gramm who, I assume, has a pretty good pension. I also know he is now an investment banker and adviser to large corporations. I am sure he is making a salary of several multiples of what he was making in the Senate. So, to him, recession doesn't much matter. He is still cashing his bonus checks. I am sure he doesn't whine about his economic situation. But I am equally sure he doesn't understand the economic woes of people in Galion and Cambridge and Bellaire, OH.

I am equally sure both JOHN MCCAIN and Phil Gramm probably own more homes each than almost anybody in any of those communities and don't face these kinds of economic problems. Phil Gramm said he wants to be Treasury Secretary if JOHN MCCAIN is elected.

Look at one of his other advisers, Carly Fiorina, ousted CEO of Hewlett Packard. She pretty much failed at her job, was ousted, and was given a huge golden parachute. She is JOHN MCCAIN's chief economic adviser in the campaign. Phil Gramm was the mentor. Now Carly Fiorina is his chief economic adviser. She said she doesn't think JOHN MCCAIN is capable of running a corporation, and she wanted to be Vice President.

I guess I should not be surprised that Ohio's middle-class families intuitively understand they can't afford four more of Bush, CHENEY, and MCCAIN, of deregulation and privatization, how so many in this institution—and unfortunately, Senator MCCAIN—are so out of touch with the middle class of Ohio, the people he is going to ask to vote for him. I think none of us are fooled by this latest change in rhetoric where Senator MCCAIN is all of a sudden showing an anger at what these companies and Wall Street have done.

As we know, JOHN MCCAIN was one of the cheerleaders not just for privatization of Social Security, he was also a cheerleader for deregulation, saying we have way too many regulations, too many environmental, worker safety, consumer product safety, and health regulations and rules on Wall Street.

We know when you relax regulation of consumer product safety, you get toxic toys coming from China. When you relax regulation on food safety, you get too many cases of E. coli. You get too many contaminated ingredients that end up in drugs such as Heparin that killed several people in Toledo, contaminating prescription drugs. When you weaken environmental laws, we know what happens. When you weaken food safety laws, consumer product safety, all the things that Americans care about, and when you deregulate Wall Street, we know what happens. It is pretty clear but nowhere is it clearer than it is on Social Security. I know the Senator from Rhode Island and I and the majority of people in this Senate want to protect Social Security, don't want to privatize it. JOHN MCCAIN, George Bush, and DICK CHENEY tried to privatize it back in 2005. We know if they get a majority in the House and Senate, they will try to privatize Social Security again. It is bad for the American people.

We saw this week the best illustration yet of what happens if this crowd in Washington, the people who are so out of touch with the middle class—JOHN MCCAIN, George Bush, DICK CHENEY—if they get their chance ever to privatize Social Security, far too many of my constituents will be hurt.

Mr. DURBIN. Will the Senator yield for a question?

Mr. BROWN. Yes.

Mr. DURBIN. I thank the Senator for his comments. This whole concept, the underlying philosophy that you will hear from President Bush and Senator MCCAIN with his support, is the notion of the ownership society which, to put it in shorthand, means: Just remember, we are all in this alone. They believe when it comes to at least the issue of Social Security, it would be preferable to divert money from current benefits and to put it in the stock market. That was the notion supported by JOHN MCCAIN and President Bush which the American people rejected. It is my understanding as well that Senator MCCAIN has taken this ownership society idea to the notion of health insurance too, that they would penalize employers that provide health insurance and give people a tax break to go out into the market and go shopping for their own health insurance policies.

I ask the Senator if he has any reaction to the notion of individuals and families shopping for health insurance, not as part of some pool where they work but on an individual family basis.

Mr. BROWN. The first thing Senator MCCAIN would do is tax those health care policies that tens of millions of Americans have. In my State there are an awful lot of still pretty good health care policies, health care coverage, often negotiated by unions, often extended voluntarily by employers. Senator MCCAIN wants to tax the worth of those policies. So if you have a policy worth $6,000 for your family, then that would be taxed under the McCain plan. He turns around then and gives some tax breaks in their place. But the net effect simply means it isn't going to work.

It goes to the heart of our philosophy as a people, the values we hold. The values that we hold, in my view, are about communities. We really are in this together. Our country works best when we are cooperating, working together. We pulled together after September 11. We pulled together during

World War II. When we pull together and work together, things work for everybody so much better.

Senator MCCAIN is taking up where George Bush and DICK CHENEY left off. They think it is every man and woman for himself or herself: privatization of Social Security, messing with employer-based health benefits as they are, without replacing them with anything that makes any sense. The ''you are on your own'' attitude makes no sense for the American people. The more people know about this, the more upset they are going to be.

Mr. DURBIN. I don't know if the Senator, when he was a Member of the House, ever served with Phil Gramm, who is from Texas. I did. Then Senator Gramm came over and represented the State of Texas in the Senate. For the longest time, Senator Phil Gramm was the economic adviser to JOHN MCCAIN, not just on a campaign basis but on a personal basis. They shared a lot of thinking together. It was Phil Gramm's inspiration that moved us to this moment now where we have a lack of oversight, a lack of accountability when it comes to basic investments and credit institutions. The Gramm-McCain view of the world was government should step aside and get out of the way for the magic of capitalism and the magic of the free market. There is no question that the entrepreneurial spirit is a major part of the success of America, but time and again in history we have seen that if there is not a government entity involved in oversight, demanding accountability, many times the forces in the market go to extremes.

What we have seen in the last 2 weeks are the extremes of the Phil Gramm-John McCain approach to regulation. In fact, Senator MCCAIN prided himself by saying he was one of the leading deregulators in the Senate. In the last couple days, as companies have been crashing and taxpayers have been picking up the bills, he now says he favors regulation. I ask the Senator, isn't this part of the same mindset, privatizing Social Security, privatizing health care, and basically removing the government from market operations that can ultimately damage investors, savers, retirees, and the taxpayers?

Mr. BROWN. There is no question. Earlier we were talking about Phil Gramm, who says we are in the middle of a recession and Americans should quit whining; Phil Gramm, whose income is many times what it was in the Senate, and we are paid very generously in this body. JOHN MCCAIN has followed the policies of the Bush-Cheney administration, but he gets his advice, if he ever strays, from Phil Gramm. Phil Gramm was his mentor on his economic views.

If you remember JOHN MCCAIN said several times in the last couple years, I don't know much about economics. He may or may not. Apparently, he doesn't know much. But what he does know comes from this very corporate, very privatized way of thinking that Phil Gramm has taught him. He has carried that into the campaign as Phil Gramm continues to advise him on economic matters. Just because JOHN MCCAIN is saying some things today that you and I agree with about going after Wall Street and that I want regulation, his whole history is deregulation, fighting for deregulation, doing Wall Street's bidding, doing the oil industry's bidding, doing the health insurance companies' bidding.

Mr. DURBIN. I would ask the Senator from Ohio, is it fair to say when it comes to regulation that Senator MCCAIN was against it before he was for it?

Mr. BROWN. I think he was against it before he was for it. He was for the head of SEC, Chris Cox, and now he is against him. Maybe tomorrow he will want Secretary Paulson fired. I don't know. He has been for a lot of things before he has been against them, unfortunately. I thank the Senator from Illinois.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

TAX EXTENDERS

Ms. CANTWELL. Mr. President, I come to the floor hoping that the two leaders, Senator REID and Senator MCCONNELL, might be close to getting an agreement that allows us to move forward on voting on the tax extenders package, including the critically important energy provisions. While we wait for that, I thought I would take an opportunity to come down and mention some of the key provisions of the bill and also to thank many people who have worked on it.

We are the cusp of breaking this logjam on clean energy tax policy and pushing the United States into more of a leadership position on clean energy technology. Getting to this point took a lot of work and dedication. Senator REID of Nevada, obviously coming from a State that has incredible resources to participate in this, has long been an advocate of renewable energy. He instinctively understands what it is going to take for us to get off of fossil fuels and on to other alternative, more sustainable technologies. He has consistently forged a consensus on critical issues in the Senate. I know Senator REID knows how desperately our Nation needs to get on this path toward energy independence.

I also take the opportunity to thank Senators BAUCUS and GRASSLEY for their commitment and leadership. I don't think there has been a time during this whole process that these two wise leaders of the Finance Committee have waivered, and we have had many votes to try to get to this point where we are today.

I especially want to thank the Finance Committee staff: Cathy Koch, Pat Bousliman, and Mark Prater, who all worked long hours crafting the overall package. While I will not talk about the overall package, I will talk about the energy provisions. I thank them for their hard work. It takes a lot of time and energy. I also thank Senator ENSIGN and his staff, particularly Jason Mulvihill, who spent many hours working with my staff, Lauren Bazel and Amit Ronen, and my chief of staff Maura O'Neill. All have worked on this in a bipartisan effort to try to get this legislation across the finish line.

It is a bipartisan effort that got us here today. And I hope we will continue bipartisan efforts on many of these policies moving forward because that is what it is going to take given the structure of the Senate for us to continue to move forward on important legislation.

What are we doing in this Energy bill that is going to hopefully be before us this evening? First and foremost, we are doing several things that are new, new policies that will help our nation realize a clean energy future. First we are unleashing the power of solar energy. In 2005, we took a very important step by incenting solar energy for 2 years. Now we are doing something much more robust. We are giving an 8-year investment tax credit to the solar industry because we believe that it will unleash the potential of this unbelievable energy source for our Nation. We think that over 440,000 new jobs could be created in the solar industry just in the next 8 years. Much of that growth is coming from new concentrating solar plants, a breakthrough in technology that has great promise to provide affordable and predictable baseload power in rapidly growing parts of the Southwest. Without this bill that is going to be before us, electricity rates surely would have risen in these fast growing parts of the country, and our environment would have suffered.

Now if we pass this bill, States such as Nevada, Arizona, and New Mexico not only will be able to produce emission-free solar power at a stable and affordable rate, but the industry will be a new source of manufacturing jobs for this part of our country. The new 8-year investment credit will also, I believe, unleash a similar opportunity for fuel cell technology because we are giving this nascent industry great predictability.

Second, we are jump-starting the transition to plug-in electric vehicles. This is the first time we are giving tax breaks to consumers who purchase plug-in electric cars, trucks, and SUVs. These are cars that are about to appear on the showroom floor, and may achieve 100 miles per gallon. By giving consumers up to a $7,500 tax rebate per vehicle, we can accelerate the adoption rate and the mass production and, I believe, help this game-changing technology be deployed more quickly.

This provision was part of a bill that Senator HATCH, Senator OBAMA, and myself began working on over a year and a half ago. We recognized that our current electricity infrastructure,

when it is matched with plug-in vehicles, could help us displace 6.5 million barrels of oil a day. That is an amount equivalent to 50 percent of our foreign oil imports.

And instead of paying $4 a gallon, as many consumers have paid in the last several months, with a plug-in electric vehicle you can fill up with electricity for the equivalent of only $1 per gallon. Wouldn't that be terrific for our consumers today?

Third, this legislation is a big step forward on giving every American the opportunity to generate their own power. With the advent of distributed generation, now individual homeowners will be able to generate their own electricity, produce their own hot water, and monitor their own energy uses and, consequently, save precious dollars.

This bill contains new incentives for residential solar, small wind turbines, and smart meters—all things that empower the consumer with the ability to control and reduce their own energy costs. For example, consumers can receive a Federal cost share of 30 percent for installing solar photovoltaic or hot water systems on their roofs, and for the first time we are eliminating the cap on residential solar tax credits. Lifting the cap will encourage residential homeowners to put on even bigger renewable solar systems, allowing them to sell clean energy back to the electricity grid used by other families.

We all know about big wind farms. We have seen pictures of them. Some of my colleagues have wind farms in their State. But for the first time, this bill provides a tax credit to homeowners who put small wind turbines onto their property, which can also generate a source of electricity in windy rural farm and ranch areas across our country.

This legislation also incorporates a credit for installing geothermal heat pumps, which is really one of the cleanest and most efficient ways to heat and cool your home. This technology uses the constant heat of the Earth to make or take away the heat in our homes, instead of burning fossil fuels into the sky.

One of the provisions I am very enthusiastic about—and I thank the chairman of the committee, Senator BAUCUS, for including this in the legislation—is smart metering technology. Smart metering, along with these other uses, is going to be so empowering for the consumers because smart meters are an essential component of making our electricity grid more intelligent, making it smarter about how we use electricity, making it less prone to blackouts. By putting smart meters in this tax package, hopefully the adoption rate will also pick up and be spread more quickly. Smart meters will allow for real-time pricing that will let consumers know how much energy they are consuming so that they can adjust their consumption accordingly to lower their electricity bills. The smart grid example I always like to use is to set your dishwasher to turn on at the lowest megawatt rate. Having that capability across a range of technologies could end up giving consumers significant savings.

This legislation also gives consumers access to over $10,000 in tax credits to purchase technologies that can lower their energy bills. For example, this bill allows consumers to use up to a $500 tax credit for installing energy-efficient appliances, windows, and insulation. It also provides consumers incentives for solar PV panels, solar hot water heaters, and residential wind turbines.

There is also a $300 tax incentive for the purchase of clean-burning wood stoves. In fact, I think that provision alone will give Northeast consumers an opportunity to significantly reduce their home heating bills because more efficient, new wood-burning stoves can help consumers get significant reductions to their winter heating bills by moving toward this new state-of-the-art technology, to say nothing of helping the Northeast get off of home heating oil and on to things such as wood-burning pellets, which are renewable and can be much more economical.

So there are other things in this bill about biofuels, about clean energy credits for nonprofit organizations, and I am sure my colleagues will come and talk about other things. But there is one last point I wish to make about this legislation because I really do think we are making a game-changing decision here as it relates to clean energy and our clean energy future. That is because another breakthrough in this bill is that it is the first time I know of that the Senate is voting to take away tax breaks from the oil and gas companies and reallocate those funds to renewable energy sources. This is the first time, I believe, we are truly beginning to level the playing field, taking away subsidies from those mature and profitable industries that I think have had too many subsidies for too long a time. This bill says we want our energy future to be based on more diverse and renewable energy sources that are better for our environment.

In 2005 energy bill—one of the last times Congress considered new energy tax policy—the authors chose to give two-thirds of the tax breaks to the fossil fuel and nuclear industries. This bill flips that ratio on its head. Two-thirds of the tax incentives in this package go to clean energy generation, helping consumers take more control of their own energy costs.

So we are putting our money where our mouth is. We are saying we want to invest in cleaner, more distributed generation that is domestically produced and environmentally friendly.

So I am proud of this energy package—and hopefully tonight we will get it passed—that unleashes the power of solar, that empowers consumers with incentives to reduce their energy use and to be in the production of cleaner energy themselves, for which this legislation gives up to $10,000 in tax breaks, and it certainly helps level the playing field as far as public policy by starting to incentivize clean energy over our historic dependence on fossil fuels.

I hope we can get this legislation passed because not only will it be an economic opportunity for job growth in America and for manufacturing, but it will also provide real opportunities for Americans to save real dollars on their energy bills. I hope my colleagues will join me in passing this package. I hope we can get it through the House quickly and get it signed by the President so we can get about having the energy relief America deserves.

Mr. President, I also want to highlight the additional tax relief to American families and businesses that we will provide when we finally act on the other tax extenders.

The 2-year extension of the State sales tax deduction is critical to the struggling families in my State who just can not afford to face the potential tax increase they would face if we fail to extend the deduction for State sales taxes.

I am pleased we give taxpayers certainty for 2008 and for 2009.

And I am pleased this deduction means real money for real families.

In 2006, more than 880,000 Washingtonians claimed this deduction. And 49 percent of those folks made less than $75,000.

This deduction meant an average of $600 more in the pockets of Washington State taxpayers.

This is an issue of fundamental fairness and I will continue to work to make this deduction permanent. No one should be left in the dark wondering if the deduction will be extended from year to year. They just can't afford the uncertainty.

I am also pleased to see us restore the R&D tax credit for 2008 and extend it through 2009.

This tax credit has a strong history of supporting much needed high-wage jobs in the United States.

The Information Technology Association of America estimated that if the tax credit was in place during 2008, there would have been $8.5 billion more in economic activity this year.

That is investment that Americans could have greatly benefited from. And it is economic activity we can still benefit from if we act now.

Clearly, given that our economic news only gets worse each day, we can't afford to turn away the $51 million per day in new investments that are at risk if this credit is not extended.

And this bill fulfills the promise we made to support our rural neighbors by reauthorizing our Secure Rural Schools Program and fully funding the Payments in Lieu of Taxes Program.

This will mean an influx of around $47 million a year for 4 years for some of our rural counties that have a very small tax base because Federal lands take up so much of the county.

Facing the expiration of these payments this year, rural counties have been forced to begin laying off teachers, librarians, and county employees that provide critical services.

And these communities cannot absorb the loss of these workers. Nor should they have to deal with further erosion of the sense of community that many of their towns were founded on.

But today we are reversing this trend and helping counties retain county employees and teachers, keep roads safe and maintained, stemming cuts in vital government services, while also providing funding for resource conservation projects, forest service land rescue services, and programs to support economic development.

This bill not only provides new opportunities for American businesses to take advantage of the growing green energy economy, but it provides real opportunities for Americans to save real dollars.

So today I ask my colleagues to join me in voting for a strong, bipartisan tax package that helps move this country forward toward greater energy independence and provides needed tax relief to our families and businesses.

I would also like to take a moment to recognize the mental illness parity provisions in this bill. What they mean is that when Americans need mental health treatment that they will not be faced with higher costs for that treatment than they currently have for medical surgical treatments. This bill would require private insurance plans that offer mental health benefits as part of the coverage to offer such benefits on par with the medical surgical benefits. Any cost-sharing or benefit limits imposed on mental health services must not be any more restrictive than those imposed on medical surgical services.

Your support on all of these provisions cannot wait any longer. We have run out of time, and the time to act is now.

I thank the Presiding Officer and 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. 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.

ORDER OF BUSINESS

Mr. REID. Mr. President, for the information of Senators, we are trying to work things out here. It has been very difficult. At this stage, it appears that the vote on cloture on the Coburn package will be vitiated. We will not have that vote tonight or in the morning.

We are now waiting to see if we can work out an agreement on the extenders. This has been something that the chairman of the committee has worked on all day, and it has been very difficult. We thought we had it worked out on a couple different occasions, and we did not. We now are told that one Senator who had a problem with it is reading the new language. We hope that can be done fairly quickly. That being the case, we will be back and report to the Senate again, hopefully in the next half hour or so.

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. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX EXTENDERS AND DISASTER RELIEF

Mr. CORNYN. Mr. President, earlier the majority leader came to the floor and propounded a unanimous consent request on the tax extenders package, and I told him that while I supported the legislation, there are a lot of good things in the bill, I still had some concerns about the disparate treatment of the State of Texas, especially related to Hurricane Ike.

I am pleased to report that as a result of discussions with the Finance Committee—Senator GRASSLEY, Senator BAUCUS, and their staff—I believe we have achieved our goal of getting fair treatment for the State and the victims of Hurricane Ike. I wanted to come to the floor and express my gratitude to Senator BAUCUS and Senator GRASSLEY. We are reviewing the final language, but subject to that, I think, as far as I am concerned, there is no objection to proceeding to the bill.

As I toured the hurricane-damaged area last weekend——

Mr. BAUCUS. Mr. President, if the Senator would briefly pause, I wish to thank the Senator from Texas. The Senator has been great to work with as we worked out some provisions to help that State, especially the Galveston area, and the coastal States in getting additional disaster assistance. I thank the Senator as well as his colleague from Texas. We will come back to do more at a later date, but we are doing what we can on this bill, and I say thanks to my colleague for working so well with us.

Mr. CORNYN. Mr. President, I appreciate the generous comments of the distinguished chairman of the Finance Committee. I especially enjoyed the part where he said we may come back later for more once we have been able to do further assessments. That is an important part of the rationale for agreement on this bill. We understand we can't do everything that needs to be done in this bill because the hurricane only hit this last weekend. There are a lot of people who have yet to be able to get back to their homes, a lot of folks without power, a lot of damage that is ongoing that cannot be fully calculated.

I had the chance, when traveling around the damaged area, to witness the destructive capacity of this huge hurricane and hear from a lot of my constituents, a lot of displaced Texans who were trying to find the necessities of life, including food, water, and shelter. Of course, they were very anxious to know about their homes, whether they would be able to return home, when they would be able to return home, and what they would find when they got there.

I appreciate that the chairman of the Finance Committee has included in the extenders package things such as bonus depreciation and expensing. These may seem like arcane subjects, but they actually mean a lot. They will mean a lot to the people of my State when it comes to rebuilding and getting back on their feet and getting back to work.

I understand the unique circumstances we find ourselves in and the need to get the extenders package passed, which, as I said earlier, I support. I offer my congratulations to Senator CANTWELL, who is on the floor, and Senator ENSIGN for their leadership. They have been working hard and long at trying to get this done, and I know we are almost over the goal line.

Included in the package is an extension of the State and local sales tax deduction. This is something that is important to my State and to the other States that do not have an income tax. Because, of course, you can deduct your Federal income tax from your—or your State income tax from your Federal income tax, but if you don't have a State income tax, as Texas does not and, I might add, never will, this provides a level playing field by allowing the deduction of State and local tax.

This also includes an extension of the very important research and development tax credit which helps many companies in Texas and around the country be competitive in the globalized economy.

This measure also includes the extension of several renewable energy tax credits that have helped grow the Texas renewable energy industry. I know my colleagues get a little tired of Texans always bragging about Texas, but I am not going to stop now. We are No. 1 in the production of electricity from wind energy. Many people think of Texas as an oil and gas State, and we are that, but we are much more. We are an energy State. Credits for wind, solar, geothermal, biomass, hydropower, clean renewable energy bonds, fuel cell, and credits for residential energy efficiency home improvements are helping to diversify our Nation's energy portfolio and are a significant contribution toward answering the energy crisis we find ourselves in today.

This measure also supports the clean use of coal. Coal, of course, is cheap. It is domestic. We have a lot of it. We are sometimes called the Saudi Arabia of

coal here in the United States. Its use is essential to helping reduce our dependence on imported energy from abroad. Of course, coal can burn dirty, and we need to continue to do the research and development that is so important to finding ways to use that energy with which we have been endowed here in this country in a way that results in not only good and inexpensive energy use, but also a good, clean environment. We need to spur the advanced technology market to capture carbon and sequester it. Of course, the Federal Government has sort of been involved in a start-and-stop effort to try to do that kind of research. As a matter of fact, two cities in Texas, Jewett and Odessa, were finalists in the Federal Department of Energy effort to do an extensive research project into clean coal technology. Unfortunately, that got so big and expensive that the Secretary of Energy decided to basically go another way.

The fact is we have the geology in Texas because of a lot of old oil wells that could sequester carbon dioxide, and we also know that the capture of carbon dioxide has many beneficial uses, particularly when it comes to secondary recovery and tertiary recovery in old oil fields.

Another key part of solving our energy crisis is the transformation of our transportation sector through the use of plug-in electric vehicles and other alternative fuels. This package establishes a new credit for consumers who purchase plug-in electric vehicles. Now, I am still a little bit skeptical of how many people in my State of 24 million people are going to decide to trade in their pickup truck for a plug-in hybrid vehicle that has a battery that will go maybe 40 miles. That won't get you very far, particularly out in west Texas. But I think in a lot of places, that kind of technology, hopefully, will come to the market as soon as 2010. I know GM is going to introduce the Volt and I know other car manufacturers will be introducing their own models of these plug-in electric hybrids, and I think this new credit will provide that choice and that option to consumers in Texas.

So I thank, again, Senator GRASSLEY, Senator BAUCUS, and the Finance Committee staff. I wish to extend my appreciation to my colleague, the senior Senator from Texas, Senator HUTCHISON, for all of her hard work. We have tried to work together, and have worked together, in the best interests of our State, but also in a way that I think creates a win/win for the people of America. I believe this effort is the first step to making Texas whole again, and I trust that our colleagues who have expressed so much sympathy and concern for the people of Texas who were affected by this terrible hurricane will have long memories.

When we come back after this bill is passed, we will continue to work together on other important measures to make sure that each of our States affected by natural disasters, wherever they may be, will be treated in a fair and evenhanded sort of way. Senator HUTCHISON, of course, has been taking the lead when it comes to working on what I anticipate will likely be a supplemental appropriation request. But as I said at the outset, this hurricane is very recent. There are still a couple million people without power, and the assessments are still being done. But we will be back and we will be seeking the further—not only words of support from our colleagues, but something real and tangible in terms of support for the people of our State.

I see my colleague, the senior Senator from Texas on the floor, and I certainly yield the floor to her.

The PRESIDING OFFICER. The senior Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I wish to say to my colleague from Texas that we have been working together all day on the tax extender package, because there are many facets that affect Texas in this tax extender package. Then, on a separate note, I am certainly working with our whole delegation on the appropriations part of the continuing resolution we expect to see next week.

I so appreciate working with the chairman of the Finance Committee, as well as Senator GRASSLEY. Both Senator BAUCUS and Senator GRASSLEY have been very helpful in trying to fashion an addition, actually, to the tax extender bill because, of course, as Senator CORNYN has said, this hurricane hit our State last weekend. We have seen the pictures—all America has seen the pictures—of the streets of Galveston, the former streets of many of our areas, and the residents who still cannot get back into their homes, including 2 million people who still don't have power. So we know the devastation that has hit our area, but we don't know yet what the total cost is going to be, because we can't even get into Galveston to start making assessments. Certainly Port Arthur, Orange, Beaumont, the lower parts of Harris County—all the way through our area, we are seeing the effects of this storm that are not yet calculable.

The Finance Committee has agreed to add into the bill, that was already on the way, the help that Texas and Louisiana are going to need because of Ike in the tax part of the extender package. The disaster part that will be added in is going to be very helpful to the private sector and the ability to start getting the housing up and going in these areas that have been completely wiped out. I think that later, when Senator BAUCUS comes to the floor, we will want to talk about it to make sure it is clearly understood exactly what the effects will be on Texas and Louisiana. But our delegations have worked very closely together with Senator BAUCUS and Senator GRASSLEY to achieve what I think is a good result.

In addition to the disaster part of the bill, there are important parts of the tax extender package that will affect all of our communities. Certainly in Texas, the sales tax extension that is a matter of equity for States that don't have income tax, to be able to have the same deduction for our sales taxes that income tax State taxpayers have for theirs is a very important component of the tax extender package. Then, again, since Senator BAUCUS has just walked on the floor, I wish to say that I think what has been worked out on the oil and refinery tax issue from the manufacturing standpoint, along with the additional two years of the expansion of refinery tax credit, we are going to be able to continue to build out the refineries that will affect the price of gasoline all over our country, because as we are seeing right now, due to Hurricane Ike, the shutting down of refineries affects the price of gasoline everywhere. If we can add to the capacity of our refineries all over the country—this is not only Texas and Louisiana; this is Michigan and everywhere where there are refineries—if we can add to that capacity, it adds to supply, and it will bring down the price of gasoline. The extension of 2 years is going to be very helpful for refineries to have an incentive to do even more than they have already been committed to do.

Certainly, I think the addition of the manufacturing tax credit, even at the lower level, will also add to the capability as these Gulf of Mexico rigs and refineries are spending millions of dollars, not only on cleaning up the damage and trying to get back up and operating, but they are also helping their employees at a time such as this with the problems they are having with their homes being gone and their living conditions being unable to be sustained.

I thank the Senator from Montana, the chairman of the Finance Committee, for working with us on that. I ask if the Senator is ready to go with a colloquy, or should we wait. I don't know what the status of the tax extender package is at this point, but perhaps he would be able to tell us.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I think someone is getting the colloquy together. We don't have it at the moment. However, I think we can basically have an impromptu colloquy right here to handle most of it, and if we want to do more later, we can do so.

Essentially, the Senator from Texas very correctly and appropriately called me and said we need to do more for Texas, including Galveston, and some other coastal counties. I said to the Senator, if the disaster provisions in the tax bill, which were somewhat patterned—basically patterned—after the Katrina provisions, many of those would apply to Texas. With the consequences of Ike and Gustav, we went back and looked so we could do more.

The slight problem we faced is it takes some time to pinpoint and to write precise tax provisions that affect

the areas that are hit by disaster. We don't want to give relief to counties or portions of counties where there is no disaster. That would not be the correct thing to do. In fact, we ran into that problem back during the time of Katrina when the initial request, which was, on the surface, appropriate, but when we looked more closely, there were too many dollars spent inappropriately and not enough spent appropriately. It takes a little time to work that out.

After about 2 months, we talked to mayors, local people, and disaster people to make sure we tailored it well. We ended up with a result that was quite good and appropriate. It wasn't as large as the initial estimate, but the initial estimate was way overblown. It was not well tailored. I mentioned this to the Senator from Texas, and she said she understood. On the other hand, she said, ''We need help here.'' I appreciated that and said: You bet.

I tried to find some ways to provide additional disaster assistance in the bill that I hope we take up on Tuesday. Essentially, what we worked out is an increase in the allocation of low-income housing tax credits, as well as an increase in the allocation of private activity bonds. The total amount is geared for those counties on the coast. I think there are four or five coastal counties which were hit the most.

But to make sure we are not too locked in, we also give the Governor the right to reallocate the benefit of these provisions to other areas in Texas but under the total amount. The thought is that we are helping, that way, tailor the assistance most appropriately and specifically.

I say to my friend from Texas, it was good to work with her to find the combination, as I said to the junior Senator from Texas, and there would be an opportunity to come back later for more if that is appropriate.

Mrs. HUTCHISON. Mr. President, the key provisions that the Senator outlined are exactly what we have agreed to in that we would get extra amounts that would be allocated for the five coastal counties in Texas and into Louisiana. Because the amount is higher, the Governor would have discretion, within the other disaster areas, to allocate that excess. That is indeed part of this because there are areas in Houston, Harris County, Galveston, Port Arthur, and Beaumont that will be in the main bill. There are counties such as Orange, Tyler, Polk, and others in the disaster-declared areas that could make the added excess, and so it would be allocated throughout the area according to the discretion of the Governor.

Mr. BAUCUS. The Senator is correct. That is my understanding, and that is what we intend to provide.

Mrs. HUTCHISON. The tax-exempt bonding authority, as well, and the low-income housing tax credits will bring that housing back on line, which is so important.

Mr. BAUCUS. The Senator is correct. Allocations for both, that is correct.

Mrs. HUTCHISON. Senator CORNYN had mentioned earlier that he might want to address the additional potential, since we all know this happened just a week ago, and we don't have final actual numbers. I ask him if he wants to speak on something that he had been very active in doing.

Mr. CORNYN. I reiterate my thanks to the Senator from Montana, the chairman of the Finance Committee. He described what I had understood, and we are reading the fine print to make sure that is how it is written. I anticipate that we will be able to be satisfied with that. As Senator HUTCHISON knows because she and I traveled the affected area, the two areas most affected were Galveston and Orange County. The fact that specific counties were listed does not limit relief to areas that may have been, as a matter of fact, disproportionately impacted, such as Orange. So I am glad to hear that confirmed for the record because it is very important.

As we have all said, it is still very early and there is a lot of work to be done in just assessing the damage. As a matter of fact, before the storm, there was a projection that the surge of water that would be pushed up by the storm could reach a level of 25 feet—a wall of water being pushed up the Houston ship channel. It was projected that 125,000 homes would be destroyed.

According to the computer models, there was a projection that as much as $81 billion in damage would be done. At that time, we were principally concerned with making sure that lives were saved and, of course, in the immediate aftermath with the search and rescue operation. But that assessment, of course, fortunately, is going to be a lot lower than the computer models projected because the surge was not quite as bad as predicted. The storm hit in a way that didn't push that 25-foot wall of water up the Houston ship channel.

As I said, we are grateful for all of the cooperation. I hope we will be able to come back when we have firmer numbers and a more detailed assessment, and we will experience a similar sort of cooperative spirit in trying to make sure the people of Texas are treated on the same basis that other victims of natural disasters in other parts of the country have been treated.

Mrs. HUTCHISON. Mr. President, I want to just say to Senator CORNYN and to Senator BAUCUS, as we said earlier, there are actually 29 counties that will be in this affected area. What I appreciate so much is that Senator BAUCUS realized that it would be very difficult for us to pass a disaster package and leave out Texas and Louisiana when the devastation is so bad. It is the beginning, and I am sure there will be more. But the fact that Senators BAUCUS and GRASSLEY have understood the enormity of our situation, it gives us great comfort. I talked to the mayor of Houston, also, about this issue. We have been talking to the other mayors, and they so appreciate the Senator's accommodation. We are all going to be able to continue to work together, just as we have in so many of these disasters that keep on having issues, and we want to do it in the right way because that is the American way.

I thank the Senator from Montana. I also thank the Senator from Iowa, Mr. GRASSLEY. We will continue to work with them.

Mr. BAUCUS. Mr. President, I might say to the Senator from Texas that I had a nice conversation with the mayor this afternoon, too. He was helpful in explaining what needed to be done. He appreciated the efforts both Senators from Texas have undertaken. I think he would like more, but he understands where we are.

Mrs. HUTCHISON. I think he understands exactly where we are now. He told me he had a good conversation with the Senator from Montana. We are all working on this together and taking 1 day at a time. We appreciate it.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I will offer something at some point. There is not a Democrat here. I am not trying to pull a fast one on anybody. I understand there is an objection to the bipartisan agreement called the Legal Immigration Extension Act of 2008 by one, perhaps, Senator. I want to share some thoughts about that and how we got where we are today.

There are four pieces of legislation that are expiring or are about to expire. After a good bit of work in the Senate Judiciary Committee, we reached an accord that we would not offer any changes in immigration law before we try to recess this year. A lot of us have some real firm views about some things that need to be done, but everybody has basically agreed not to push that. But it is important that a number of things get passed. The most important thing that needs to be passed—and it would be unthinkable were it not to pass—would be the extension of the E-verify program.

It is a voluntary Web-based system operated by the Department of Homeland Security, in partnership with the Social Security Administration. It allows participating employers to electronically verify the employment eligibility of people they would hire, to see if they are presenting a legitimate Social Security number.

More than 84,000 employers voluntarily participate in E-verify and we would get—get this—a thousand new enrollments by employers each week. It is growing in popularity. Because it was a limited program, it is set to expire in November of this year. So the agreed-upon legislation would be to extend the program for 5 years. I note that this program, under the Kennedy-McCain bill, and the subsequent comprehensive bill that was offered on the

floor, which was voted down, would have made E-verify mandatory on all employers. This does not do that. This just keeps it as it is.

Presumably, we are going to have to have a real serious talk about what to do next year. Also in the package I just mentioned would be an extension of the ED–5 regional center program. This is a program that says if someone comes to America—and it has been in effect since 1990—and they are willing to invest $1 million in hiring at least 10 Americans, they would be able to get a visa. That program is set to expire, and we have agreed that it would continue for 5 years—not be permanent, but it would be extended for 5 years. It is an additional group of people on top of the 1 million or so we allow in the country every year. It is an additional group on top of that.

Then there is Senator CONRAD's 30 J–1 visa program. Senator CONRAD, in 1994, passed a provision that would allow foreign medical graduates to waive the mandatory return to their foreign residence, and if they were going to practice in a State for 3 years before they return to their home country, they could stay here. Many States have found that to be an advantage.

Again, that is on top of the others. I am a little bit concerned that every time we do one of these programs it is just on top. We are not choosing and prioritizing the people who would best flourish in America, but we are just adding on top. But I have agreed to go along with that and extend that program for 5 years.

There is also the nonminister religious worker visa program. It was passed in 1990, and it allows up to 5,000 workers on top of the people who are already able to come here and be a part of America, and people believe that should be extended. I am prepared to agree to that as part of the package. So that would be what we would do there.

Those were the pieces of legislation that Senator LEAHY and, I think, the entire Judiciary Committee agreed that we should move forward on.

Now, let me mention why the E-verify program is critical.

I have to say to my colleagues that I cannot agree and this Congress and this Senate should not agree to an additional expansion of immigrants into this country as a price to continue the current law. If we are going to do that, then we need to have a full debate about immigration and a full debate about the numbers that should be admitted, and properly so, into our country, and what standards should be utilized. That is the situation we are facing.

E-verify, as included in this bipartisan package, would not be changed in any way. It will remain the program it is today, but it expires on November 30 of this year. It was originally established in 1996, and it must not be allowed to expire. If this Congress allows E-verify to expire, then we will have made a statement to this Nation that the one system that is working today and could be expanded in the future to create a lawful system of immigration is being abandoned. It would rightly cause every American who has been hearing Members of the Senate and the House promising to do something about restoring the rule of law to immigration—they would know we were not serious at all. They would know this is one more flimflam that would be carried out.

I feel very strongly about this issue. The total number of users in corporations today are 84,000, representing 438,985 hiring sites. It is being used quite a bit today in a voluntary fashion.

So far in 2008, there have been over 5.8 million queries run through the system compared to a total of 3.2 million in fiscal year 2007. If you do not want the law enforced, that makes you nervous. Look, it has increased maybe 50 percent in 1 year. More and more people are using it. It is having some sort of impact in the country. If you want the lawlessness to continue, you don't want E-verify to be extended. The growth now continues at 1,000 new users and participants each week.

More and more people are finding it to be a good system. It is voluntary. Companies are finding it works, and it is not burdensome. It helps deter the use of fraudulent documents. Businesses have a difficult time examining documents. They are not document examiners. They are concerned if they deny somebody without a good basis they may sue them. If they don't deny somebody, the Government might fuss at them. This is a way they can do a quick check to determine whether someone is in the country legally.

Both in the 2006 and 2007 comprehensive immigration legislation, this proposal, as I said, would have been made mandatory. However, the legislation we are talking about today certainly is not that; it is only a temporary extension of the existing program. I want to make that clear.

No system is perfect, but we have invested millions of dollars to improve this system. Many of the kinks have been worked out. The system, I think, could and should be enhanced substantially, and I would like to see it made better, but by all means it should not be killed. We must not let it expire. The employers are relying on it. We must not pull the rug out from under them and undermine the rule of law.

To give a brief background on the E-verify system, the Immigration Reform Act of 1986 made it unlawful for employers to knowingly hire or employ aliens who are not eligible to work in the United States. It required employers to examine the identity and work eligibility documents of all new employees.

Employers are required to participate in a paper-based employment eligibility verification system, commonly referred to as the I–9 system, in which they examine documents presented by the newly hired workers to verify identity and work eligibility and to complete and retain I–9 forms.

Under the current law, if the documents provided by an employee reasonably appear on their face to be genuine, the employer has met his document review obligation. However, the easy availability of counterfeit documents and fake identification has made this a mockery of law. It is not working.

In 1996, Congress authorized a basic pilot program to help employers verify the eligibility of their workers. Participants would verify a new hire's employment authorization through the Social Security Administration and, if necessary, through the Department of Homeland Security databases.

The basic pilot of E-verify was authorized in five States until an expansion of the program was agreed to by Congress in 2003. Now all States and all employers can take advantage of this voluntary and free program.

Let me give some facts on the statistics. There has been a lot of concern that the program does not work fairly. I dispute that most strongly. Mr. President, 94.5 percent of individuals whose numbers are checked are authorized to go to work. There is not a problem. It is done routinely within 3 seconds. One-half of 1 percent are final nonconfirmations. That is, they are identified as not being eligible to work right off the bat. So an employer should not hire them and could commit an offense if they do. Five percent come out of the computer check as tentative nonconfirmations. If a person has that happen to them, they have an opportunity to step forward and show that the computer is wrong and find out what the problem is and fix it. However, the facts are that the vast majority of people who are shown to be tentative nonconfirmations do not contest the matter. What that indicates is they know they are not legal, they know they are not entitled to go to work, and they don't contest it, which proves, I think, that the system is working.

President Bush's Executive order requires contractors of the Federal Government to use the system. It is only right that the Government do business with companies that are not violating our immigration laws. We don't need to let somebody bid on a contract and submit a low bid because they are able to use low-cost illegal labor and defeat the bid of a legitimate American contractor who is using legitimate labor, paying insurance, paying retirement benefits, paying decent wages.

I have had a personal example in the last few weeks in which a businessman told me his company has been losing bids to an out-of-State corporation. This corporation just appeared. He is convinced, and there is evidence apparently, that the corporation is using large numbers of illegal workers, and he cannot win any bids. He said: My people have been working for me for 10 and 15 years. I pay them good wages and good benefits. I want to keep them.

I cannot compete. What are you going to do about it? This is one way.

States are on board with the E-verify, and they are beginning to take a look at it. In fact, many of them are encouraging their businesses to use it. Arizona, Arkansas, Colorado, Idaho, Minnesota, Mississippi, Missouri, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, and some others, have passed legislation requiring either explicitly or implicitly that certain employers within those States participate with E-verify.

On Wednesday of this week, the Ninth Circuit, the most liberal circuit in the country and the most favorable circuit to——

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator has used 10 minutes.

Mr. SESSIONS. Mr. President, I ask for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. The Ninth Circuit upheld an employer law in Arizona that revokes a business license of employers caught knowingly hiring illegal immigrants. Businesses in that State do rely on the E-verify program. Killing this program would undermine their law. This is the right thing for us to do.

It is not possible for us at this late date, in light of the agreement we have reached, to have Members of the Senate ask for an expansion, a dramatic expansion of a half a million people to come into our country as a price that must be paid to extend E-verify. That is my concern.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 875, S. 3257; that the bill be read a third time and passed, the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Mr. President, reserving the right to object, I appreciate what my colleague, Senator SESSIONS, is trying to accomplish. But I think there is another view. That view in large part is expressed by the House of Representatives that sent over in a vote of 407 to 2 a much different and obviously very bipartisan approach toward E-verify. It is one that does what Senator SESSIONS wants to do, which is extend the program for 5 years. But it also had some other critical protections.

No. 1, the protection of the Social Security Administration programs, and in that vote of 407 to 2, realizing there are only 435 Members of the House of Representatives—that is how overwhelming it was—it, in fact, also made sure that funds would be provided for the Commissioner of Social Security by the Secretary of Homeland Security to administer this program. When it is costless—it is not costless to the taxpayers, and in reality it is not costless to the Social Security funds.

The bottom line is these provisions that were passed by the House to extend the life of E-verify 4 or 5 years also have a protection of the Social Security programs. It is one that I believe makes a lot of sense.

It also had to ensure, if you are an American and you get—I know Senator SESSIONS downplayed the percentage of people who get kicked out—but in fact if you are totally eligible to work but somehow through computer error are denied that ability in the first instance, now the burden shifts. The burden goes to an American citizen to prove, in fact, that they have a right to work in the first place.

We might say it is only 5 percent, but 5 percent of millions of people in this country is a lot of people. So the House of Representatives passed in their proposals, in addition to extending E-verify for 5 years and making sure that Social Security funds were held whole, they also passed provisions having a GAO study of this program and ensuring that, in fact, it was improved in a way so that we could understand the magnitude of those individuals who are totally U.S. citizens or legal permanent residents with the full right to work but who are being denied because of computer error.

Those provisions which passed 407 to 2 are ones that I would like to see in an E-verify extension.

Mr. SESSIONS. Mr. President, reclaiming the floor under the regular order.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. I will be glad to share with the Senator my thoughts about it. The House did pass it 407 to 2, I believe. We are not expressing any pride of authorship. Will the Senator accept the bill as passed by the House? I think we can perhaps do that and we can reach an agreement. Just accept the bill passed by the House.

Mr. MENENDEZ. I urge the Senator to consider, and I will make a unanimous consent request when the Senator is finished, that S. 3414, which includes all of the House provisions, as well as H.R. 5569 which would be the EV5 extension, as well as all of the other items the Senator spoke about—the Conrad State 30, the religious workers would be included.

The PRESIDING OFFICER. The Senator's time has expired. Does he wish additional time?

Mr. SESSIONS. Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Reserving the right to object, and I will not object, but I do, in that reservation, want to be recognized next after the Senator finishes his 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. I would ask the Senator to modify his request so that I be recognized immediately after his 5 minutes.

Mr. SESSIONS. I would be pleased to modify and ask unanimous consent that the Senator from New Jersey be recognized after my 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I thank Senator MENENDEZ for his courtesy, and I think we have an opportunity to reach an agreement. On the House version there are some things he says he likes better than the bill we agreed on in our committee, which I think passed our committee unanimously here in the Senate, but I would be prepared to go forward with that.

I urge my colleague from New Jersey to recognize the proposal he is making would add about 550,000 more people. It would allow that many more to enter the country on a legal basis. We have a million now who enter our country each year, and this would be a huge increase—I think a one-time increase—but it is a huge increase and it is not acceptable. We had sort of reached a stalemate last year when the American people rejected the comprehensive bill. They rang our phones off the hooks. The switchboard of the Senate shut down. There was a general recognition that we needed to do an enforcement system before we started granting amnesty and expanding immigration. That was, I think, a pretty national sentiment. Even Senator MCCAIN, who proposed the legislation, stated that the American people, he understands now, expect us to create a lawful system before we start expanding the system we have and giving amnesty to those who violated the law.

This is a big change from what the Senator has been proposing. I submit that the choice is simple. We will either go forward with the agreement that we reached in committee, without the changes Senator MENENDEZ offers, or we will have to have a real debate. And that would be all right with me, but I don't think it is what our leadership desires at this point in time.

So I say that I would be delighted to continue to discuss this with Senator MENENDEZ, but I feel pretty firmly, I feel very firmly that although I could accept, I am confident, the House version that he has made some comments about, I cannot accept a major alteration of existing immigration policy because that is not the right way for us to go at this point.

It is something I guess we are going to have to talk about next year. I see no alternative to ignoring it any longer than next year. It is time for this Senate to get busy and to create a system that ends the mockery that exists for our legal system today and creates a lawful system that will serve our national interest.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I appreciate the comments of my distinguished colleague from Alabama, but I have to correct some things.

First, we do, under the unanimous consent that I will ask for briefly, under S. 3414, extend E-Verify. We extend it for 5 years. We do it, as the House did, protecting Social Security and protecting U.S. citizens who get rejected by the system and yet have every right to work. So that is one thing.

The second thing is, I heard my colleague talk about extending current law. We heard a lot of business-related elements—investors who have a lot of money and who are going to get visas, businesses are going to have these checks and all these things are going to happen. Well, current law allows a U.S. citizen to claim their immediate family. And as far as family values, it seems to me that the core of what our immigration policy has been and the core of what Members of this body have talked about time and time again in the context of family values is that family reunification is the core of those family values. You can't have family values if you don't have a family in the first place. And the family in the first place is the core essence of that family. That is, in essence, what the current law provides.

So what is simply done, as we look to solve businesses' challenges and problems, and bring in investors who have a lot of money, who now get a visa because they have a lot of money, is to say to a current U.S. citizen that we are going to recapture and use, for the purposes of absolutely legal immigration, under the current law, visas that exist but don't get used because of the way our system is working. This would allow a U.S. citizen to claim their relative using those visas, or a portion of them.

By the way, I would urge my distinguished colleague to look at the numbers. We are not talking anywhere near the number he throws around of half a million. It is more like 300,000. And we have even talked about working on that number and narrowing the universe. So this is about using the existing legal system to have U.S. citizens be able to claim their relatives under the existing system and make sure the visas that exist under the existing system are used in a way that meets the goal of legal immigration.

Now, I don't know why we are so hell bound on giving businesses everything they need and then saying to U.S. citizens they do not have the opportunity to be able to meet some of their challenges. In my mind, that is promoting a lawful system. I know it is very easy to slap up the word ''amnesty'' every time somebody wants to talk about immigration. You can become famous by claiming everything is amnesty, but it doesn't necessarily make it true.

The bottom line is what we are talking about is making sure that U.S. citizens who are presently torn apart from their families, and who under existing law have the right to claim that immediate family, have the wherewithal to be reunified using visas that don't get used but which should be used for this family reunification under existing law. So it seems to me we can do E-Verify, and do it the way the House did it, so Social Security is not hurt in terms of funds; and we can make sure that we improve upon a system that right now rejects a percentage of American citizens who have legal eligibility to work and yet now have the burden of proof shifted upon them.

It changes the whole legal precedent where in our country you are considered innocent until proven guilty. Under E-Verify you are guilty until proven innocent. I would be outraged as a citizen if I had to be challenged about my ability to work when I have every right to work but some system is barring me from that right to work. And that situation exists under E-Verify. Now, it doesn't mean we should do away with E-verify, but we need to make it better, and the House provisions do that.

We also say: OK, you want to give those people who have a lot of money to come here and make investments a visa? OK, we will do that. You want the religious workers, of course, who are not necessarily clergy members, but religious workers? OK, we will do that. You want to bring in doctors? OK, we will do that. But at the same time let's have a smaller universe of those whose families have been waiting and who followed the law.

This is the interesting part. We can't even seem to incentivize people who follow the law. These are people who didn't come crossing a border, whether it is the southern or northern border. These are people waiting. They have waited and they are still waiting. Yet their U.S. citizen husband or wife or mother and father can't get reunified in what is a core family. We seem to have lost sense of that core value.

So in that respect, I think we are being very reasonable here. And this is not about a broad comprehensive immigration reform. This is not about amnesty. It is not about all those things people like to throw up on the wall and suggest ultimately that is the case and paint it as one big swath. I don't know when U.S. citizens became second-class citizens in terms of being able to be reunified with their families.

UNANIMOUS-CONSENT REQUEST—S. 3414

Mr. MENENDEZ. In pursuit of meeting these goals, redoing E-verify, giving it a 5-year life, doing it the right way, doing those other things, as well as trying to help this small universe of American citizens, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3414, the Visa Efficiency and E-Verify Extension Act of 2008, the Senate proceed to its immediate consideration and to the consideration of H.R. 5569, the E-V–5 extension, which was received from the House, en bloc; further, that the bills be read a third time and passed, en bloc; and the motions to reconsider be laid upon the table, en bloc, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object, Mr. President, I note that we are talking about some sort of capture of unused visas in the past, which we calculate at about 550,000. Maybe it is 300,000. This is a major alteration of current law that has a certain number of family members, a large number, actually, who can come in every year. This would be a major expansion of that.

Those are the kinds of things I think the Senate has gotten to the point we know we don't need to have a full debate on before we recess this year. Therefore, I consider that addition to the House bill that Senator MENENDEZ wishes to see become law as a nonstarter and would have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. MENENDEZ. Mr. President, I regret my colleague's objection. At the end of the day, I understand how passionately he feels. I hope he understands how passionately I feel. The reality is I find it very difficult when my constituents, U.S. citizens, paying their taxes, being good citizens, come to me and say: We cannot get reunified with our spouse. We cannot get reunified with our mother and father. We cannot get reunified with our son and daughter. That is the universe we are talking about.

If we do not stand for the very core value of family reunification, while we talk about those who have money to invest and who get visas because they have money, well, we have seen what has happened with our system around here when everything is about money, and it is a huge failure. The proposition is that if you have money, yes, you can get a visa. But God forbid we give a U.S. citizen who is claiming their family a visa as well.

I feel very passionately about this. I understand Senator SESSIONS feels very passionately about the way he views it, and I hope we can reconcile our passions and be able to have a little less heat, a little more light, and create an opportunity to be able to move forward in the days ahead. We have time until the end of November, and I certainly look forward to working constructively to make that happen.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 3527 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—H.R. 6049

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, September 23, following a period of morning business, the Senate proceed to the consideration of Calendar No. 767, H.R. 6049, the energy extenders, that the bill be considered under the following limitations: there be 60 minutes of general debate on the bill, equally divided and controlled between the leaders or their designees, that the only first-degree amendments in order be the following, with no other amendments in order, and that they be subject to an affirmative 60-vote threshold, and if the amendment achieves that threshold, then it be agreed to and the motion to reconsider be laid on table; if the amendment does not achieve that threshold, then it be withdrawn; that each amendment be subject to a debate limitation of 60 minutes, equally divided and controlled in the usual form: Baucus-Grassley substitute amendment regarding energy tax extenders with offset; Reid or designee perfecting amendment regarding AMT with offset; Baucus-Grassley perfecting amendment regarding tax extenders amendment without full offset; that it be in order for Senator CONRAD to raise a budget point of order against the amendment, and that once debate time has been used or yielded back, a motion to waive the applicable point of order be considered to have been made; further, that if the motion to waive is successful, then the amendment be agreed to and a motion to reconsider be laid on the table; if the motion to waive is not successful, the amendment be withdrawn; and that Senator CONRAD control up to 10 minutes of time during debate on this amendment; provided further that regardless of the outcome of the vote with respect to the Baucus-Grassley substitute amendment, the Senate would vote in relation to the remaining two amendments covered in this agreement, that the votes in relation to the above-listed amendments occur in the order listed after the use or yielding back of time; upon disposition of all amendments, the bill be read a third time and the Senate then proceed to vote on passage of the bill as amended, if amended, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

I ask unanimous consent that the cloture motions on the motions to proceed to Calendar No. 895 and Calendar No. 767 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we are keyed up now to start the energy debate on Tuesday. It has been a long, hard 24 hours. Everyone has been working hard. You have to be patient in this business. I especially extend my appreciation to Senators BAUCUS and GRASSLEY, and it has been difficult.

We have had a terrible natural disaster that has hit. Louisiana—not to denigrate Katrina—they still got hurt, but Texas was devastated. That is the reason this was held up. I understand Senator HUTCHISON and Senator CORNYN being concerned. I would say to them, if this does not take care of all of the problems, we will have to take another look at it because pictures are worth 1,000 words. We have had a lot of pictures about what took place with this terrible wind storm.

So, again, I wish we could have moved this more quickly. But certain things do not happen as you would want. Next week we have to complete this legislation. We just arrived at a way to move forward on it. We have to do what remains with energy after that. We have to do a CR and maybe a stimulus.

We still have the Coburn package floating around. So we have a lot to do. We will do our best to try to complete our work by a week from tomorrow. I also appreciate the efforts of my colleague, Senator MCCONNELL. It has been difficult for him because the problems have been on his side. But he has been a gentleman about this and has been probably more patient than I have.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, my good friend, the majority leader, should feel good about this. We are on the cusp of a very significant piece of legislation worked out on a bipartisan basis. I, too, feel grateful to Chairman BAUCUS and Ranking Member GRASSLEY for their endless number of hours in crafting this truly bipartisan compromise.

So I think it is something the Senate can be proud of achieving. We are set up to reach that achievement on Tuesday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I am very grateful to Senators for working to put this together for several reasons: One, this is going to help to create jobs in America. It is going to very much help American families. Third, it is going to help us move more quickly toward energy independence, something we all need.

On a procedural basis, I very much appreciate that this was worked out on a bipartisan basis. I worked with my good friend from Iowa, Senator GRASSLEY, also with the staffs of the majority leader and minority leader, and other key Senators who worked together to put this together.

I am very grateful, frankly, that we see a glide path now. We are going to get this legislation enacted, hopefully, on Tuesday. Again, my thanks to everyone involved.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. 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. VOINOVICH. Mr. President, I ask unanimous consent to speak for up to 17 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGARDING ENERGY AND NATIONAL SECURITY

Mr. VOINOVICH. Mr. President, I rise today to speak about one of the top issues facing our Nation: the high cost of energy and how it relates to our national security.

There has been much controversy on Capitol Hill regarding the reason why prices have climbed. My colleagues have introduced various pieces of legislation that attempt to address our energy security.

I am hearing loud and clear from thousands of Ohioans how this crisis is directly affecting them and their loved ones. Ohioans are demanding that the Senate have a lengthy and open debate on the issue of high energy costs. They are expecting that we work together in a bipartisan fashion to craft legislation that will address our Nation's long-term energy requirements and set us down a path towards energy independence.

Their urgency is underscored by the fact that this is no longer just a question about the price of oil but also about national security.

Americans are hurting from our addiction to oil, but I am not sure they fully realize the extent our national security; and indeed our very way of life, is threatened by our reliance on foreign oil.

Every year we send hundreds of billions of dollars overseas for oil to pad the coffers of many nations that do not have our best interests at heart, and to some like Venezuela, whose leader has threatened to cut off oil.

In fact, in 2007, we spent more than $327 billion to import oil, and 60 percent of that, or nearly $200 billion, went to the oil-exporting OPEC nations. In 2008, the amount we will spend to import oil is expected to double to more than $600 billion, $360 billion of which will come from OPEC. Let's take a moment to put those import figures into context. When compared to our Fiscal Year 2008 budget for our Nation's defense, which was more than $693 billion, the $600 billion we will spend to import oil in 2008 is nearly equal to our entire defense budget.

There is no question that our dependence on foreign oil has serious national security implications. In addition to funding our enemies—as I just explained—we cannot ignore the fact that much of our oil comes from and travels through the most volatile regions of the world.

A couple of years ago I attended a series of war games hosted by the National Defense University. I saw firsthand how our country's economy could be brought to its knees if somebody wanted to cut off our oil.

In 2006, Hillard Huntington, executive director of Stanford University's Energy Modeling Forum testified before the Senate Foreign Relations Committee, and stated that based on his modeling, ''the odds of a foreign oil disruption happening over the next 10 years are slightly higher [than] 80 percent.'' He went on to testify that if global production were reduced by merely 2.1 percent due to some event, it would have a more serious effect on oil prices and the economy than hurricanes Katrina and Rita.

And our dependence on foreign oil is even more troubling when you consider our Nation's financial situation.

The national debt stands at $9.3 trillion, almost double the $5.4 trillion debt that existed when I came to the Senate in 1999. By the end of 2009, the national debt is expected to have grown to $10.5 trillion.

In July, the Office of Management and Budget projected a $389 billion budget deficit for 2008. And this week even worse numbers came from the Congressional Budget Office. CBO said the Federal Government will finish the fiscal year with a near-record deficit of $407 billion.

These numbers, however, do not include borrowing from the Social Security trust fund and other trust funds to the tune of $184 billion. So the real operating deficit is actually projected at $591 billion—almost three times the $219 billion deficit projected at the start of 2008.

We cannot overlook our ballooning national debt. Today 51 percent of the privately owned national debt is held by foreign creditors—mostly foreign central banks. That is up from just 6 years ago. Foreign creditors provided more than 70 percent of the funds that the U.S. has borrowed since 2001, according to the Department of Treasury. And who are these creditors?

According to the Treasury Department, the three largest foreign holders of U.S. debt are China, Japan, and OPEC nations. With the debt skyrocketing to 10.5 trillion in fiscal year 2009 and the plight of our financial markets we can expect an even greater involvement by these countries in purchasing our debt.

This is insane and it has to stop. We can not afford to allow the countries that control our oil and our debt to control our future. It is time that we took our future into our own hands.

Let's take a moment to think of our Nation like a business. Our feedstock is oil, and our competitors control the supply and price of our oil. We have debt, but our competitors also control our debt. What's to keep our competitors from raising prices, calling in our debt and running us out of business?

I imagine that many have yet to hear of this, but it has been rumored that countries like China, with large financial holdings in Fannie Mae and Freddie Mac, pressured Secretary Paulson to bail out the corporations, by threatening to reduce their security holdings.

This is a very real example of how not only our foreign policies, but even domestic policies can be stymied due to reckless fiscal policy. I hope it frightens you as much as it frightens me. It certainly has dramatic effects in the present, but portend what it does for our children and grandchildren futures which we continue to mortgage with the irresponsible use of their credit card.

But also keep in mind, that as we sit here and twiddle our thumbs over simply expanding domestic drilling within our own borders, Russia and China are actively and aggressively laying claim to energy resources around the globe.

Russia, the world's second biggest oil exporter, is trying to lay claim to large section of the Arctic seafloor that is believed to contain billion of barrels of fuel equivalent. The country has also made moves to control a larger portion of the world's natural gas reserves. Russia, which has significant reserves of natural gas, is considering the creation of a natural gas cartel similar to OPEC. Venezuela and Iran have expressed interest.

Russia has proven it has no qualms with using energy as a weapon. In 1990, Russia tried to suppress independence movements in the Baltics by cutting energy supplies. In all, Russia has used energy as a tool to further their foreign policy goals on no less than six countries over the last 15 years. And energy is believed to be one of the driving reasons for Russia's military action in the independent nation of Georgia, through which passes a critical oil pipeline.

China as well is moving ahead in securing its energy future. In Africa, China is handing out loans and funding expansive infrastructure projects in an effort to lay claim to lucrative oil reserves. With the help of Chinese investment, Angola recently passed Nigeria to become the largest petroleum producer on the continent.

Can you imagine these countries scratching their heads in disbelief when they see the U.S. with the largest energy reserves in the world debating to drill or not drill?

My friends, we have allowed the environmental lobby to run wild. As a result, we have had a tail wagging the dog environmental policy which has ignored our energy, economy and national security interest.

And why did Congress let them get away with it? Because oil was cheap and some of my colleagues on the other side of the aisle were afraid of the 30 second commercials that would be run against them if they didn't toe the environmental line.

Now the chickens have come home to roost. Ask any Ohioan about the high price of gasoline. They will give you an ear full. Many of them have told me about how both the price of gasoline and the price of natural gas are affecting them where it hurts, right in the pocketbook and in their quality of life. These are the middle class Americans, the elderly and the poor that my friends on the other side of the isle keep talking about.

Addressing this crisis requires nothing less than a Second Declaration of Independence—to move us away from foreign sources of energy in the near term and away from oil itself in the long term. To do this I believe we must find more, use less, and conserve what we have. As T. Boone Pickens said, ''we need to do it all.''

In order to find more and stabilize our Nation's energy supply we must enact policies to increase responsible development of our abundant American resources.

The fact of the matter is that when you take into account our untapped oil shale reserves, we have more oil resources than any other part of the world. The Department of Energy estimates that America's total oil shale resources could exceed 2 trillion barrels of oil equivalent, and there are currently 800 billion barrels of proven reserves. This is three times larger than the total proven oil reserves of Saudi Arabia.

Further, the majority of conventional resources are locked up due to shortsighted congressional moratoria. Eighty-five percent of our offshore acreage and 65 percent of our onshore acreage is off limits.

I was very embarrassed when our President went over to Saudi Arabia, just a few months ago, with hat in hand to beg for them to increase oil production. And last month I spoke with oilman T. Boone Pickens, who was recently in Saudi Arabia. He said they asked him, ''Why is your country asking us for oil, why aren't you exploring your own?''

The Saudis couldn't have been more right. Rather than begging foreign countries for their oil, we need to be utilizing our own. That means opening up areas like the Outer Continental Shelf and ANWR for oil exploration. And that means capitalizing on our vast reserves of coal, oil shale, and tar sands.

While we must increase our production of fossil fuels to relieve costs and reestablish our independence in the short term, in the long term we must reduce our demand for oil.

And with that goal in mind, it is essential that we explore alternative means to meet our Nation's energy needs.

It is long past time for our government to provide the spark to rekindle

our Nation's creativity and innovation. Following Russia's launch of Sputnik, President Kennedy challenged our country in 10 years to be the first in the world to land a man on the Moon. And it was Neil Armstrong, an Ohioan, who did it. If we can put a man on the Moon, there is no reason why we cannot be the first country in the world to not have to rely predominantly on oil for our transportation needs.

It is time we undertook a similar Apollo-like project to establish clean, reliable and domestically abundant energy alternatives and in turn usher in a new era of American freedom and independence.

And through this new Apollo program, we must encourage further advances in biofuels, electric-hybrid plug-in vehicles and fuel cells.

One of the best shots we have in significantly reducing our reliance on foreign oil is plug-in hybrid vehicles. If half our fleet of 240 million vehicles were converted to electric-hybrids, we could reduce our oil imports by 4 to 5 million BPD. Just doing this could cut our reliance on foreign oil by 40 percent.

Americans today demand action. And they demand we come together in a bipartisan fashion to solve this crisis. I commend my colleagues in the ''Group of 10'' on their efforts to find sensible solutions to this crisis. While their bill is not perfect, it would be my hope that we can continue to work together to move our country towards energy independence.

Regardless of what one thinks of the specifics of the bipartisan proposal, this is the way we should be trying to get things done around here—Senators of good will from both parties coming together, with everyone willing to give up a little of what they want in order to move the country forward. My greatest frustration in the Senate is the partisanship and game playing. We must end the gridlock and put the people's business first.

I honestly believe that the best message we can send to OPEC, those investing in the oil market, and indeed the entire world, is that we are mad as heck and won't take it anymore. We must demonstrate that we are going to find more by going after every drop of oil that we can responsibly drill and that we are going to use less by undertaking a new Apollo program, and continue to conserve and become more energy efficient.

I envision an America where in 10 years we have enough oil to take care of our needs. I imagine an America that is the least reliant nation in the world on oil. An America where our economy is not threatened, an America that has created thousands of jobs by finding more and developing technologies that use less. It will be an America that has gone from the bottom of the barrel to the top. Who's national security is without threat because we have removed the potential of energy being used as a ''weapon'' against us by those who do not share our values?

We must put aside our differences and come together to reaffirm our Nation's independence for a second time. We can usher in a new era of prosperity and a guarantee that in the new global economy we will maintain our position as the greatest military and economic power in the world.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. CASEY. Mr. President, I know it is getting late in the evening, and we are at the end of a long day for a lot of people in our country. I want to talk about not just the economic crisis our families and our country are living through right now, but also what we have seen over the last couple of years, and certainly in the last 7 to almost 8 years now.

I think it is instructive to look at where we were 7 years ago and where we are today. By virtually every indicator, it is a much tougher world for a lot of families, especially working families and poor families. On the one hand, you have an increase in the number of Americans living in poverty; by one estimate, more than 5.5 million more people. So now that number goes above 38 million Americans.

Health care, there are so many different ways to look at it. I know in my home State of Pennsylvania, since 2000, family premiums—the cost of health care for a family—are up by almost 50 percent, between 45 and 50 percent. If you look at it in another way, in terms of overall health care, we have seen these national numbers of 47 million Americans uninsured right now in the country. Some say it dropped to 45 million. Whatever that number is—whether it is 45 million or 47 million—it is way too high.

I think the current administration has done nothing to address that—no leadership by the President, no prioritization of that issue as a compelling national issue. There are 9 million American children with no health insurance, and the President vetoed the expansion of the Children's Health Insurance Program, which, as the Presiding Officer knows, got almost 70 votes in this Chamber more than once.

There are so many different ways to look at these numbers. In the last year, over 605,000 Americans lost their jobs. The mortgage crisis, the foreclosure crisis is in the lives of so many families. I live in a State which, if you compare it to other States, relatively, has not had as much of a problem as some States such as California or Nevada or others.

But in the month of August of this year—August of 2008—versus August of 2007, if you compare it month to month for those 2 years—August 2007 to August 2008—the foreclosure rate in Pennsylvania is up some 60 percent, much higher than the national rate. So even in a State which has not felt the same effects, relatively, as these other States, now the foreclosure crisis is closing in on places and on families in Pennsylvania. In so many indicators, we can see it.

We can see it obviously on Wall Street in the headlines. I do not need to repeat what we have seen in the newspaper. But I think when we look at our own communities, we can see the same is true. I am not going to read all of this document. I am going to have it printed in the RECORD. I am going to read the headline and ask that the document be made a part of the RECORD: ''Recent major Pennsylvania plant closings and/or layoffs.'' I ask unanimous consent to have this document printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECENT MAJOR PENNSYLVANIA PLANT CLOSINGS AND/OR LAYOFFS

NORTHEAST

Luzerne County, Wilkes-Barre: Geisinger Health System in South Wilkes-Barre is laying off 451 employees, primarily those who work in inpatient services, by September 2008.

Luzerne County, Mountaintop: Fairchild Semiconductor International is laying off 331 employees, this was announced 7/24/2008.

LEHIGH VALLEY

Lehigh County, Allentown: Mack Trucks Inc. is moving 800+ jobs from Allentown to North Carolina when it consolidates its headquarters by the end of 2009. This will be partially offset when Mack moves 200+ jobs from Virginia into its Macungie manufacturing facility by the end of 2008. This was announced on 8/14/2008.

SOUTHEAST

Montgomery County, King of Prussia: Idearc Media Corporation laid off some 120 CWA members at the end of 2007 from its facility in King of Prussia. The workers there produced advertisements for the yellow-pages phone book. Idearc moved this production to India and laid off half of the 240 employed at this facility.

Bucks County, Warrington: MeadWestvaco Consumer Packaging Group LLC is laying off 145 when they close their packaging manufacturing plant in Warrington, which was announced on 5/15/2008.

Northumberland County, Elysburg: Paper Magic Group Inc. is laying off 312 employees when it closes its Elysburg facility. This was announced on 1/4/2008.

Berks County, Reading: Hershey Inc. is laying off 274 when it closes its Reading facility, announced on 3/14/2008.

Montgomery County, Fort Washington: Chase Home Lending is laying off 266 employees, announced on 5/29/2008.

CENTRAL AND SOUTHCENTRAL

York County, York: Harley Davidson is laying off 300 as part of a nationwide layoff of 730. The layoffs were scheduled to begin this month.

Fulton County, McConnellsburg: JLG Industries is laying off 375 employees by September of this year. They produce heavy aerial lifts and work platforms. It was announced in July that they will be laying off 250 employees in McConnellsburg, 100 at Shippensburg, and 25 at Bedford.

Centre County, Bellefonte: Bolton Metal Products is laying off 223 when it closes its Bellefonte facility due to increased foreign competition. This was announced on 2/4/2008. A letter under your signature was sent to the Department of Labor in support of the workers when they were denied TAA benefits. The workers then won the benefits on their appeal.

York County, Red Lion: Yorktowne Inc. is laying off 349 employees when it closes its plant #6 in Red Lion. This was announced on 1/23/2008.

Lancaster County, East Petersburg: Sterling Financial is laying off 325 employees in its East Petersburg facility, which was announced on 4/15/2008.

SOUTHWEST

Allegheny County, Bethel Park: Washington Mutual is laying off 247 when it closes its facility in Bethel Park. This was announced on 4/9/2008.

NORTHWEST

Erie County, Corry: Erie Plastics is laying off 189 employees, announced on 2/15/2008.

Mr. CASEY. This is a brief summary of plant closings that involve hundreds of jobs in particular communities: Luzerne County—the county right next to my home county—451 employees at Geisinger Health System losing their jobs; 331 employees at the Fairchild Semiconductor International plant being laid off. That was announced in July. In Lehigh Valley, at Mack Trucks: more than 800 jobs being lost in our State and moving to another State. In Montgomery County—a very prosperous county in southeastern Pennsylvania—a corporation there laying off 120 employees. In Bucks County, a company there laying off 145 employees. In Berks County, Hershey Incorporated laying off 274 employees. That is just in the southeast.

Then you go to central Pennsylvania. In York County, a plant there—Harley Davidson, in fact—laying off 300 employees; a plant in Fulton County—a very small county in Pennsylvania—laying off 375 employees.

It goes on from there: hundreds and hundreds of people losing their jobs, just in some communities in Pennsylvania, just this year. So that is exhibit A in terms of job loss in Pennsylvania.

But also I think it gets back to this whole question of about what the Congress can do. We look at what has been happening on Wall Street—the loss of wealth, the loss of confidence—but what is happening on Wall Street mirrors what has happened in the lives of a lot of families. When you lose your house—and because of foreclosure, you are forced out of your home—you lose not only your home, the place you live, the place your family lives—a sense of your own, and the reality, I should say, of your own net worth—but as much as all that, you lose your dignity. So many families have lost that dignity. I think as much as we in the Congress, for the next couple of weeks and months, even leading into a new administration, will debate policies that pertain to financial markets—what about credit, what about capital, all these terms, ''liquidity,'' the things we are hearing a lot about as they pertain to Wall Street—and regulation is going to be an important part of what we do—but as we debate all of those issues, I think we have to get back to the fundamentals about why we are living through this nightmare.

Part of it is the failure of this administration to do something in an aggressive way about regulation. Part of it is greed. But what resulted from that greed and from that inability to regulate markets and to oversee mortgages in an appropriate way is the fact that we have foreclosures. So if the Congress wants to respond to this in a positive way, to get something done, we have to do something about foreclosures, to bring that number down, to keep people in their homes and thereby to strengthen neighborhoods and our economy overall. If we keep neighborhoods strong, keep people in their homes, it will affect the whole world's financial markets and certainly our economy.

So what do we do? Well, I think what we can do—there will be a lot of proposals about how to get there—but just broadly—and I will conclude with these thoughts—to get there broadly what we have to do is to say: If in the July legislation—which was not everything that all of us wanted; I know the Presiding Officer and I probably wanted a lot more in that bill than we got, but what we did in that bill was to create an opportunity for 400,000 people to stay in their homes by getting the borrower and the lender in the same room, so to speak, to work out a modification, to work out some arrangement to keep that family in that home. What we have to do is take that 400,000 and expand it exponentially to at least a million and, beyond that, if possible, to do everything possible to keep those families in their homes.

If there is nothing else the Congress does for the next couple of months but focusing on the prevention of foreclosures, we will have contributed significantly to preventing some of the trauma we see on Wall Street and, as we have been hearing over and over again, on the Main Streets of America in the lives of our families.

There are a lot of ways to do that. One of those strategies is making sure that the prevention of predatory lending is a higher priority. But I think focusing on individual mortgages and the relationship between an individual lender and that homeowner is going to be critical to this. So we have to expand what we have already done and do more on keeping people in their homes.

We will talk more about it. But do you know what. All the answers to these questions do not simply reside in what we talk about in the Senate or what happens in the House or here in Washington. A lot of good ideas are coming from our communities.

I point to one example. In Philadelphia—one of the places in Pennsylvania where the foreclosure rate has been far too high, even though other places have escaped it so far—in the city of Philadelphia, the court system, Judge Darnell Jones, and others, the mayor of the city, Michael Nutter, a very effective and capable mayor, came together with activists and people who understand how to keep people in their homes and said: Let's develop a program at the local level, and let's try to implement it.

They developed the Residential Mortgage Foreclosure Diversion Pilot Program. I have spoken about this before. But it is a kind of example we should expand upon and use as an example to keep people in their homes. In a word or two, it is an early intervention program. Instead of letting these mortgages go so far out of control where someone cannot stay in their home, they intervene earlier. The courts are able to facilitate loan workouts and other solutions to keep homeowners and their families in their homes.

It is an effort, as I said before, by the city and the mayor's office, Mayor Nutter, of being able to bring together housing advocates, volunteer attorneys, lenders, and servicers who all share the same goal of keeping people in their homes.

Now, the interests of these groups are divergent, but they have set aside those differences, and they realize that stemming the tide of foreclosure helps everyone. It obviously helps the homeowner and the family and the community. But it also helps lenders and, in a very substantial way, our economy.

So that is one example. We will talk more about it later in detail. But we need to enact policies that make sure those kinds of good examples coming from our communities become part of national policy. If we do that—if we are able to keep more and more, instead of 400,000 people staying in their homes, we make that 1 million, or even higher than that; if we do that, I think we can begin to stabilize the root cause of a lot of our problems.

In addition to that, we have to do more in regulation. We have to do much more in holding government agencies accountable that should have been the cop on the beat, so to speak, when it comes to what happens to lending practices and to mortgage practices.

So there is much to do, but I think the best thing we can do is focus on the root cause of this, which is foreclosures and the prevention of those foreclosures through counseling, through good programs, and through bringing people together at a time of real stress in the life of families. I think we can do that. I think we have done that in the past. I think it is a bipartisan wish. What we are going to need here is leadership beyond the finger-pointing that we often see here in Washington.

So if we bring that spirit to this priority of stabilizing our economy, I think we can move forward and have a much stronger economy. If we choose not to and choose to focus on issues that will divide us when it comes to foreclosures, I think we are going to be off on the wrong track.

INTERNATIONAL BOUNDARY AND WATER COMMISSION TRAGEDY

Mr. BINGAMAN. Mr. President, I would like to take a few minutes today to express my sadness regarding the tragedy this week involving officials with the International Boundary and Water Commission, IBWC. On Monday, an airplane carrying U.S. Commissioner Carlos Marin; Mexican Commissioner Arturo Herrera; and also Jake Brisbin, Jr., Executive Director of the Rio Grande Council of Governments; and Matthew Peter Juneau, the pilot, was reported as missing when it failed to arrive at its destination of Presidio, TX. Wreckage of that aircraft was located yesterday, and it was confirmed that there were no survivors. I offer my condolences to the family members of all of the individuals who were on the aircraft.

I would like to say a few words in particular about Commissioner Marin, who I had the pleasure of working with on a range of IBWC matters in New Mexico. Commissioner Marin was appointed to his position by President Bush in December 2006 after 27 years of service to the Commission. Previous to that, he worked with the Bureau of Reclamation after receiving a bachelor's degree in civil, engineering. He took over the IBWC at a tumultuous time, and quickly gained the respect of his colleagues and employees with calm and steady leadership of the agency. He was a problem-solver, focused on the IBWC's mission, and someone who was always readily accessible to my staff and me. Recently, my staff worked with him on the management plan for the Rio Grande in southern New Mexico. Commissioner Marin was instrumental in moving this project along after an impasse of many years. We will miss his effective leadership and his warm personality. My sympathies go out to his wife Rosa and two adult children.

DEFENSE AUTHORIZATION

Mr. FEINGOLD. Mr. President, the 2008 Defense authorization bill contains a number of provisions that I strongly support. I support a pay raise for our troops, elimination of the SBP–DIC offset—which I was pleased to vote for—and extra funding for barracks maintenance. I also strongly support the provision limiting the outsourcing of private security functions in war zones. During this time of incredible strain on the women and men serving in the Armed Forces, it is essential that we provide them the best quality of life we possibly can.

However, I voted in opposition to the bill because it contains $70 billion to continue the war in Iraq but no language mandating that we safely redeploy our troops. Seven years after September 11, we remain bogged down in a conflict that is undermining our efforts to combat those who attacked us. We must redeploy from Iraq so that we can focus on the global threat posed by al-Qaida and its affiliates, particularly with respect to al-Qaida's safe haven in Pakistan along the Afghanistan border.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

My family runs a purebred cattle ranch. Two years ago, my oldest son decided he wanted to join us in the ranching business, so we doubled our cowherd and made some changes. It was a challenge to feed another family, but one we were willing to take. Last year, we had to refinance the farm to get a little breathing room, but within one year, the margin we gave ourselves by refinancing was gone with the skyrocketing cost of feed, fertilizer, and fuel—all as a result of the cost of fuel. Now our power rates have increased, also. There was not money in the budget for my son and he had to take a job in town. Now I am left with twice the work and half the help.

I have two other sons that stated recently a business installing dairy lockups. They have taken on a lot of debt for equipment and also have to support a family. Within just a few months, they have seen the rising cost of diesel eat into their business to the point that I think they will have to take out bankruptcy and try to piece their lives together afterwards. A pretty rough start for a 22-year-old newlywed and an 18-year-old. They watch their spending, but right now they are maxed out on their credit because of fuel costs and cannot even afford to get to their job sites. All our government officials need to be doing more. Absolutely open up our own oil fields. We need more refineries and more alternative fuel sources. I think hydrogen has excellent possibilities. And Idaho is an excellent source of wind. Something has got to be done and I mean now or this state will blow away.

MIKE, *Gooding.*

Short term: gas prices, depending on how soon we can start pumping oil, let us start drilling and refining here in the US. Same with nuclear power.

Long term: Honda just announced a new hydrogen fuel cell hybrid car that is three times as fuel efficient as the current hybrids. Will not be ready for about ten years, they say. Let us have these vehicles ready to purchase in three years, not ten. Same with electric cars. And give these businesses some kind of a [tax] break to keep the price of these vehicles down so everyone can afford to buy them, not just the movie stars in Hollywood!

RICK.

Please put politics aside and get serious about solving the energy crisis. You are the leaders of this country. You are representing the country very poorly. I am so amazed and ashamed of the way our leaders are putting themselves before the good of the country. Our forefathers were patriots! There are a few of you that are trying to solve the energy crisis. Quit throwing road blocks in front of those people.

My husband and I are retired, and the high cost of fuel is really hurting us. We live in a small town in Idaho, and we do not have public transportation. It is not like living in a city. Everything is spread out, so we have to drive almost everywhere. We have no choice. We bought a fifth wheel and a diesel truck when we retired. We planned on taking a summer trip in our RV to the Oregon Coast, but that will not happen. We just hope that we can take our RV to Arizona this winter. We have saved all our lives for our retirement, and the energy situation is wiping out our savings.

Let us see action [to back up the words we hear from our leaders]. Get off of foreign oil and become independent. Do the right thing and plan ahead. If it takes ten years to develop domestic oil wells, then get with it. This is a serious problem that is really hurting Americans.

LINDA, *Fruitland.*

I am concerned about the price of energy. Gas prices have gone up, and this is disconcerting and expensive. I am a mother of three and a devoted conservative. Last year we made plans to take a vacation on the Oregon coast this summer. Since we made those plans, gas prices have almost doubled. Now that we paid our deposit on the beach house, we cannot really back out, and it is still unaffordable to fly a family of five there, but we are afraid it is going to cost $600–900 in gas just to get there. When we made our plans, we were thinking more in the $300–400 range. But if this sounds bad, my brother and his wife who are going with us, both schoolteachers, with their six kids between the two of them (it is a blended family) will have to take two cars. So what was once a fun affordable summer vacation is now in the ridiculous range, just to get there, without food or hotel or fees for anything fun.

Why can't we drill for oil here in America? Why is our dirt so much more sacred than the dirt in the rest of the world? Let us look in our own country's wealth of resources to address this issue.

I am also highly supportive of exploring all our other resources: nuclear, water, wind, coal, etc. I know there are Native American reservations that want to build nuclear plants and they have been forbidden because of safety concerns. They should be allowed to build these plants, and I believe Americans are committed to the safety of our citizens in the process of exploring these other options. I am all for nuclear energy, with it is cost effectiveness and cleanliness.

I also believe here in Idaho we should be jumping at the chance to expand our public transportation in the form of a light-rail train. At this time of expensive gas, it would really be serving our community if we as citizens could look ahead and vote for it. I have lived in Utah and utilized their light rail (it runs full nearly every run) as well as traveled throughout Europe on their train systems. The convenience of traveling to downtown Boise from Meridian, or to BSU would be great. Not having to worry about parking or gas is wonderful. Can you imagine what this would do for the students of the valley if they could take the train to BSU? It was about four years from the time Utah voted it in until they could actually ride it. Let us begin!

Thank you for taking this issue seriously. Let us drill, let us build a train, and let us build a nuclear plant here in Idaho.

TAWNA, *Meridian*.

[Partisan policies have kept this issue from being resolved for many years.] The solution has been very obvious for a very, very long time. Simply ''explain'' to the oil companies that they have a choice. That is to either pay a huge windfall tax, or to immediately invest those windfall profits in new drilling in all the areas we already know we have an abundance of oil—and, by the way, process the huge supply of oil shale—if you recall, they said, ''when oil gets to $50 a barrel, it would be profitable!'' Well, what have they been waiting for?!

By the way, just the mention of this will cause the price of oil to drop $50 a barrel, if not more! But [there is too much special interest and environmentalist influence to take this simple solution.]

Plus, once you have that in place, the economy and the dollar are immediately strengthened. The next obvious step is to mandate that corn and other food stuffs will not be used for fuel, such as ethanol. There are many byproducts and non-food stuffs that are easily accessible and readily available that will produce that which is now obtained from corn. Consequently, not only will the price of gasoline, diesel and home heating fuels, etc. drop drastically, but the price of food and other products will drop back into line.

Of course, this would require that [partisanship be put aside and that small minorities and special interest groups take a back seat to the public interest.] Take action and set this country back on track and bring its economy back under control.

Like to hear from yuh . . . good luck,

BRUCE.

Gas prices have affected my family. How have we responded? We have chosen to conserve energy by driving less! We bike as much as possible, and are more mindful of when and where we choose to drive. In addition we drive relatively fuel-efficient vehicles. I disagree with the notion that we need to invade every last corner of our wonderful country in order to try to squeeze as much oil out of our domestic reserves as possible. That approach seems very short sighted to me. Clearly the heyday of cheap, readily available oil is over. Not only is oil bad for the environment, but it is not renewable. Our focus must be first on conservation. We should be focusing on increasing mass transit opportunities in Idaho and across the nation. We should also work on developing and rewarding businesses that are developing new, innovative green technologies such as electric cars. Secondly, we must be focusing on clean, renewable energy resources such as solar and wind power. But the major emphasis must be to limit the wastefulness that we have become accustom to in this nation.

KRISTIN, *Boise*.

This has been a great concern to our family and we have wondered why there has not been more help from our government with this problem. If it were just the gas prices it might be something we could struggle through, but everything has increased in cost, much of which, I believe, is a direct result of the skyrocketing gas prices.

Our family is a blended family. We live in Rexburg, Idaho, but transfer children on two weekends to Logan, Utah, and on the other two weekends to Salt Lake City, Utah. At least this is what we are supposed to be doing. We were already spending around $300–$400 a month in gas before the prices jumped so high. We had to cut back our visits because we started going more and more in debt just to put gas in our car. It became a choice of securing our family relations and seeing some of our children or putting food on the table, maintaining a relationship with sons and daughters or keeping ourselves from going bankrupt. There are children we see sometimes less than once a month because of this. We cannot attend their school plays, their sports events, and have even missed their first dates and dances. There has been nothing we can do about it and it has been very emotionally painful for all of us. My last trip to Salt Lake cost $177 in gas. It made me sick to have to spend that much just so I could see my daughter graduate, and as I sat at the pump watching the numbers climb, I knew I was just going farther into debt but I could not imagine missing that event.

Please, please keep trying to find an answer. We have fuel resources here. Why are not we using them? Yes, we need to protect the environment, but I do not think that will matter much to anyone if we cannot buy food or drive to work. I see articles all the time about cars that run on water or even air. Is this true? If it is, why are they not available to us? I believe there are answers and alternatives that do not require using our food crop to fill our cars. I do not know all the facts or have all the answers, but I do know that we cannot continue this way. It will not take long to become a bankrupt nation if we do not make some changes and fast. Thank you for trying to resolve this.

BEVERLY, *Rexburg*.

I have lived and worked as an auto mechanic in Boise for nearly 30 years. A couple of years ago I became ill and suffered some physical damage, which has forced a change in professions. I have taken some schooling and become an instructor of auto mechanics.

Finding a job as a new automotive teacher has been a challenge, as there are few opportunities scattered around the Treasure Valley. I now begin my second year of teaching for the Canyon Owyhee School Service Agency, a consortium of five small rural school districts. I am required to travel among Parma, Notus, Wilder, Marsing, and Homedale High Schools. I am proud of the students I am training, and feel that I have found a worthy role to play in the lives of our youth. The catch is that I must drive about 120 miles per day. Because only one of these schools is equipped with an actual auto shop, I must carry with me substantial weight in tools, auto parts, training devices, and I have even towed cars from time to time.

My transition to teaching may seem like a logical move for a man in my physical situation, but it has cut my income considerably. I also carry the burden of residual medical bills and the cost of the continuing education required for my teaching credentials. I do receive a small mileage allowance, for miles driven within the district, but those are about half of the miles I drive. (Miles to and from my home in Boise are excluded.) Obviously, rising fuel and maintenance costs have substantially contributed to economic hardship as I struggle to rebuild some kind of a career. Fuel has risen in price more than eighty cents per gallon throughout this past school year, so I now must pay about $14 each day, out of pocket, for my daily commute. I fear that between the real issues of an inadequate teaching salary and skyrocketing fuel costs, despite my efforts to remain a productive citizen, I will be forced out of my home, or even into unemployment lines.

KELLY, *Boise*.

My family and I have been affected in surprising ways by the increase in oil prices. We have always tried to be careful and conservative in our use of all of our country's resources and oil and gas are no exception. So it was a surprise to us that when our car's gas price went up above $4 per gallon, we were suddenly more thoughtful about how and when we drive the car. We had thought we were as conservative as we could comfortably be with the amount we drove the cars, but it turns out that, overnight, we thought of many ways and times that we could leave the car in the garage and take the bus or ride a bike or even combine multiple trips into one weekly trip. It is only been a short time that the change has occurred and it has been in the summer time that offers many options. However, we are very pleased with the changes and are even considering getting rid of one of our cars as it they are both now sitting in the garage so much of the time.

I hope that this state and nation takes on the challenge of giving greater and greater incentives to alternative/renewable energy production and that we can work toward reducing greenhouse gases that this country is producing at such high rates. We are a country full of creative citizens and technological skills. I hope that we can start being a leader in this area rather than the most slow of followers. I know that this has not been your perspective but I hope that you can see the advantages to our citizens and growing technological community in supporting future climate change incentive and decentive bills.

ELIZABETH.

I now have a choice—medicine or gas, doctor appointment or gas; I cannot afford both, health or gas. Guess I could go on welfare and live off of the state. I drive ten miles to work, my husband drives 30 miles (both one way). We could move, but try to sell a house in this economy. So the middle class is out of luck again. Please do something.

JO.

Since the fuel price increases have become a part of my day-to-day concerns, I have observed a $240 increase in my monthly spending in fuel for my vehicle. I only use my vehicle to go to work. I buy groceries within two miles of my work place, and that is the extent of my driving. My groceries are running about 40% higher, but I am sure that it something to do with using our tax dollars to subsidized the corn growers to build the ethanol plants what are of no significant value other than to help someone's friend make money and secure their job. But I digress; the subject is the fuel pricing and how it affects me. In the past, I would commute to Boise once a week and enjoy a dinner out because there are no restaurants in Mt Home that [I enjoy], but that, too, has past because of the fuel pricing. I am sure there are others in the same situation, and it must be hurting the restaurants and all other businesses in that area because we are dedicating our money to the rising fuel costs. Nevertheless, I will go on cutting my spending to accommodate the rising fuel costs until something

better comes along. No! I will not get rid of my Ford F–150 because I am a tall person and require the leg and head room. I know that comes at a price but I would rather do that than to sacrifice the comfort.

STEPHEN, *Mountain Home AFB.*

TRIBUTE TO THE POLYNESIAN VOYAGING SOCIETY

Mr. INOUYE. Mr. President, today I would like to recognize the Polynesian Voyaging Society. For more than a quarter century, members of the Polynesian Voyaging Society have dedicated much of their lives to voyages of exploration and discovery that have retraced every major migratory route of the ancient Polynesians. These voyages are not recreational but rather journeys that illustrate the scientific prowess of the Polynesian people and the strong connection between science and culture. Their commitment to the legacy of oceanic exploration seeks to integrate traditional voyaging into quality education. The Polynesian Voyaging Society has renewed interest in maritime exploration and reawakened Native Hawaiian pride in environmental awareness and ocean stewardship.

In today's age of modern technology, much can be learned from the past. Hawaii's past and future will always be intimately tied to the ocean for recreation, commerce, and transportation. The society exemplifies the importance of raising awareness of and protecting the unique treasures Hawaii's culture offers, and serves to enlighten a new generation of young people. Its members are truly a testament to Hawaii's oceanic heritage.

PROTECTION FROM CHILD PREDATORS

Mr. ALEXANDER. Mr. President, today I joined as a cosponsor of two bills to protect children: S. 1738, the Combating Child Exploitation Act; and S. 519, the Securing Adolescents from Exploitation-Online—SAFE—Act.

I am cosponsoring S. 1738 to signal my support for this bipartisan effort to create a nationwide network of highly trained law enforcement experts to track down and prosecute child predators who exploit children, but it is my hope that Congress would enact the modified version of this legislation that was included in bills separately introduced by the majority leader—S. 3297—and Senator COBURN—S. 3344.

Unfortunately, both bills have been held up by partisan gridlock despite widespread support on both sides of the aisle. In fact, the House version of the SAFE Act—H.R. 3791—passed the House of Representatives by a vote of 409–2 in December 2007. That is why I believe that both bills H.R. 3791 and the modified version of S. 1738 could pass by unanimous consent if they were called up and passed together.

It is time to stop playing politics, bring these bills to the Senate floor and let the Senate approve them. Child exploitation is too important a problem to get caught up in partisan politics. I urge the majority leader to call up and pass these two bills without delay, and without either being attached to other legislation that could prevent them from becoming law.

I can't think of a more bipartisan step for the Senate to take this month than ending this impasse and passing these two worthwhile bills to protect children.

RED RIBBON WEEK

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague, Senator MURKOWSKI, in cosponsoring a resolution commemorating Red Ribbon Week. Red Ribbon Week, observed October 23–31, encourages individuals, families, and communities to take a stand against alcohol, tobacco and illegal drug abuse. During this week, students all over the country pledge to live drug and alcohol free.

The tradition of Red Ribbon Week, now in its 23rd year of wearing and displaying red ribbons, started following the assassination of U.S. Drug Enforcement Administration Special Agent Enrique ''Kiki'' Camarena. In an effort to honor his memory and unite in the battle against drug crime and abuse, friends, neighbors, and students from his home town of Calexico, CA, began wearing red ribbons. Shortly thereafter, the National Family Partnership took the celebration nationwide. Since then, the Red Ribbon campaign has reached millions of children, families, and communities across the country, spreading the message about the destructive effects of drugs.

In my State of Iowa, the theme for Red Ribbon Week is ''Ask me, See me, Be me . . . I'm Drug Free.'' Schools and community groups across the State are organizing a variety of activities including pledges, contests, workshops, rallies, theatrical and musical performances. These events are all designed to educate our children on the negative effects of drugs and to promote a drug-free environment.

Research tells us that the longer children stay drug-free, the less likely they will become addicted or even try illegal drugs. This is why it is so important to maintain a coherent anti-drug message that begins early in adolescence and continues throughout the growing years. Such an effort must involve parents, communities, and young people. Red Ribbon Week provides each of us the opportunity to take a stand by helping our children make the right decisions when it comes to drugs.

In light of the growing epidemic of prescription drug and cold medicine abuse throughout the Nation, this year's Red Ribbon Week holds greater importance. I hope my colleagues will join me in passing this resolution to demonstrate our commitment to raising awareness about drugs and encourage everyone to make healthy choices.

ADDITIONAL STATEMENTS

CONGRATULATING COASTAL WINDOWS, INC.

● Mr. AKAKA. Mr. President, I want to take this opportunity to congratulate the owners and employees of Coastal Windows, Inc., a family owned and operated business on Oahu and one of this year's recipients of the 2008 Freedom Awards presented by the Secretary of Defense and the National Committee for Employer Support of the Guard and Reserve.

Coastal Windows began their business in response to Hawaii's need for windows and doors that could endure the harsh environmental climate of the State's Sun, wind, rain, and salt air. They have been in operation for nearly 20 years and in that time have grown to an organization consisting of 62 employees. They are known for treating their employees as part of their ''ohana'' or family and are proud members of the community.

The manner in which they take care of their employees who also serve in our Nation's Armed Forces should inspire all of us here in Congress and across this Nation. Take for example their employee U.S. Army sergeant Mike Echiverri, who is about to be deployed for the third time as a member of the National Guard. During his absence, Coastal Windows maintains all his benefits, including health, dental, vision, and his retirement plans. He also continues to earn sick leave and vacation time, and he is given additional time off to spend with his family before and after each deployment. Coastal Windows also often sends care packages to deployed employees and maintains regular communication via e-mail. The company also extends its support to family members of deployed employees by staying in constant contact with the family members and ensuring that spouses are invited to social events.

Coastal Windows became actively involved with the Department of Defense's Employer Support of the Guard and Reserve, ESGR, program after its vice president, Bob Barrett, learned of the organization's efforts to promote cooperation and understanding between Reserve members and their civilian employers. Mr. Barrett became an ESGR employer outreach volunteer and works with ESGR Hawaii to educate employers about the benefits of hiring Guard and Reserve members. Coastal Windows also supports the military community by participating in activities like the Marine Corps' Toys for Tots program.

As 1 of only 15 companies nationwide to receive this honor, I congratulate Coastal Windows, and Mr. Bob Barrett in particular, for their dedication to their workers and for their selection as a Freedom Award recipient for 2008. They have set the standard in Hawaii as an example of how the community can take care of our soldiers, sailors,

airmen, and marines and their families and make a direct contribution to the national security of the United States. I salute them for their outstanding service and wish them continued success in the years to come.●

REMEMBERING ROBERT J. McCARTHY

● Mrs. BOXER. Mr. President, I take this opportunity to honor the memory of a dedicated attorney, community leader, and wonderful person, Robert ''Bob'' McCarthy. Bob passed away on September 4, 2004. He was 61 years old.

Born in New York City on December 31, 1946, Bob McCarthy spent his childhood in the city, where he attended Regis High School in Manhattan. Following his graduation in 1965, Bob attended Santa Clara University, where he was a Presidential honors scholar and editor-in-chief of the school newspaper. In 1969, Bob received a B.A. cum laude in political science in 1969. While attending the university, Bob met his future wife, Suzanne Bazzano, the office manager at the school newspaper. They married in 1970 and had five children.

Following a stint in Chicago, where he earned his law degree from the University of Chicago Law School, Bob and Suzanne moved to San Francisco, Suzanne's hometown. Bob pursued a career in law, working in the San Francisco office of the district attorney for 4 years, serving as chief deputy district attorney. In 1980, Bob started his own general law practice with his friend Lester Schwartz.

Throughout his career, Bob found the time to pursue his love and passion for politics. He served as general counsel for the California Democratic Party from 1983–1990, and held a number of trustee positions within the Democratic Senatorial Campaign Committee, including National Finance cochair. He also served as a close adviser and cochair of my own Senate campaign, and has also advised a number of other elected officials in California. Bob was also well-known for the election day lunches that he hosted every year, a tradition among Bay Area dignitaries that wasn't to be missed.

In addition to the long hours Bob put in as an attorney, Bob carved out time to give back to his community. He was appointed by President Bill Clinton to the Woodrow Wilson Center Board of Trustees; served as a guest lecturer at Hastings College of Law in San Francisco, the University of California at Berkeley, and Peking University in Beijing, China; sat on the board of St. Mary's Hospital; was a regent of St. Ignatius College Preparatory; and was also made a member of the Knights of the Equestrian Order of the Holy Sepulchre of Jerusalem by Pope John Paul II.

Bob is survived by his mother, Dorothy McCarthy; his wife, Suzanne; his sons Brendan, Matthew, Ryan, and Bobby; and daughter, Margaret. I extend my deepest sympathies to his family.

Bob McCarthy was a deeply loved community leader, both in the Bay Area and throughout the State of California, and he will be missed by all who knew him. Let us take comfort in knowing that his dedication and love for his family, friends, and community have made this world a better place to live.●

TRIBUTE TO DON BOXMEYER

● Mr. COLEMAN. Mr. President, while my city of Saint Paul was enjoying its moment in the spotlight earlier this month, we were also mourning the passing of one of our great storytellers, Don Boxmeyer. Throughout his life as a reporter, columnist and author, Don discovered and brought out the human strength and variety of Saint Paul as no one else has. That made him one of our most important citizens.

Don worked as a hard news reporter for the St. Paul Dispatch and the St. Paul Pioneer Press, and wrote a column for over two decades. Here is how he described his career in his own words:

> I realized that the interesting people and places nobody ever wrote about held more fascination to me and my readers than all the governors, mayors and city council members who never seemed to be much persuaded by my opinions anyhow. I began to collect hobos and hermits, bare-knuckled brawlers and bread-baking nuns, short order cooks and hockey coaches, drake mallards named Jake, and bridge tenders, band directors, bear hunters and quiet old men who wept softly when we talked about the friends they'd left on the battlefield.

And he shared them with the rest of us with humor, respect and a love of the nobility of regular people.

In his book, ''A Knack for Knowing Things,'' Don collected many of his best columns about Saint Paul and Minnesota. He wrote about Swede Hollow in Saint Paul, the Rondo neighborhood destroyed by the construction of I–94 and Saint Joseph's Orphanage. He wrote about Stillwater, Lake Superior and Ashby, MN, and hundreds of other places and the people who made them. If a new resident of our State or its capital city asked me to tell them what kind of place they had moved to, I would just give them a copy of that book and let them discover it for themselves.

Don Boxmeyer's life eloquently conveyed an important lesson: each of our communities has roots in the values and experiences of generations that came before and we need to capture them before they disappear. His oral history of places Minnesotans know well and events they only vaguely know about is a priceless gift to the future.

Somewhere I read about a moment of despondency in the life of Robert F. Kennedy as he mourned the death of his brother Jack. Attempting to comfort him, someone said something like, ''It is tragic that he only got to serve for 1,000 days, but that's as long as Julius Caesar served and we still remember him.'' Robert Kennedy replied, ''Yes, but Caesar had Shakespeare to tell the story.''

Saint Paul and Minnesota are much the greater because we had Don Boxmeyer to tell our stories.●

RECOGNIZING DEBORAH LONG

● Mr. CRAPO. Mr. President, it is my great honor to recognize Principal Deborah Long of Betty Kiefer Elementary School in Rathdrum, ID. Deborah has been recognized as Idaho's 2008 recipient of the National Distinguished Principals Award. The award is given jointly by the National Association of Elementary School Principals and the U.S. Department of Education. Deborah is being recognized for her exemplary leadership in her job and in her community and contributions to her profession, including professional association affiliations.

Deborah has established strong ties with parents and local businesses in Rathdrum. She has demonstrated exceptional leadership at Betty Kiefer Elementary and in the community. She promotes a goal-oriented learning environment for her students and expects great things from her students and her staff. In fact, under her leadership, Betty Kiefer Elementary is both an Idaho School of Merit and a recipient of the A+ Excellence in Education Award. In today's world, young students need and benefit from a good role model and someone who cares for them. She cares about the learning environment itself the school is decorated with floor-to-ceiling, hall-length murals that tell the story of a school focused on principles, patriotism, pride in their State and kindness to others. Deborah has gone above and beyond the call of duty in her service as principal of Betty Kiefer Elementary School, in her words, making her school ''safe, secure and caring.'' Students in this rural Idaho school are fortunate, indeed, to have the gift of Deborah's wisdom, encouragement and expectations of moral behavior and high integrity. It says a lot about a principal when close to 100 percent of parents attend parent teacher conferences and a full 25 percent of parents volunteer at the school.

I am certain I share the sentiments of her students, their parents and her staff when I wish her congratulations and the best for continued excellence in her career.●

HONORING CONGREGATION BETH SHALOM

● Ms. MURKOWSKI. Mr. President, their Web site is called frozenchosen.org. No kidding. Today I honor Congregation Beth Shalom of Anchorage, AK, an affiliate of the Union for Reform Judaism, on the occasion of its 50th anniversary. It is a pillar of Alaska's small but vibrant Jewish community.

Congregation Beth Shalom is one of five synagogues in the State of Alaska. Only two of those five synagogues enjoy the services of a full-time rabbi. Congregation Beth Shalom is one of these two synagogues.

I am pleased to acknowledge and welcome Rabbi Michael Oblath, the present Rabbi, who joined Congregation Beth Shalom in September 2007. He is the fifth Rabbi to serve the congregation since its founding on September 5, 1958. It is also appropriate to recognize the four other individuals who have served as spiritual leaders to Congregation Beth Shalom since its founding, beginning with Rabbi Lester Polonsky, Rabbi Harry Rosenfeld, Rabbi Johanna Hershenson, and Rabbi Fred Wenger.

Congregation Beth Sholom was first organized on September 5, 1958. It was on that day that 20 people gathered in Burt and Bobbie Goldberg's home to welcome the Shabbat and organize a synagogue. At the time, the only Jewish services in Anchorage were being conducted by chaplains on Elmendorf Air Force Base, and organizers wanted to establish a Jewish identity for their children which were anchored to the city.

Today, Congregation Beth Shalom occupies a beautiful synagogue building on East Northern Lights Boulevard, which opened 20 years ago to commemorate the 30th anniversary of the congregation's founding. The synagogue houses the Joy Greisen Jewish Education Center, which features a preschool open to the entire community, without regard to religious affiliation, an afterschool arts program and a summer camp.

Congregation Beth Shalom has achieved Green Star recognition for its environmental and energy conservation efforts. Its Tikkun Olam program is engaged in numerous good works which help make Anchorage one of the best places in our Nation to live and raise a family.

I am proud to recognize Congregation Beth Shalom on 50 years of service to our southcentral Alaska community. We have great expectations for your next 50 years.●

RECOGNIZING TOMMY L. HARBOUR

● Mr. ROCKEFELLER. Mr. President, today I honor Tommy L. Harbour, a fellow West Virginian from Milton. He is a shining example of the self sacrifice and willingness to serve that is an important part of the culture of West Virginia. I am privileged to represent him and share his story with you today.

Tommy Harbour proudly served his country during World War II. He joined the Coast Guard on July 5, 1943, where he was assigned to the USS *Bayfield* and served on the landing craft PA33–4. During the invasion of Normandy, Mr. Harbour's landing craft first helped reinforce Omaha Beach with soldiers before making several more landings on Utah Beach under constant gunfire from several fortified German positions. After the European campaign was over, Tommy continued to serve in the Pacific Theater. He and his fellow soldiers played crucial roles in the invasion of Iwo Jima and the invasion of Okinawa in 1945.

Following the war, Tommy Harbour was honorably discharged on May 27, 1946, when he returned home to Milton, WV. Tommy went on to once again answer the call of duty, serving as the mayor of Milton for 17 years. During his time as mayor, Tommy showed strong commitment to helping those he served. Mr. Harbour had a reputation for thoroughly examining the issues before him and ensuring the best possible course of action was taken. As mayor, Tommy was approachable and always willing to listen to people's thoughts and concerns. The enhancements he helped orchestrate, such as flood protection and improving the police department, will be attributes to Milton for years to come.

Tommy Harbour is an outstanding American and a true West Virginian. He is a perfect model of the impact one man can have. Mr. Harbour has lived a life of service, always giving and never asking for anything in return. This story of his bravery and willingness to serve his community is a great example of the accomplishments we are all capable of and I hope it has inspired my fellow colleagues and individuals nationwide.●

COMMENDING DR. EPHRAIM ZUROFF

● Mr. SMITH. Mr. President, I rise today to commend Dr. Ephraim Zuroff and the Simon Wiesenthal Center for their efforts to track down the last Nazi war criminals from World War II. Their work is enormously important, both in bringing the guilty to justice and preventing future acts of genocide. The statute of limitations does not—must not—expire on crimes against humanity. Earlier this year, I introduced the World War II War Crimes Accountability Act with Senator NELSON, which I hope will help Dr. Zuroff and the Simon Wiesenthal Center in their noble effort.

One of the main targets of this effort is Milivoj Asner, who during World War II was the fascist police chief of Pozega, Yugoslavia. Serving the Nazi-allied Ustasha regime in his native Croatia, Asner presided over the destruction of the local Jewish, Serb, and Gypsy populations. After the war ended, Asner fled to Austria, where he lived in obscurity until he was finally charged with war crimes by Croatia in 2005. His extradition has been delayed, however, by Austrian federal and local bureaucratic obstruction. Austrian authorities have claimed that Asner is in poor health, though apparently that infirmity did not stop him from attending a Euro 2008 soccer game this past summer, where he was spotted by a British newspaper. In light of this evidence, the local and national Austrian authorities must summon the political will to bring Asner to justice.

The Simon Wiesenthal Center launched Operation: Last Chance in 2002 to identify and assist in the prosecution of the remaining Nazi war criminals still at large. Dr. Zuroff, who has been leading this effort, should be highly commended for his outstanding efforts in bringing the most guilty Nazis to justice. Of these, Asner is near the top of his list.

Even today, the crimes of people such as Asner in the service of pro-Nazi regimes strain our understanding of hate. National Socialist Germany today is an icon remembered only for its brutality, its mantra of genocide, and its culture of racism. And those last Nazis, who are waiting out their last days under the coming twilight, must not be allowed to go quietly into the night, as did too many of their victims. For the souls that were lost, and even more for those that remain, there must be justice. I commend Dr. Zuroff and the Simon Wiesenthal Center in the highest possible terms, and urge the U.S. Government to do all it can to help them in their cause.●

ARMSTRONG-RINGSTED COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Armstrong-Ringsted Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Armstrong-Ringsted Community School District received a 2002 Harkin grant totaling $1 million which it used to help build an addition to replace a 1915 building. The new building includes a science lab, an activity center/gymnasium and 10 classrooms. This

school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received fire safety grants totaling $107,000 to make improvements throughout the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Armstrong-Ringsted Community School District. In particular, I'd like to recognize the leadership of the board of education—Rod Foster, Paul Stevens, Howard Taylor, Betsey Ulrich, Don Looft and former members Marti Kindrick, Dale Anderson, Jan Hampton, Tom Mart, Greg Buum, Lisa McConnell, Greg Anderson, Anita Larsen, and Rick Steinberger. I would also like to recognize superintendent Randy Collins, former superintendent Robert Raymer, board secretary Deb Obbink and building director Tom Mart.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Armstrong-Ringsted Community School District. There is no question that a quality public education for every child is a top priority in those communities. I salute them, and wish them a very successful new school year.●

BAXTER COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Baxter Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Baxter Community School District received a 2003 Harkin grant totaling $508,893 which it used towards building new elementary school classrooms. The additions also allowed the district to add a preschool classroom and partner with a local childcare center. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received a fire safety grant in 1999 for $8,893, which was applied to a new detection system, wiring and exit signs at the high school.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Baxter Community School District. In particular, I would like to recognize the leadership of superintendent Neil Seales, building committee cochairs Jim Robinson, Julie McWhirter, and Larry Hesson, and the Baxter school board of directors.

Mr. President, as we mark the 10th anniversary of the Harkin School Grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have do better.

That is why I am deeply grateful to the professionals and parents in the Baxter Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

BENTON COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Benton Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Benton Community School District received a 2001 Harkin grant totaling $100,000 which it used to build a fire wall and renovate the stage area of the Keystone Center building. The area was transformed into two classrooms for art and music. The Federal grant made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Benton Community School District. In particular, I'd like to recognize the leadership of the board of education—Brenda Schanbacher, Terry Harrington, Brian Strellner, Dan Voss, Tricia Schutterle, Bryce Brecht and Bill Boies and former board members Robyn Allen, George Martin, Connie Jacobsen, Elaine Harrington, Jeff Semelroth, Gary Kaiser and Chris Christensen. I would also like to recognize superintendent Gary Zittergruen and elementary school principal Tim Sanderson.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Benton Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

CARLISLE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Carlisle Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Carlisle Community School District received a 2005 Harkin grant totaling $500,000 which it used to help replace the roof on the existing high school and to help build a new middle school. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received a 2005 fire safety grant totaling $100,000 which it used to update fire security systems in schools throughout the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Carlisle Community School District. In particular, I would like to recognize the leadership of the board of education—Rob Joiner, Ann Polito, John Judisch, Mark Randleman and Michelle Tish. I would also like to recognize superintendent Tom Lane, district business manager Jean Flaws and Gary Schwartz of the Iowa Department of Education.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Carlisle Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

CENTERVILLE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Centerville Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Centerville Community School District has received $1 million in Harkin grant funding to modernize schools in the district. The district received a 2003 Harkin grant for $500,000 which it used to help remodel the third floor of the high school and build a modern science center addition. The district also received five fire safety grants totaling $500,000 to replace outdated electrical systems, to install updated fire alarm systems, to install new emergency lighting and to make other fire safety improvements throughout the district. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Centerville Community School District. In particular, I would like to recognize the leadership of the board of education—Chris Hoffman, Steve Hoch, Deborah Watley, Jeri Pershey, Bill Matkovich, Brad Appler and Nick Hindley and former members Richard Roos, Deborah Egeland, Debbie Eurom, Shawna Stickler, Desiree Campbell, Joel Hollatz, Dr. David Fraser, Ray Tresemer and the late Brian Kauzlarich. I would also like to recognize superintendent Richard Turner, former superintendent Dr. Marvin Judkins, buildings and grounds director Ed Shirley and principals Ray Miller, Bruce Karpan and Scott Clark.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Centerville Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

EAST MARSHALL COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the East Marshall Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The East Marshall Community School District received a 2005 Harkin grant totaling $500,000 which it used to help build an addition to the high school which included a new gymnasium, cafeteria and commons and classrooms for music and career education. The new facility received the highest rating from Alliant Energy for energy efficiency including a new geothermal system. The former cafeteria was renovated for art education. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received three fire safety grants totaling $40,967 to upgrade fire alarms, install new doors and make other improvements throughout the district.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the East Marshall Community School District. In particular, I would like to recognize the leadership of the board of education—Mike Strawn, Dave Scott, Robert Thomas, Connie Allen and Steve Edwards. I would also like to recognize superintendent Dr. Alan Meyer, high school principal Rex Kozak, Dave Harrison from Design Alliance, the Weidt Group, Alliant Energy and the Iowa Department of Natural Resources.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have do better.

That is why I am deeply grateful to the professionals and parents in the East Marshall Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

IOWA CITY COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Iowa City Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Iowa City Community School District received a 2002 Harkin grant totaling $1 million which it used to help build Tate Alternative High School. The district also received a 2004 construction grant for $500,000 to build an addition at Kirkwood Elementary School which includes a gymnasium and three kindergarten classrooms and to build an addition at Grant Wood Elementary School which includes a gymnasium, a family resource center and a prekindergarten classroom. These schools are the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves. The district also received a $250,000 fire safety grant to make improvements at City High School.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Iowa City Community School District. In particular, I would like to recognize the leadership of the board of education—Toni Cilek, Liz Crooks, Mike Cooper, Patti Fields, Jan Leff, Gayle Klouda, Tim Krumm and Michael Shaw and former board members Pete Wallace, Matt Goodlaxson, Lauren Reece, Don Jackson, David Franker and Aletia Morgan as well as superintendent Lane Plugge and physical plant director Paul Schultz.

The Iowa City Community School District passed a $39 million bond issue to modernize facilities throughout the district including the three projects discussed earlier. I would like to recognize Charlie Funk and Sarah Swisher for their leadership on Yes for Kids Committee and the cities of Iowa City and Coralville for their partnerships with the district.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Iowa City Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

NEW HAMPTON COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the New Hampton Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction

Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The New Hampton Community School District received a 2001 Harkin grant totaling $275,000 which it used to help build a community fitness center in collaboration with the city of New Hampton. The district also received a 2002 grant for $260,000 to install a new HVAC system at the high school and four fire safety grants totaling $218,817 to make improvements to schools throughout the district. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the New Hampton Community School District. In particular, I would like to recognize the leadership of the board of education—Deb Larsen, Bob Smith, Terry Anderson, Tom Rasmussen and Kevin Rieck and former board members Rich Stochl, Rick Holthaus, Tom Gansen, George Feazell, Virgil Pickar, Gerald Johnson, Dr. Todd Becker, Rich Goodwin, David Utterback and Clarence Kriener. I would also like to recognize superintendent Stephen Nicholson, former superintendents Bob Longmuir and Terry Christie, business manager and supervisor of buildings and grounds Bob Ayers, curriculum coordinator Linda Kennedy, high school principal Richard Evans, activities director Kelly O'Donnell, New Hampton Mayor Darwin Sittig and the New Hampton City Council, Chairman Steve Dahl and members of the board of trustees for the New Hampton Municipal Light Plant, Chip Schwickerath and Willis Hansen from the GIFT Campaign, and Lynn Schwickerath from the New Hampton Booster Club.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the New Hampton Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

OELWEIN COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Oelwein Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Oelwein Community School District received three Harkin grants totaling $1,129,212. The 1998 grant for $250,000 helped build the Oelwein Early Childhood Learning Center to provide classrooms for prekindergarten, preschool, child care, Head Start and before and after school programs. The 1999 grant for $750,000 helped build the Williams Performing Arts Center and Oelwein Wellness Center. The 2005 grant for $129,212 helped build the Regional Academy for Math Science and Technology. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Oelwein Community School District. In particular, I would like to recognize the leadership of the board of education—Jim Moeller, Charlene Stocker, David Schmidt, Kathy Adams, Jean Nelson, Candace King and Rick Myott and former board members Mary Davis, Harlan Peterson, Dave Lorenzen, Tim Conrey, Dr. George Harper, Marilyn Miller and Becky Hamann as well as superintendent James Patera, former superintendent Dr. Kent Mutchler, business manager/board secretary Joan Loew and former business manager/board secretary Keith Jarchow.

The city of Oelwein has been an important partner with the school district so I would like to recognize mayor Larry Murphy, former mayor Gene Vine, city manager Steven Kendall, and members of the city council—Mike Kerns, Paul Ryan, Duane Brandt, John Gosse, Nathan Lein, Rex Ericson and former members Viola Sims, Curt Solsma, Jacqueline Greco, Charles Geilenfeld, James Mazziotti, Terry Pepin and Duane Ohrt as well as community members Kevin Brooks, Lyle Miller and Tom Masey.

The projects also received strong support from the Greater Oelwein Area Charitable Foundation, Inc and I would like to recognize board members Donald Avenson, Stephen Bisenius, Steven Falck, Donald Frazer, Gene Fuelling and Ronald Van Veldlhuizen.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Oelwein Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

SPIRIT LAKE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated

teachers, administrators, and school board members in the Spirit Lake Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Spirit Lake Community School District received a 2002 Harkin grant totaling $953,709 which it used to help build a five classroom addition to the middle school for science, art, industrial arts, family and consumer science and for renovations at the high school. The district also received a 2000 fire safety grant for $69,300 to make improvements at the elementary and middle schools. These projects were part of a comprehensive facility plan developed by a committee of local citizens and the Federal grants have made it possible for the district to provide quality and safe schools for their students

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Spirit Lake Community School District. In particular, I would like to recognize the leadership of the board of education—president Beth Will, vice president Ann Goerss, Cliff Garvey, Scott Wicks and Todd Hummel and former board members Carol Schultz, Dr. Craig Newell, Mike Donahue and John Van Dyke. I would also like to recognize superintendent Douglas Latham, former superintendent Tim Grieves, high school principal Steve Ratzlaff and facility director Jim Tirevold.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have do better.

That is why I am deeply grateful to the professionals and parents in the Spirit Lake Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

WEBSTER CITY COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes, today, to salute the dedicated teachers, administrators, and school board members in the Webster City Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Webster City Community School District received two Harkin fire safety grants totaling $186,126 which it used to help replace windows at two elementary schools and to replace fire alarms, install safety glass and make other improvements throughout the district. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Webster City Community School District. In particular, I would like to recognize the leadership of the Board of Education—Craig Loffredo, Judy Maubach, Loween Getter, Dan Ryherd and Pam Hayes and former board members Paul Hess, Dr. Subhash Sahai, Rick Rasmussen and Jack Foster. I would also like to recognize superintendent Mike Sherwood, director of building and grounds David Orton and former superintendents Dennis Bahr and Kay Forsythe.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have do better.

That is why I am deeply grateful to the professionals and parents in the Webster City Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED ON SEPTEMBER 23, 2001, WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM—PM 64

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a

notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2008.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 18, 2008*.

MESSAGE FROM THE HOUSE

At 11:57 a.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1594. An act to designate the Department of Veterans Affairs Outpatient Clinic in Hermitage, Pennsylvania, as the Michael A. Marzano Department of Veterans Affairs Outpatient Clinic.

H.R. 3019. An act to establish an Office of Housing Counseling to carry out and coordinate the responsibilities of the Department of Housing and Urban Development regarding counseling on homeownership and rental housing issues, to make grants to entities for providing such counseling, to launch a national housing counseling advertising campaign, and for other purposes.

H.R. 5772. An act to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

H.R. 6627. An act to authorize the Board of Regents of the Smithsonian Institution to carry out certain construction projects, and for other purposes.

H.R. 6842. An act to restore Second Amendment rights in the District of Columbia.

H.R. 6893. An act to amend parts B and E of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for tribal foster care and adoption access, improve incentives for adoption, and for other purposes.

H.R. 6899. An act to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 6842. To restore Second Amendment rights in the District of Columbia.

H.R. 6899. An act to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes.

S. 3526. A bill to enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage.

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–7625. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Robert T. Dail, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–7626. A communication from the Acting Secretary of the Air Force, transmitting, pursuant to law, the report of an Average Procurement Unit Cost (APUC) breach relative to the Advanced Extremely High Frequency satellite program (AEHF); to the Committee on Armed Services.

EC–7627. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report on the Department's Operation and Financial Support for Military Museums; to the Committee on Armed Services.

EC–7628. A communication from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting, pursuant to law, a report relative to the Military Health System; to the Committee on Armed Services.

EC–7629. A communication from the Executive Director, Project on National Security Reform, providing notification that the required report relative to the national security interagency system will be submitted by October 15, 2008; to the Committee on Armed Services.

EC–7630. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas' Security Affairs), transmitting, pursuant to law, a report entitled ''Plan for Coordinating National Guard and Federal Military Force Disaster Response''; to the Committee on Armed Services.

EC–7631. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Acquisitions in Support of Operations in Iraq or Afghanistan'' (RIN0750–AG02) received on September 8, 2008; to the Committee on Armed Services.

EC–7632. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Limitation on Service Contracts for Military Flight Simulators'' (RIN0750–AG04) received on September 8, 2008; to the Committee on Armed Services.

EC–7633. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Security-Guard Functions'' (RIN0750–AF64) received on September 8, 2008; to the Committee on Armed Services.

EC–7634. A communication from a member of the Sensors and Instrumentation Technical Advisory Committee, transmitting, pursuant to law, a report entitled ''Availability of Uncooled Thermal Imaging Cameras in Controlled Countries''; to the Committee on Banking, Housing, and Urban Affairs.

EC–7635. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Federal Government Participation in the Automated Clearing House'' (RIN1510–AB00) received on September 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7636. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Clarification of the Classification of Crew Protection Kits on the Commerce Control List'' (RIN0694–AE24) received on September 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7637. A communication from the Acting Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Exemption from Registration Under Section 12(g) of the Securities Exchange Act of 1934 for Foreign Private Issuers'' (RIN3235–AK04) received from September 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7638. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((73 FR 48136)(44 CFR Part 65)) received on September 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7639. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((73 FR 48412)(44 CFR Part 67)) received on September 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7640. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((73 FR 48130)(44 CFR Part 64)) received on September 8, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–7641. A communication from the Acting Deputy Assistant Secretary for Policy and Economic Development, Department of the Interior, transmitting, pursuant to law, a proposed plan for use and distribution of the Pueblo de San Ildefonso judgment funds; to the Committee on Indian Affairs.

EC–7642. The communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of proposed legislation relative to enhancing the Federal government's ability to prosecute individuals who seek and receive military-type training in support of terrorism; to the Committee on the Judiciary.

EC–7643. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of proposed legislation entitled ''Nuclear Terrorism Conventions Implementation Act of 2008''; to the Committee on the Judiciary.

EC–7644. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Control of a Chemical Precursor Used in the Illicit Manufacture of Fentanyl as a List I Chemical'' (RIN1117–AB12) received on September 8, 2008; to the Committee on the Judiciary.

EC–7645. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, (2) reports relative to vacancy announcements for the position of Assistant Secretary received on September 8, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7646. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''The American Dream Belongs to Everyone: A Report to Congress, the President, and the National Council on Disability''; to the Committee on Health, Education, Labor, and Pensions.

EC–7647. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Prescription Drug User Fee Act of 1992 (PDUFA) for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–7648. A communication from the Deputy Assistant Secretary, Office of Labor-Management Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Guidelines for Processing Applications for Assistance to Conform to Sections 3013(h) and 3031 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act—A Legacy for Users and to Improve Processing for Administrative Efficiency'' received on September 8, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–7649. A communication from the Executive Director, Consumer Product Safety Commission, transmitting, pursuant to law, a report entitled ''2008 Annual FAIR Act Inventory Summary''; to the Committee on Homeland Security and Governmental Affairs.

EC–7650. A communication from General Counsel, Department of Commerce, transmitting the report of a draft bill intended to amend title 35, United States Code, to authorize expenditure of funds for certain travel-related expenses of non-federal employees attending programs regarding intellectual property law and the effectiveness of intellectual property protection; to the Committee on Homeland Security and Governmental Affairs.

EC–7651. A communication from the Director for Acquisition Management and Procurement Executive, Department of Commerce, transmitting, pursuant to law, a report relative to the annual progress of the Department; to the Committee on Homeland Security and Governmental Affairs.

EC–7652. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–485, ''Workforce Housing Production Program Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7653. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–484, ''Adams Morgan Taxicab Zone Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7654. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–477, ''Student Voter Registration Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7655. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–476, ''Injured Fire Fighter Relief Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7656. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–475, ''Tenant Opportunity to Purchase Notification Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7657. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–474, ''Closing of a Public Alley in Square 700, S.O. 07–9626, Act of 2008'' received on September 8, 2008 ; to the Committee on Homeland Security and Governmental Affairs.

EC–7658. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–472, ''Taxation Without Representation Federal Tax Pay-Out Message Board Installation Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7659. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–483, ''Heat Wave Safety Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7660. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-482, ''Expanding Opportunities for Street Vending Around the Baseball Stadium Clarifying Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7661. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-481, ''Tingey Street, S.E. Right-of-Way Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7662. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-480, ''Recreation Enterprise Fund Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7663. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-479, ''Director of the Office of Public Education Facilities Modernization Allen Lew Compensation System Change and Pay Schedule Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7664. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-478, ''Abatement of Nuisance Properties and Tenant Receivership Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7665. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-486, ''Special Events Swimming Exception Temporary Amendment Act of 2008'' received on September 8, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7666. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-493, ''Animal Protection Amendment Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7667. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-494, ''Tenant-Owner Voting in Conversion Election Clarification Amendment Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7668. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-495, ''Department of Transportation Establishment Amendment Act of 2008'' received on September 9, 2008 ; to the Committee on Homeland Security and Governmental Affairs.

EC–7669. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-498, ''Youth Council of the District of Columbia Establishment Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7670. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-499, ''Southwest Waterfront Bond Financing Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–7671. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-500, ''Center Leg Freeway (Interstate 395) Amendment Act of 2008'' received on September 9, 2008; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 1070. A bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes (Rept. No. 110–470).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 3247. A bill to improve the provision of disaster assistance for Hurricanes Katrina and Rita, and for other purposes (Rept. No. 110–471).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 3155. A bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes (Rept. No. 110–472).

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2969. A bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical healthcare professionals, and for other purposes (Rept. No. 110–473).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 540. A resolution recognizing the historical significance of the sloop-of-war USS Constellation as a reminder of the participation of the United States in the transatlantic slave trade and of the efforts of the United States to end the slave trade.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 3136. A bill to encourage the entry of felony warrants into the NCIC database by States and provide additional resources for extradition.

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. MENENDEZ:

S. 3514. A bill to amend the Immigration and Nationality Act to promote family unity and for other purposes; to the Committee on the Judiciary.

By Mr. WHITEHOUSE:

S. 3515. A bill to establish 4 regional institutes as centers of excellence for research, planning, and related efforts to assess and prepare for the impacts of climate change on ocean and coastal areas; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 3516. A bill to permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho which would provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself, Mr. HARKIN, Mr. INOUYE, and Mr. FEINGOLD):

S. 3517. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetic devices and components and benefits for other medical and surgical services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. CRAPO):

S. 3518. A bill to amend the Internal Revenue Code of 1986 to modify the limitations on the deduction of interest by financial institutions which hold tax-exempt bonds, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mrs. FEINSTEIN, Mrs. MCCASKILL, and Mr. WYDEN):

S. 3519. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CLINTON (for herself, Mr. VOINOVICH, and Mr. BROWN):

S. 3520. A bill to establish a grant program for automated external defibrillators in elementary and secondary schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN:

S. 3521. A bill to designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the ''Spencer Byrd Powers Jr. Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE:

S. 3522. A bill to establish a Federal Board of Certification to enhance the transparency, credibility, and stability of financial markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENZI:

S. 3523. A bill to provide 8 steps for energy sufficiency, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mr. BIDEN):

S. 3524. A bill to improve the Office for State and Local Law Enforcement, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 3525. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the ''Star-Spangled Banner'', and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for Mr. BIDEN (for himself, Mr. GRASSLEY, Mr. GRAHAM, Mrs. FEINSTEIN, and Mr. LUGAR)):

S. 3526. A bill to enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage; read the first time.

By Mr. AKAKA (for himself, Ms. SNOWE, Mr. FEINGOLD, Ms. LANDRIEU, Mr. JOHNSON, Ms. MURKOWSKI, Mr. THUNE, Mr. STEVENS, and Mr. ROCKEFELLER):

S. 3527. A bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority; to the Committee on Veterans' 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. BYRD (for himself, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Ms. CANTWELL, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. LIEBERMAN, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SALAZAR, Ms. STABENOW, Mr. WYDEN, Mr. BURR, Mr. DOMENICI, Mr. ENSIGN, Mr. HAGEL, and Mr. LUGAR):

S. Res. 665. A resolution designating October 3, 2008, as ''National Alternative Fuel Vehicle Day''; to the Committee on the Judiciary.

By Mr. ROBERTS (for himself, Mr. SALAZAR, Ms. COLLINS, Mr. LUGAR, Mrs. DOLE, Mr. SPECTER, Mr. COLEMAN, Mr. VOINOVICH, Mr. INHOFE, Mr. HAGEL, Mr. SMITH, Ms. SNOWE, Mr. MENENDEZ, Mr. BYRD, Ms. STABENOW, Mr. BINGAMAN, Mr. WYDEN, Mr. NELSON of Nebraska, Mrs. BOXER, Mr. WHITEHOUSE, Mr. CASEY, Mr. BAYH, Mr. LEVIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. KERRY, Mr. HARKIN, Mrs. LINCOLN, Mr. DURBIN, and Mr. NELSON of Florida):

S. Res. 666. A resolution recognizing and honoring the 50th anniversary of the founding of AARP; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. SCHUMER, Mr. CHAMBLISS, Mrs. CLINTON, Mr. INOUYE, Mr. VITTER, Ms. COLLINS, Ms. SNOWE, Mrs. DOLE, Mrs. BOXER, Mr. GRASSLEY, Mr. SHELBY, Mr. LIEBERMAN, Mr. INHOFE, Ms. LANDRIEU, Mr. STEVENS, Mr. DOMENICI, Mr. CRAPO, Mr. BAYH, Mr. BARRASSO, Ms. STABENOW, Mr. BUNNING, Mr. FEINGOLD, Mr. WHITEHOUSE, Mr. KERRY, Mr. SPECTER, Mr. DODD, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. BROWNBACK, Mr. WARNER, Mr. CARDIN, Mr. BAUCUS, Mrs. LINCOLN, Mr. LEVIN, Mr. HATCH, Mr. MENENDEZ, Mr. CASEY, Mr. JOHNSON, Mr. BENNETT, Mr. DORGAN, Mr. ISAKSON, and Mr. WYDEN):

S. Res. 667. A resolution designating September 2008 as ''National Prostate Cancer Awareness Month''; considered and agreed to.

By Mr. KERRY:

S. Res. 668. A resolution to commend the American Sail Training Association for its advancement of character building under sail and for its advancement of international goodwill; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 519

At the request of Mr. MCCAIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 519, a bill to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, and for other purposes.

S. 584

At the request of Mrs. LINCOLN, the name of the Senator from New York

(Mrs. CLINTON) was added as a cosponsor of S. 584, a bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit.

S. 777

At the request of Mr. CRAIG, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 826

At the request of Mr. MENENDEZ, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Washington (Mrs. MURRAY) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 826, a bill to posthumously award a Congressional gold medal to Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

S. 860

At the request of Mr. SMITH, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 1069

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1069, a bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 1232

At the request of Mr. DODD, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from South Dakota (Mr. THUNE) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1235

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1235, a bill to impose appropriate penalties for the assault or murder of a Federal law enforcement officer or Federal judge, for the retaliatory assault or murder of a family member of a Federal law enforcement officer or Federal judge, and for other purposes.

S. 1492

At the request of Mr. INOUYE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1492, a bill to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

S. 1738

At the request of Mr. REID, the names of the Senator from Montana (Mr. TESTER), the Senator from Arkansas (Mr. PRYOR), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1738, a bill to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

S. 1810

At the request of Mr. BROWNBACK, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1810, a bill to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

S. 1895

At the request of Mr. REED, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2320

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2320, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 2510

At the request of Mr. ISAKSON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2668

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 2794

At the request of Mr. KOHL, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2794, a bill to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security.

S. 2883

At the request of Mr. ROCKEFELLER, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Maine (Ms. COLLINS), the Senator from North Carolina (Mrs. DOLE), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2932

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2932, a bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 3038

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was withdrawn as a cosponsor of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3038, supra.

S. 3046

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3046, a bill to amend the Federal Food, Drug, and Cosmetic Act to create a new conditional approval system for drugs, biological products, and devices that is responsive to the needs of seriously ill patients, and for other purposes.

S. 3198

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3198, a bill to amend title 46, United States Code, with respect to the navigation of submersible or semi-submersible vessels without nationality.

S. 3300

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3300, a bill to amend title XVIII of the Social Security Act to provide for temporary improvements to the Medicare inpatient hospital payment adjustment for low-volume hospitals and to provide for the use of the non-wage adjusted PPS rate under the Medicare-dependent hospital (MDH) program, and for other purposes.

S. 3325

At the request of Mr. SPECTER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3325, a bill to enhance remedies for violations of intellectual property laws, and for other purposes.

S. 3356

At the request of Mr. CHAMBLISS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3356, a bill to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center.

S. 3389

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3389, a bill to require, for the benefit of shareholders, the disclosure of payments to foreign governments for the extraction of natural resources, to allow such shareholders more appropriately to determine associated risks.

S. 3416

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. BOXER), the Senator from Minnesota (Mr. COLEMAN), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 3416, a bill to amend section 40122(a) of title 49, United States Code, to improve the dispute resolution process at the Federal Aviation Administration, and for other purposes.

S. 3429

At the request of Mr. SCHUMER, the names of the Senator from New York (Mrs. CLINTON), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 3429, a bill to amend the Internal Revenue Code to provide for an increased mileage rate for charitable deductions.

S. 3456

At the request of Mr. ROBERTS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3456, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 3468

At the request of Mr. SCHUMER, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3468, a bill to amend title XVIII of the Social Security Act to continue the ability of hospitals to supply a needed workforce of nurses and allied health professionals by preserving funding for hospital operated nursing and allied health education programs.

S. 3484

At the request of Mr. SPECTER, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Minnesota (Mr. COLEMAN), the Senator from Florida (Mr. NELSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Washington (Ms. CANTWELL) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3484, a bill to provide for a delay in the phase out of the hospice budget neutrality adjustment factor under title XVIII of the Social Security Act.

S. 3495

At the request of Mrs. BOXER, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 3495, a bill to protect pregnant women and children from dangerous lead exposures.

S. 3503

At the request of Mr. DORGAN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3503, a bill to amend the Public Health Service Act to authorize increased Federal funding for the Organ Procurement and Transplantation Network.

S. 3507

At the request of Mr. REED, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Oregon (Mr. SMITH) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3507, a bill to provide for additional emergency unemployment compensation.

S. 3511

At the request of Mrs. CLINTON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3511, a bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

S. 3513

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 3513, a bill to direct the Administrator of the Environmental Protection Agency to revise regulations relating to lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil, and for other purposes.

S. RES. 660

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 660, a resolution condemning ongoing sales of arms to belligerents in Sudan, including the Government of Sudan, and calling for both a cessation of such sales and an expansion of the United Nations embargo on arms sales to Sudan.

S. RES. 661

At the request of Mr. DODD, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 661, a resolution supporting the goals and ideals of National Spina Bifida Awareness Month.

S. RES. 662

At the request of Mr. REID, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 662, a resolution raising the awareness of the need for crime prevention in communities across the country and designating the week of October 2, 2008, through October 4, 2008, as ''Celebrate Safe Communities'' week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 3516. A bill to permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho which would provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Environment and Public Works.

Mr. CRAIG. Mr. President, I come to the floor today to introduce the Idaho Efficient Vehicle Demonstration Act of 2008. I am pleased that my colleague, Senator CRAPO, is fully supportive and an original cosponsor of this bill, and that an identical bill will be introduced today in the House of Representatives by our colleagues, Representatives MIKE SIMPSON and BILL SALI.

This is a bill that is very important to the State of Idaho. It is a bill that will improve the efficiency of freight movement within the State, provide significant economic benefits to a variety of local natural resource-based industries, and establish a record attesting to the safety of heavier, more efficient vehicles.

The State of Idaho has long recognized the need to provide a more productive means of freight transport. In light of that, the Idaho State Legislature created a pilot project in 2003 to allow vehicle combinations weighing up to 129,000 pounds on designated routes within the State highway system. As a result of this pilot project, Idaho has realized significant economic benefits and has established a strong record of safety while utilizing more efficient vehicles.

Idaho's sugar beet, potato, grain, dairy and phosphate industries reported that participation in the pilot project resulted in reduced fuel consumption and equipment maintenance and increased productivity based on estimates of five to eight percent savings in freight costs. Amalgamated Sugar Company reported 30,000 fewer truck trips, resulting in an estimated savings of just under $300,000.

This pilot project has been in effect for 5 years and no safety concerns have been raised by the participants or by the Idaho Transportation Department in their initial report last year. In fact, survey responses from pilot project participants found that safety was the same or greater due to the reduced numbers of trucks on the road. Similarly, the pilot project has not been found to create a significant change in pavement conditions when compared to previous years.

In light of this 5-year record, I believe it is appropriate and necessary to make a very small, targeted expansion of this project by adding limited stretches of Federal highway to the existing State pilot project to help connect our State and Federal roads so that the movement of goods can proceed more efficiently in the future.

This small expansion is necessary for several reasons. Idaho's neighboring States of Montana, Nevada, Utah and Wyoming do not have such stringent limits on their Federal highways due to grandfathered rights. This puts Idaho at a distinct competitive disadvantage and slows the free flow of freight between neighboring States. This bill would help to even that disparity in weight restrictions among our neighbors. It will also provide valuable data and information to the U.S. Department of Transportation as to the net beneficial effects to our infrastructure by requiring that road, bridge and accident information is gathered and reported.

This bill has the strong support of Idaho Governor Butch Otter, the Idaho Transportation Department, and the business community, including both shippers and motor carriers. The Idaho Trucking Association has specifically endorsed this proposal as have numerous shipper companies that are based in my home State.

I recognize that there are significant challenges facing the freight industry and, by association, our natural resource-based industries that rely heavily on trucks to move their freight. Changes in truck emission requirements, a seemingly perpetual driver shortage, sustained high fuel costs, and increasing insurance premiums are only a few of the challenges that face truck companies and struggling industries in Idaho. With that said, this is one step that can be taken to relieve some of the burden on our freight industry, and do so in a safe, economic and environmentally friendly fashion.

If enacted, this bill will improve safety by reducing the number of trucks on Idaho roads. It will have a positive environmental impact by reducing diesel consumption and emissions. It will provide an economic boost to the State by reducing wear and tear on Idaho highways and improving the competitiveness of our natural resource industries.

In light of the enormous task of reauthorizing our Nation's surface transportation policy next year, it is important that proposals of this nature be allowed time to be discussed and vetted at length. Ultimately, it is my hope that we might be able to make some targeted changes to Federal weight restrictions in order to achieve significant environmental and economic gains while still keeping the highest regard for safety.

I look forward to working with my colleagues in the Senate to move forward this important issue.

By Ms. SNOWE (for herself, Mr. HARKIN, Mr. INOUYE, and Mr. FEINGOLD):

S. 3517. A bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide parity under group health plans and group health insurance coverage for the provision of benefits for prosthetic devices and components and benefits for other medical and surgical services; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Today I rise with Senator TOM HARKIN of Iowa to introduce bipartisan legislation aimed at reducing disability in our Nation. As the Congress moves this week to ensure the strength of the landmark Americans with Disabilities Act, we must continue to work to ensure that every American has the means to overcome physical impairment. I am honored to be joined today by Senator HARKIN—who has long championed the ADA—as well as Senators DANIEL INOUYE, and RUSS FEINGOLD—as we act to ensure that those with group health insurance are able to access needed prosthetic care in order to lead full and independent lives.

This year over 130,000 individuals will undergo amputation procedures, often as a complication of diabetes or other chronic disease. For such individuals an appropriate prosthetic limb reduces disability and allows them to maintain employment and lead more productive lives.

Today many amputees receive prosthetics through their coverage by the VA, Medicare, Medicaid, or S–CHIP. Yet too often individuals without such coverage find that their private plan requires copayments for a needed prosthetic which they simply cannot afford, or imposes a ''lifetime cap'' which prevents them from replacing an existing prosthetic when needed.

So with an estimated two million individuals living with limb differences or loss in the United States, the impact of severely-restricted prosthetic coverage can be devastating. This is even more so for the estimated 70,000 amputees under the age of 18. Sadly, we see those children particularly affected as their growth increases the frequency with which a prosthetic requires replacement. That can quickly exceed a parent's ability to meet copayment requirements—a coverage cap may deny access to a replacement prosthetic.

So it is easy to see why 11 States—including my own State of Maine—have enacted legislation to assure reasonable coverage of prosthetics, and why more than half of the States are now examining parity for prosthetics. Studies in different States have reported that the imposition of parity can be expected to raise monthly health plan premiums by approximately 12 to 50 cents a month. That low cost helps keep amputees productive, and avoids shifting health costs to public programs—simply because the needed prosthetic could not be obtained, and the individual saw their function and productivity decline until they had to rely on public assistance.

That is so unnecessary and inappropriate. The legislation which we are introducing today—the Prosthetics Parity Act of 2008—will ensure that group health plans treat coverage of such prosthetic devices on par with other essential medical care covered by health insurance. It does not mandate coverage, but it does assure than when it is offered, it is not so restricted or capped that it does not assure an amputee of the prosthetic they require.

As we move forward to ensure greater opportunity and accommodation for Americans with disabilities, it is so timely that we ensure the appropriate access to prosthetics to help reduce disability. I call on my colleagues to join us in supporting this legislation to further the vision of greater opportunity for those with disabilities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3517

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 ''Prosthetics Parity Act of 2008''.

SEC. 2. FINDINGS AND PURPOSE.

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

(1) There are more than 1,800,000 people in the United States living with limb loss.

(2) Every year, there are more than 130,000 people in the United States who undergo amputation procedures.

(3) In addition, United States military personnel serving in Iraq and Afghanistan and around the world have sustained traumatic injuries resulting in amputation.

(4) The number of amputations in the United States is projected to increase in the years ahead due to the rising incidence of diabetes and other chronic illness.

(5) Those suffering from limb loss can and want to regain their lives as productive members of society.

(6) Prosthetic devices enable amputees to continue working and living productive lives.

(7) Insurance companies have begun to limit reimbursement of prosthetic equipment costs to unrealistic levels or not at all and often restrict coverage over an individual's lifetime, which shifts costs onto the Medicare and Medicaid programs.

(8) Eleven States have addressed this problem and have prosthetic parity legislation.

(9) Prosthetic parity legislation has been introduced and is being actively considered in 30 States.

(10) The States in which prosthetic parity laws have been enacted have found there to be minimal or no increases in insurance premiums and have reduced Medicare and Medicaid costs.

(11) Prosthetic parity legislation will not add to the size of government or to the costs associated with the Medicare and Medicaid programs.

(12) If coverage for prosthetic devices and components are offered by a group health insurance policy, then providing such coverage of prosthetic devices on par with other medical and surgical benefits will not increase the incidence of amputations or the number of individuals for which a prosthetic device would be medically necessary and appropriate.

(13) In States where prosthetic parity legislation has been enacted, amputees are able to return to a productive life, State funds have been saved, and the health insurance industry has continued to prosper.

(14) Prosthetic services allow people to return more quickly to their preexisting work.

(b) PURPOSE.—It is te purpose of this Act to require that each group health plan that provides both coverage for prosthetic devices and components and medical and surgical benefits, provide such coverage under terms and conditions that are no less favorable that the terms and conditions under which such benefits are provided for other benefits under such plan.

SEC. 3. PROSTHETICS PARITY.

(a) ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. PROSTHETICS PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that provides both medical and surgical benefits for prosthetic devices and components (as defined under subsection (d)(1))—

''(1) such benefits for prosthetic devices and components under the plan (or coverage) shall be provided under terms and conditions that are no less favorable than the terms and conditions applicable to substantially all medical and surgical benefits provided under the plan (or coverage);

''(2) such benefits for prosthetic devices and components under the plan (or coverage) may not be subject to separate financial requirements (as defined in subsection (d)(2)) that are applicable only with respect to such benefits, and any financial requirements applicable to such benefits shall be no more restrictive than the financial requirements applicable to substantially all medical and surgical benefits provided under the plan (or coverage); and

''(3) any treatment limitations (as defined in subsection (d)(3)) applicable to such benefits for prosthetic devices and components under the plan (or coverage) may not be more restrictive than the treatment limitations applicable to substantially all medical and surgical benefits provided under the plan (or coverage).

''(b) IN NETWORK AND OUT-OF-NETWORK STANDARDS.—

''(1) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that provides both medical and surgical benefits and benefits for prosthetic devices and components, and that provides both in-network benefits for prosthetic devices and components and out-of-network benefits for prosthetic devices and components, the requirements of this section shall apply separately with respect to benefits under the plan (or coverage) on an in-network basis and benefits provided under the plan (or coverage) on an out-of-network basis.

''(2) CLARIFICATION.—Nothing in paragraph (1) shall be construed as requiring that a group health plan (or health insurance coverage offered in connection with a group health plan) eliminate an out-of-network provider option from such plan (or coverage) pursuant to the terms of the plan (or coverage).

''(c) ADDITIONAL REQUIREMENTS.—

''(1) PRIOR AUTHORIZATION.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that requires, as a condition of coverage or payment for prosthetic devices and components under the plan (or coverage), prior authorization, such prior authorization must be required in the same manner as prior authorization is required by the plan (or coverage) as a condition of coverage or payment for all similar benefits provided under the plan (or coverage).

''(2) LIMITATION ON MANDATED BENEFITS.—Coverage for required benefits for prosthetic devices and components under this section shall be limited to coverage of the most appropriate device or component model that adequately meets the medical requirements of the patient, as determined by the treating physician of the patient involved.

''(3) COVERAGE FOR REPAIR OR REPLACEMENT.—Benefits for prosthetic devices and components required under this section shall include coverage for the repair or replacement of prosthetic devices and components, if the repair or replacement is determined appropriate by the treating physician of the patient involved.

''(4) ANNUAL OR LIFETIME DOLLAR LIMITATIONS.—A group health plan (or health insurance coverage offered in connection with a group health plan) shall not impose any annual or lifetime dollar limitation on benefits for prosthetic devices and components required to be covered under this section unless such limitation applies in the aggregate to all medical and surgical benefits provided under the plan (or coverage) and benefits for prosthetic devices components.

''(d) DEFINITIONS.—In this section:

''(1) PROSTHETIC DEVICES AND COMPONENTS.—The term 'prosthetic devices and components' means those devices and components that may be used to replace, in whole or in part, an arm or leg, as well as the services required to do so and includes external breast prostheses incident to mastectomy resulting from breast cancer.

''(2) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or health insurance coverage and also includes the application of annual and lifetime limits.

''(3) TREATMENT LIMITATIONS.—The term 'treatment limitations' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following:

''Sec. 714. Prosthetics parity.''.

(b) PHSA.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. PROSTHETICS PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that provides both medical and surgical benefits for prosthetic devices and components (as defined under subsection (d)(1))—

''(1) such benefits for prosthetic devices and components under the plan (or coverage) shall be provided under terms and conditions that are no less favorable than the terms and conditions applicable to substantially all medical and surgical benefits provided under the plan (or coverage);

''(2) such benefits for prosthetic devices and components under the plan (or coverage) may not be subject to separate financial requirements (as defined in subsection (d)(2)) that are applicable only with respect to such benefits, and any financial requirements applicable to such benefits shall be no more restrictive than the financial requirements applicable to substantially all medical and surgical benefits provided under the plan (or coverage); and

''(3) any treatment limitations (as defined in subsection (d)(3)) applicable to such benefits for prosthetic devices and components under the plan (or coverage) may not be more restrictive than the treatment limitations applicable to substantially all medical and surgical benefits provided under the plan (or coverage).

''(b) IN NETWORK AND OUT-OF-NETWORK STANDARDS.—

''(1) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that provides both medical and surgical benefits and benefits for prosthetic devices and components, and that provides both in-network benefits for prosthetic devices and components and out-of-network benefits for prosthetic devices and components, the requirements of this section shall apply separately with respect to benefits under the plan (or coverage) on an in-network basis and benefits provided under the plan (or coverage) on an out-of-network basis.

''(2) CLARIFICATION.—Nothing in paragraph (1) shall be construed as requiring that a group health plan (or health insurance coverage offered in connection with a group health plan) eliminate an out-of-network provider option from such plan (or coverage) pursuant to the terms of the plan (or coverage).

''(c) ADDITIONAL REQUIREMENTS.—

''(1) PRIOR AUTHORIZATION.—In the case of a group health plan (or health insurance coverage offered in connection with a group health plan) that requires, as a condition of coverage or payment for prosthetic devices

and components under the plan (or coverage), prior authorization, such prior authorization must be required in the same manner as prior authorization is required by the plan (or coverage) as a condition of coverage or payment for all similar benefits provided under the plan (or coverage).

''(2) LIMITATION ON MANDATED BENEFITS.—Coverage for required benefits for prosthetic devices and components under this section shall be limited to coverage of the most appropriate device or component model that adequately meets the medical requirements of the patient, as determined by the treating physician of the patient involved.

''(3) COVERAGE FOR REPAIR OR REPLACEMENT.—Benefits for prosthetic devices and components required under this section shall include coverage for the repair or replacement of prosthetic devices and components, if the repair or replacement is determined appropriate by the treating physician of the patient involved.

''(4) ANNUAL OR LIFETIME DOLLAR LIMITATIONS.—A group health plan (or health insurance coverage offered in connection with a group health plan) shall not impose any annual or lifetime dollar limitation on benefits for prosthetic devices and components required to be covered under this section unless such limitation applies in the aggregate to all medical and surgical benefits provided under the plan (or coverage) and benefits for prosthetic devices components.

''(d) DEFINITIONS.—In this section:

''(1) PROSTHETIC DEVICES AND COMPONENTS.—The term 'prosthetic devices and components' means those devices and components that may be used to replace, in whole or in part, an arm or leg, as well as the services required to do so and includes external breast prostheses incident to mastectomy resulting from breast cancer.

''(2) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by an enrollee with respect to benefits under the plan or health insurance coverage and also includes the application of annual and lifetime limits.

''(3) TREATMENT LIMITATIONS.—The term 'treatment limitations' includes limits on the frequency of treatment, number of visits, days of coverage, or other similar limits on the scope or duration of treatment.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans (and health insurance coverage offered in connection with group health plans) for plan years beginning on or after the date of the enactment of this Act.

SEC. 4. FEDERAL ADMINISTRATIVE RESPONSIBILITIES.

(a) ASSISTANCE TO ENROLLEES.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall provide assistance to enrollees under plans or coverage to which the amendment made by section 3 apply with any questions or problems with respect to compliance with the requirements of such amendment.

(b) AUDITS.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall provide for the conduct of random audits of group health plans (and health insurance coverage offered in connection with such plans) to ensure that such plans (or coverage) are in compliance with the amendments made by section (3).

(c) GAO STUDY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study that evaluates the effect of the implementation of the amendments made by this Act on the cost of the health insurance coverage, on access to health insurance coverage (including the availability of in-network providers), on the quality of health care, on benefits and coverage for prosthetics devices and components, on any additional cost or savings to group health plans, on State prosthetic devices and components benefit mandate laws, on the business community and the Federal Government, and on other issues as determined appropriate by the Comptroller General.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and submit to the appropriate committee of Congress a report containing the results of the study conducted under paragraph (1).

(d) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall promulgate final regulations to carry out this Act and the amendments made by this Act.

By Mr. BINGAMAN (for himself and Mr. CRAPO):

S. 3518. A bill to amend the Internal Revenue Code of 1986 to modify the limitations on the deduction of interest by financial institutions which hold tax-exempt bonds, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, one of the credit crunch's most unfair—but least-discussed—impacts is its severe curtailment of municipalities' ability to raise capital for critical infrastructure projects. Because municipalities did not engage in the financial ''innovation'' that led to this situation, they are merely innocent bystanders swept up in a national crisis. Congress must take swift action to mitigate the credit crunch's impact on U.S. municipalities. To do so, I rise today to introduce the Municipal Bond Market Support Act of 2008. By relaxing outdated restrictions that prevent banks from acquiring municipal debt, the Act will significantly enhance demand for municipal bonds, thus aiding municipalities across the Nation—particularly those in small and rural communities—in financing essential infrastructure projects. I thank my friend from Idaho, Mr. CRAPO, a colleague on the Finance Committee, for joining me in introducing this bipartisan legislation.

Federal policy has long recognized the critical role of municipal bonds in enabling communities to undertake critical investments. But the liquidity crisis has dried up available capital for bonds, both municipal and corporate, at a time when the municipal bond market is already reeling from other setbacks. The auction-rate security market's collapse, which forced municipal issuers to refinance or convert more than $80 billion of their total $166 billion in such securities, has already cost municipalities more than $1 billion, thus pushing new municipal bond issuance out of reach for many municipalities. Meanwhile, when the Nation's two largest bond insurers were downgraded earlier this year, the underlying municipal bonds saw a corresponding downgrade—a penalty for merely being ''wrapped'' in the downgraded firm's insurance.

Taken together, these forces have driven yields on benchmark, 30-year tax-exempt debt to their highest levels since July 2004. These high rates have dramatically increased costs for municipalities facing interest payments on outstanding floating-rate municipal bonds, while making it more costly for municipalities to issue new debt. In the first half of 2008, long-term municipal issuance dropped 4.1 percent over the prior year, and a further drop is predicted in the second half; for new issuances, the interest costs have vastly increased. Given the credit crunch's severity, full recovery is probably a long way off. The timing could not be less opportune—the financial slowdown will cause municipal budget deficits to balloon, just when the need for infrastructure enhancements could not be more apparent.

Our bill, which largely mirrors a companion already introduced in the House by Chairman FRANK and Chairman NEAL of the House Ways and Means Select Revenue Measures Subcommittee, would stimulate demand—and therefore lower borrowing costs for issuing municipalities—by relaxing restrictions on banks' ability to participate in the municipal bond market.

To understand the proposed changes, it is useful to briefly review the tax code's current rules regarding banks' holding of municipal debt. Prior to 1986, banks were generally permitted to deduct the full interest costs they incurred unless a borrowing was incurred or continued to purchase or hold such bonds. Consequently, banks made up a significant share of the demand for municipal debt. But the 1986 tax reform eliminated this deduction for banks by requiring a pro-rata interest expense disallowance, with a limited ''qualified small issuer'' exception that permits banks to deduct 80 percent of the cost of purchasing and carrying bonds of governmental entities that issue $10 million or less in municipal bonds in any calendar year. This exception was added because small issuers' infrequent and small borrowing amounts make it too costly for them to sell debt in the national capital markets, leaving private placements with local banks the most feasible and cost-effective alternative.

To increase demand for municipal debt, the bill makes two modifications to these limitations. First, it would raise the bank qualified limit for small issuers from $10 million to $30 million, and then index the new limit for inflation. Municipalities that issue between $10 million and $30 million will thus be able to raise capital through private placements. Because private placements generally carry no underwriting fees and require no offering document, the up-front issuing costs to municipalities are far lower than issuing debt on the public markets. More critically, interest payments are far lower: Interest on such ''bank qualified'' debt averages 40 basis points, 0.40 percent, less than interest on nonbank qualified debt.

Failing to raise the bank-qualified level from the amount set in 1986 has real consequences for American communities. For instance, many small hospitals and healthcare facilities, even in small population States, cannot take advantage of today's small-issuer exception because they borrow through statewide authorities that issue bonds on behalf of multiple institutions, thereby exceeding the $10 million limit. In my home state, the New Mexico Hospital Equipment Loan Council tells me that if the $10 million limit had instead been $30 million, then many hospitals in our state's rural communities would have been able to secure funding to acquire additional hospital equipment, among them, Sierra Vista Hospital in Truth or Consequences; the Prairie Meadows assisted living facility in Clovis; and the Las Cruces Mental Health Center in Las Cruces. For each of these entities, the prospective borrower was instead forced to seek alternative, higher-cost capital options—or could not secure funding to complete the transaction.

As another example, the City of Las Cruces would benefit from this bill. The city has had five debt issues in the last 5 years that exceeded $10 million. The financial advisor under contract to the City estimates that the difference in rates, with a higher limit on bank qualified debt, would be about 20 basis points—a savings that would be passed on to the taxpayers and rate payers in our community.

Second, as concerns municipalities that issue more than $30 million in debt annually, the bill would allow financial institutions to hold up to 2 percent of their total assets in such debt, without disallowing a proportional amount of their interest expense deduction. This change is intended to restore bank demand and provide some stability by bringing this group of institutional investors back into the municipal market. Nonfinancial companies already benefit from this safe harbor, so in this regard, the bill creates parity. Many larger municipal infrastructure projects have costs in excess of $30 million, and bank investment can only help these critical projects succeed.

Finally, it bears mentioning that this bill offers at least two collateral benefits. First, enabling local governments to undertake additional infrastructure investments will help to stimulate our challenged economy. Second, by enabling banks to acquire municipal bonds—the safest class of security—the bill will enhance the stability of banks at a time that they face considerable financial pressure.

I am pleased that this bill has been endorsed by a number of organizations, including the National League of Cities; U.S. Conference of Mayors; National Association of Counties; Government Finance Officers Association; International City/County Management Association; National Association of State Auditors, Comptrollers and Treasurers; National Association of State Treasurers; Council of Infrastructure Financing Authorities; Education Finance Council; and National Association of Health and Educational Facilities Finance Authorities.

I hope my colleagues will join with Senator CRAPO and me in working to enhance liquidity in the municipal bond market. Our bill will go a long way toward ensuring that our cities, towns, counties, utility districts, and school districts can secure affordable financing to undertake the infrastructure projects that our communities sorely need.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3518

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 ''Municipal Bond Market Support Act of 2008''.

SEC. 2. MODIFICATION OF SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.

(a) INCREASE IN LIMITATION.—Subparagraphs (C)(i), (D)(i), and (D)(iii)(II) of section 265(b)(3) of the Internal Revenue Code of 1986 are each amended by striking ''$10,000,000'' and inserting ''$30,000,000''.

(b) REPEAL OF AGGREGATION RULES APPLICABLE TO SMALL ISSUER DETERMINATION.—Paragraph (3) of section 265(b) of such Code is amended by striking subparagraphs (E) and (F).

(c) ELECTION TO APPLY LIMITATION AT BORROWER LEVEL.—Paragraph (3) of section 265(b) of such Code, as amended by subsection (b), is amended by adding at the end the following new subparagraph:

''(E) ELECTION TO APPLY LIMITATION ON AMOUNT OF OBLIGATIONS AT BORROWER LEVEL.—

''(i) IN GENERAL.—An issuer, the proceeds of the obligations of which are to be used to make or finance eligible loans, may elect to apply subparagraphs (C) and (D) by treating each borrower as the issuer of a separate issue.

''(ii) ELIGIBLE LOAN.—For purposes of this subparagraph—

''(I) IN GENERAL.—The term 'eligible loan' means one or more loans to a qualified borrower the proceeds of which are used by the borrower and the outstanding balance of which in the aggregate does not exceed $30,000,000.

''(II) QUALIFIED BORROWER.—The term 'qualified borrower' means a borrower which is an organization described in section 501(c)(3) and exempt from taxation under section 501(a) or a State or political subdivision thereof.

''(iii) MANNER OF ELECTION.—The election described in clause (i) may be made by an issuer for any calendar year at any time prior to its first issuance during such year of obligations the proceeds of which will be used to make or finance one or more eligible loans.''.

(d) INFLATION ADJUSTMENT.—Paragraph (3) of section 265(b) of such Code, as amended by subsections (b) and (c), is amended by adding at the end the following new subparagraph:

''(F) INFLATION ADJUSTMENT.—In the case of any calendar year after 2009, the $30,000,000 amounts contained in subparagraphs (C)(i), (D)(i), (D)(iii)(II), and (E)(ii)(I) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2008' 'for calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $100,000.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

SEC. 3. DE MINIMIS SAFE HARBOR EXCEPTION FOR TAX-EXEMPT INTEREST EXPENSE OF FINANCIAL INSTITUTIONS AND BROKERS.

(a) FINANCIAL INSTITUTIONS.—Subsection (b) of section 265 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) DE MINIMIS EXCEPTION.—Paragraph (1) shall not apply to any financial institution if the portion of the taxpayer's holdings of tax-exempt securities is less than 2 percent of the taxpayer's assets.''.

(b) BROKERS.—Subsection (a) of section 265 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) DE MINIMIS EXCEPTION.—Paragraph (2) shall not apply to any broker (as defined in section 6045(c)(1)) if the portion of the taxpayer's holdings of tax-exempt securities is less than 2 percent of the taxpayer's assets.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mrs. FEINSTEIN, Mrs. MCCASKILL, and Mr. WYDEN):

S. 3519. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, today I am introducing the Puppy Uniform Protection and Safety Act, or PUPS Act.

In recent years, media reports have highlighted the cruel treatment of dogs raised by irresponsible breeders in large-scale commercial operations. The facilities operated by the most negligent owners are often referred to as puppy mills, because they churn out dogs the way a factory would—with little or no respect for the animals' quality of life.

Let me be clear, there are many responsible dog breeders across the country who care about and take great pains to properly look after the animals in their care. Those breeders are not the target of this legislation.

Unfortunately, the less scrupulous ''puppy mills'' threaten the reputation of the entire industry. The dogs bred or raised in puppy mills are often housed in cramped, dirty, wire cages. To maximize profit, a breeder may stack cages on top of each other or keep the cages outdoors where dogs are exposed to the elements. The dogs may never be given a chance to exercise or even walk on solid ground. Some animals rescued from puppy mills show signs of malnutrition and dehydration, having been denied a sufficient supply of food and

water. Puppies raised in these settings don't always have regular veterinary, and the breeding females are made to have litter after litter of puppies.

Not surprisingly, this treatment has an effect on the physical and mental health of the animals raised in these facilities.

Veterinarians in Illinois have shared with me heartbreaking tales of families who unknowingly purchased dogs that had been raised in puppy mills. Those dogs turn out to have serious health and behavioral problems. By the time these conditions are diagnosed, the families have welcomed the new puppy into the family and developed a strong emotional attachment. In some cases, the puppies could be treated, but often at great expense to their new owners. These families face very difficult decisions.

Today, people can go on-line and research puppies available for purchase with the simple click of a mouse. You can't blame people for using the convenience of shopping online, but some puppy mill operators advertise on the internet so that they can bypass the pet store. That way, the breeder can avoid the Federal licensing requirements of the Animal Welfare Act, which apply only to wholesale breeders. That means that finding your puppy on-line may well increase the chance that you'll be buying from a puppy mill.

The PUPS Act I am introducing today, along with Senators FEINSTEIN, MCCASKILL, and WYDEN, would amend the Animal Welfare Act to require that breeders obtain a license from the USDA if they raise more than 50 dogs in a 12-month period and sell directly to the public.

These licenses are inexpensive and the application process is simple. But USDA licensing would allow the agency to ensure that large and mid-level breeders comply with minimum Federal standards. The PUPS Act also requires all commercial breeders to give dogs in their care at least two daily exercise breaks, allowing the dogs to enjoy at least 60 minutes outside of their crates or enclosures.

The good news is that the public is growing more aware of the existence of puppy mills. Recent investigations of the deplorable conditions at several large puppy mills along with the interest shown by celebrities, including Chicago resident Oprah Winfrey, have brought new attention to the cause. As a result, many Americans seeking companion animals are doing their homework. They are choosing to adopt from local shelters or finding and visiting responsible breeders. It is my hope that extending and improving oversight of this industry through the PUPS Act will help Americans feel confident about the health and well-being of the dog that they welcome into their family.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3519

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 ''Puppy Uniform Protection and Safety Act''.

SEC. 2. REGULATION OF HIGH-VOLUME SELLERS OF PUPPIES.

(a) RETAIL PET STORE DEFINED.—Section 2 of the Animal Welfare Act (7 U.S.C. 2132) is amended by adding at the end the following new subsection:

''(p) The term 'retail pet store' means a person that—

''(1) sells an animal directly to the public for use as a pet; and

''(2) does not breed or raise more than 50 dogs for use as pets during any one-year period.''.

(b) LICENSES.—Section 3 of the Animal Welfare Act (7 U.S.C. 2133) is amended in the second proviso—

(1) by striking ''retail pet store or other person who'' and inserting ''retail pet store, or other person who (1) does not breed or raise more than 50 dogs for use as pets during any one-year period, and (2)''; and

(2) by striking ''research facility'' and inserting ''research facility,''.

(c) HUMANE STANDARDS.—Section 13 of the Animal Welfare Act (7 U.S.C. 2143) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(2) by redesignating the second subsection (f) as subsection (g); and

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

''(j)(1) Subject to paragraph (2), a dealer shall provide each dog held by such dealer that is of the age of 12 weeks or older with a minimum of two exercise periods during each day for a total of not less than one hour of exercise during such day. Such exercise shall include removing the dog from the dog's primary enclosure and allowing the dog to walk for the entire exercise period, but shall not include use of a treadmill, catmill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine.

''(2) Paragraph (1) shall not apply to a dog certified by a doctor of veterinary medicine, on a form designated by and submitted to the Secretary, as being medically precluded from exercise.''.

SEC. 3. EFFECT ON STATE LAW.

The amendments made by this Act shall not be construed to preempt any law or regulation of a State or a political subdivision of a State containing requirements that are greater than the requirements of the amendments made by this Act.

By Ms. SNOWE:

S. 3522. A bill to establish a Federal Board of Certification to enhance the transparency, credibility, and stability of financial markets, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. SNOWE. Mr. President, I rise today to offer legislation that will increase the trustworthiness of our Nation's mortgage security market by creating the Federal Board of Certification for mortgage securities.

The recent collapse of Lehman Brothers, and the Federal Reserve's bailout of American International Group, Fannie Mae, Freddie Mac and Bear Stearns, along the huge losses suffered throughout the financial industry, demonstrates a catastrophic failure to accurately assess the dangers of imprudently made subprime mortgages to the American public and our financial markets. In hindsight, it appears that it was the inability to gauge risk in mortgage-backed securities that caused much of this financial turmoil. For markets to operate properly, it is imperative that they have effective metrics for calculating the level of risk securities pose to investors.

The secondary mortgage market has been a largely unregulated playground where poorly underwritten, low-quality loans were sold as high-quality investment products. Although mortgage backed securities can be a positive market force, which increases the available pool of credit for borrowers, without an accurate picture of the risk involved in each mortgage security, buyers have no idea whether they are buying a high-risk investment or a safe, secure investment. My legislation would work to curb the excesses of the secondary market, combat future attempts at deception, and protect investors by making scrutinized mortgage investments more reliable and trustworthy.

The inability of major corporations to properly assess the risk of the mortgage securities they were trading is a problem whose effects have not been confined to Wall Street. To put it simply: when big banks sneeze, the rest of America gets a cold. By 2009, more than a trillion dollars of the subprime mortgages originated during the housing boom will reset to higher interest rates. Currently, according to the Mortgage Bankers Association, 43 percent of subprime adjustable rate mortgages are already in foreclosure. In my home State of Maine, we are struggling with falling home prices and a record number of foreclosures. Some Maine borrowers, with rising monthly payments, are unable to refinance out of their predatory loans. Small business owners, many already hurt by the economic downturn, are also finding credit tight. The bad economic climate caused by the subprime credit crunch is roiling the stock market causing Americans to loose billions in their IRAs and retirement funds.

We need to fix this crisis before it gets any worse and make sure it never happens again. Francis Bacon said that ''knowledge is power.'' My bill would give investors the knowledge to make intelligent calculations of risk and as a result, it would give them the power to decide how much risk they could collectively handle.

Turning to specifics, my bill creates the Federal Board of Certification, which would certify that the mortgages within a security instrument meet the underlying standards they claim in regards to documentation, loan to value ratios, debt service to income ratios, and borrowers' credit

standards. The purpose of the certification process is to increase the transparency, predictability, and reliability of securitized mortgage products. Certification would aid in creating settled investor expectations and increase transparency by ensuring that the mortgages within a mortgage security conform to the claims made by the mortgage product's sellers.

The proposed Federal Board of Certification would not override any current regulations and would not, in any way, stifle any attempts by private business to rate mortgage securities. This legislation would, however, create incentives for improving industry rating practices. Open publication of the Board's certification criteria would augment the efforts of private ratings agencies by providing incentives for increased transparency in the ratings process. The Board's certification would also serve as a check on the industry to ensure that ratings agencies carefully scrutinize the content of mortgage products before issuing evaluations of mortgage backed securities.

Significantly, the Federal Board of Certification would also be voluntary and funded by an excise tax. Users could choose to pay the costs for the Board to rate their security, or they could elect not to submit their product to the Board.

We must quickly restore confidence in the U.S. mortgage securities if we are to stabilize our housing markets and enable families to refinance their expensive loans. To do this, we must certify the quality and content of our mortgage securities and enable those markets working again to create liquidity and lending. This is why it is urgent to create the Federal Board of Certification for mortgage securities. This legislation would create a ''good housekeeping seal of approval'' for the mortgage security industry and certify that the mortgage products are in fact what they claim to be. Accordingly, I call on Congress to take up and pass this common-sense amendment as expeditiously as possible.

I encourage my colleagues to strongly support the creation of the Federal Board of Certification. This legislation will restore trust in U.S. financial markets and mortgage securities which will help American businesses and ultimately, most crucially, American families.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3522

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 Board of Certification Act of 2008''.

SEC. 2. PURPOSE.

It is the purpose of this Act to establish a Federal Board of Certification, which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to mortgage characteristics including but not limited to: documentation, loan to value ratios, debt service to income ratios, and borrower credit standards and geographic concentration. The purpose of this certification process is to increase the transparency, predictability and reliability of securitized mortgage products.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''Board'' means the Federal Board of Certification established under this Act;

(2) the term ''mortgage security'' means an investment instrument that represents ownership of an undivided interest in a group of mortgages;

(3) the term ''insured depository institution'' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1803); and

(4) the term ''Federal financial institutions regulatory agency'' has the same meaning as in section 1003 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3302).

SEC. 4. VOLUNTARY PARTICIPATION.

Market participants, including firms that package mortgage loans into mortgage securities, may elect to have their mortgage securities evaluated by the Board.

SEC. 5. STANDARDS.

The Board is authorized to promulgate regulations establishing enumerated security standards which the Board shall use to certify mortgage securities. The Board shall promulgate standards which shall certify that the mortgages within a security instrument meet the underlying standards they claim to meet with regards to documentation, loan to value ratios, debt service to income rations and borrower credit standards. The standards should protect settled investor expectations, and increase the transparency, predictability and reliability of securitized mortgage products.

SEC. 6. COMPOSITION.

(a) ESTABLISHMENT; COMPOSITION.—There is established the Federal Board of Certification, which shall consist of—

(1) the Comptroller of the Currency;

(2) the Secretary of Housing and Urban Development;

(3) a Governor of the Board of Governors of the Federal Reserve System designated by the Chairman of the Board;

(4) the Undersecretary of the Treasury for Domestic Finance; and

(5) the Chairman of the Securities and Exchange Commission.

(b) CHAIRPERSON.—The members of the Board shall select the first chairperson of the Board. Thereafter the position of chairperson shall rotate among the members of the Board.

(c) TERM OF OFFICE.—The term of each chairperson of the Board shall be 2 years.

(d) DESIGNATION OF OFFICERS AND EMPLOYEES.—The members of the Board may, from time to time, designate other officers or employees of their respective agencies to carry out their duties on the Board.

(e) COMPENSATION AND EXPENSES.—Each member of the Board shall serve without additional compensation, but shall be entitled to reasonable expenses incurred in carrying out official duties as such a member.

SEC. 7. EXPENSES.

The costs and expenses of the Board, including the salaries of its employees, shall be paid for by excise fees collected from applicants for security certification from the Board, according to fee scales set by the Board.

SEC. 8. BOARD RESPONSIBILITIES.

(a) ESTABLISHMENT OF PRINCIPLES AND STANDARDS.—The Board shall establish, by rule, uniform principles and standards and report forms for the regular examination of mortgage securities.

(b) DEVELOPMENT OF UNIFORM REPORTING SYSTEM.—The Board shall develop uniform reporting systems for use by the Board in ascertaining mortgage security risk. The Board shall assess, and publicly publish, how it evaluates and certifies the composition of mortgage securities.

(c) AFFECT ON FEDERAL REGULATORY AGENCY RESEARCH AND DEVELOPMENT OF NEW FINANCIAL INSTITUTIONS SUPERVISORY AGENCIES.—Nothing in this Act shall be construed to limit or discourage Federal regulatory agency research and development of new financial institutions supervisory methods and tools, nor to preclude the field testing of any innovation devised by any Federal regulatory agency.

(d) ANNUAL REPORT.—Not later than April 1 of each year, the Board shall prepare and submit to Congress an annual report covering its activities during the preceding year.

(e) REPORTING SCHEDULE.—The Board shall determine whether it wants to evaluate mortgage securities at issuance, on a regular basis, or upon request.

SEC. 9. BOARD AUTHORITY.

(a) AUTHORITY OF CHAIRPERSON.—The chairperson of the Board is authorized to carry out and to delegate the authority to carry out the internal administration of the Board, including the appointment and supervision of employees and the distribution of business among members, employees, and administrative units.

(b) USE OF PERSONNEL, SERVICES, AND FACILITIES OF FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCIES, AND FEDERAL RESERVE BANKS.—In addition to any other authority conferred upon it by this Act, in carrying out its functions under this Act, the Board may utilize, with their consent and to the extent practical, the personnel, services, and facilities of the Federal financial institutions regulatory agencies, and Federal Reserve banks, with or without reimbursement therefor.

(c) COMPENSATION, AUTHORITY, AND DUTIES OF OFFICERS AND EMPLOYEES; EXPERTS AND CONSULTANTS.—The Board may—

(1) subject to the provisions of title 5, United States Code, relating to the competitive service, classification, and General Schedule pay rates, appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this Act, and to prescribe the authority and duties of such officers and employees; and

(2) obtain the services of such experts and consultants as are necessary to carry out this Act.

SEC. 10. BOARD ACCESS TO INFORMATION.

For the purpose of carrying out this Act, the Board shall have access to all books, accounts, records, reports, files, memorandums, papers, things, and property belonging to or in use by Federal financial institutions regulatory agencies, including reports of examination of financial institutions, their holding companies, or mortgage lending entities from whatever source, together with work papers and correspondence files related to such reports, whether or not a part of the report, and all without any deletions.

SEC. 11. REGULATORY REVIEW.

(a) IN GENERAL.—Not less frequently than once every 10 years, the Board shall conduct a review of all regulations prescribed by the Board, in order to identify outdated or otherwise unnecessary regulatory requirements imposed on insured depository institutions.

(b) PROCESS.—In conducting the review under subsection (a), the Board shall—

(1) categorize the regulations described in subsection (a) by type; and

(2) at regular intervals, provide notice and solicit public comment on a particular category or categories of regulations, requesting commentators to identify areas of the regulations that are outdated, unnecessary, or unduly burdensome.

(c) COMPLETE REVIEW.—The Board shall ensure that the notice and comment period described in subsection (b)(2) is conducted with respect to all regulations described in subsection (a), not less frequently than once every 10 years.

(d) REGULATORY RESPONSE.—The Board shall—

(1) publish in the Federal Register a summary of the comments received under this section, identifying significant issues raised and providing comment on such issues; and

(2) eliminate unnecessary regulations to the extent that such action is appropriate.

(e) REPORT TO CONGRESS.—Not later than 30 days after carrying out subsection (d)(1) of this section, the Board shall submit to the Congress a report, which shall include a summary of any significant issues raised by public comments received by the Board under this section and the relative merits of such issues.

SEC. 12. LIABILITY.

Any publication, transmission, or webpage containing an advertisement for or invitation to buy a mortgage security shall include the following notice, in conspicuous type: ''Certification by the Federal Board of Certification can in no way be considered a guarantee of the mortgage security. Certification is merely a judgment by the Federal Board of Certification of the degree of risk offered by the security in question. The Federal Board of Certification is not liable for any actions taken in reliance on such judgment of risk.''.

By Mr. ENZI:

S. 3523. A bill to provide 8 steps for energy sufficiency, and for other purposes; to the Committee on Finance.

Mr. ENZI. Mr. President, when I was home over the August recess, I traveled over 6,000 miles across Wyoming. I visited dozens of different cities in my home State, all of which have a variety of concerns and needs. I found, however, one common theme throughout every town and in every meeting I took. That theme was the need to do something about the high cost of energy.

High energy prices are hurting everyone, but they are especially impacting the people of Wyoming. People in Wyoming are often forced to commute long distances to get to work. Some have to drive miles for groceries and general services that are common in larger cities. We need to do something to make America energy sufficient and today I am introducing my plan to make that happen.

My bill is titled Eight Steps to Energy Sufficiency, and it follows a similar model I have used before. It breaks down the deficiencies in our Nation's energy policy into eight separate areas and provides a solution for those eight areas. It is a comprehensive approach, but it is broken down in a way that any one of the steps can be passed on its own merits.

First step—use less energy. The problem that we are facing today is a supply and demand issue. We have too much demand for energy and not enough energy supply. My bill takes the approach that we can use less by aiding in the development of technology that will make vehicles more efficient.

Second step—find more American energy. Traditional energy sources make up 85 percent of our energy portfolio today, and there is no way we can transition to renewable energy over night. Because that is the case, we should be focusing our efforts on developing as much American energy as we can so that we can stop sending money to countries that are not necessarily friendly to the U.S. My bill does this by opening up the Outer Continental Shelf to energy development and ending the senseless ban on oil shale development. These two actions will go a long way toward making America more energy sufficient.

Third step—speed up the process. We can't get refineries built in the U.S., even though we need them and so my bill includes a provision to help streamline the permitting process for refineries. In addition to that, it takes a look at the NEPA process in an effort to see how we can limit senseless litigation that is slowing the production of energy on already leased lands.

Fourth step—innovation. I am a huge believer in American ingenuity. Every year, I hold an inventor's conference because I believe our community of inventors will be key in solving our energy crisis. My bill recognizes this and helps move forward the development of hydrogen technologies. It also studies cellulosic ethanol to determine if we are doing all that we can to help move non-corn based ethanol forward.

The fifth step of my plan deals with incentives. We need to incentivize the production of energy and we need to let people know that the Federal Government is in it for the long haul by providing incentives that last for more than a year. My plan would reauthorize the wind production tax credit for 5 years and it would renew the solar production tax credit for 8 years. It would repeal the Federal Government's theft of States' fair share of mineral royalties so that States would be encouraged to allow for production on their lands. It is important that we help people who are doing their part, and making these important credits available is one way to do just that.

The sixth step of my plan to strengthen America's energy supply deals with our nation's most abundant energy source: coal. Wyoming is the Nation's largest coal producer, and any realistic effort to make America's energy supply more robust has to recognize that coal will play a major role in making that happen. My bill provides funding for research and development to help develop and deploy carbon capture and sequestration technologies. It promotes using coal to make diesel fuel and allows the Air Force to enter into long term fuels contracts so that our military has a secure source of jet fuel.

Nuclear energy must also play a role in making America energy sufficient, and the seventh step of my plan encourages the development of nuclear energy. The bill recognizes the important role Yucca Mountain could play, and it offers up tax credits to help build new nuclear reactors. Wyoming is the Nation's largest producer of uranium, and because nuclear is a clean and efficient energy source, we should be doing all that we can to move it forward.

Finally, the eighth step in my plan involves opening up a small area of Alaska's coastal plain to energy production. By opening up a portion of the Arctic National Wildlife Refuge that is roughly the size of the Natrona County International Airport in Casper, Wyoming, we can produce about a million barrels of American oil each day. The Energy Information Administration recently sent a letter suggesting that the addition of 1 million barrels of oil a day to the market could drop the price as much as $20 dollars per barrel, and we should act on this matter expeditiously.

My bill is an eight step plan. I broke down my ideas for energy sufficiency into eight separate steps with the hope that each piece can be passed by Congress as stand-alone legislation. In Washington, bills that are smaller and more specific are much easier to pass than huge pieces of ''comprehensive'' legislation because those big bills can often gain opposition very quickly, and before you know it they will not pass. Whenever we try to push through big energy packages, nearly every Senator objects to some aspect of it, and that means we are not able get enough people in support of the bill to pass it. By breaking down my plan into sections, we have eight sensible solutions for Congress to consider, and if enacted, any one of them would ease the burden of high prices faced by consumers.

I hope my colleagues will take a look at my package and will work with me to move forward with this important legislation. All summer, I heard about the importance of moving forward with energy legislation, and I believe my approach is the best way to make America energy sufficient.

By Mr. REID (for Mr. BIDEN):

S. 3524. A bill to improve the Office for State and Local Law Enforcement, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. BIDEN. Mr. President, since September 11, 2001, our Nation has taken significant steps to improve our national security. However, to improve our ability to prevent and respond to a future terrorist attack we need to fundamentally change the working relationship between our Federal, State, local, and tribal law enforcement agencies. The Homeland Security and Law

Enforcement Improvements Act of 2008 will do this by making State, local, and tribal law enforcement agencies full partners with Federal agencies in homeland security policymaking and by ensuring that these agencies have the resources they need to prevent and respond to terrorist attacks or other major incidents.

As chairman of the Judiciary Subcommittee on Crime and Drugs, I regularly talk to police chiefs and sheriffs throughout this country. These men and women are on the front lines of protecting our communities from a host of dangers in these difficult times. They know where our vulnerabilities are and what it will take to keep our families and neighborhoods safe, but, to put it simply, we haven't been listening. Policymakers haven't been listening to the people on the ground, leaving a critical gap in homeland security prevention, preparation, and incident response capabilities.

The Homeland Security and Law Enforcement Improvements Act of 2008 makes a number of important improvements to this situation that I believe will strengthen our ability to prevent and, if necessary, effectively respond to a major terrorist incident.

First, the act will ensure that state and local law enforcement agencies are full partners in both crime fighting and homeland security by giving the Assistant Secretary for State and Local Law Enforcement the appropriate budget and program management authority.

Second, the act will ensure that state and local law enforcement agencies have the resources needed to prevent and respond to terrorist acts by fully funding the Law Enforcement Terrorism Prevention Program, LETP, as a separate initiative. The LETPP is the only funding resource in the Department of Homeland Security dedicated solely to meeting the unique needs of law enforcement as they try to protect our communities from terrorism.

Third, the act ensures that first responders in local law enforcement have the resources they need to effectively react to a terrorist incident by establishing the Commercial Equipment Direct Assistance Program, CEDAP, as an authorized program. The CEDAP provides funding that allows law enforcement first responders to identify and select specialized equipment and technology that can help them protect the communities they serve.

Fourth, the act will ensure that we have a swift and coordinated response in the event of a major incident by establishing Law Enforcement Deployment Teams that can react immediately to major incidents throughout the country.

Fifth, the act will create an Information Sharing Resource Center to facilitate information sharing between Federal, State, local, and tribal law enforcement agencies, intelligence officials, and Federal agencies so that every stakeholder has the information necessary to protect our country from terrorist attacks.

Finally, the Act strengthens our ability to prevent and disrupt plans for attacks against America hatched overseas by establishing a Foreign Liaison Officers Against Terrorism, FLOAT, program. FLOAT will allow American state and local law enforcement officers to serve outside the U.S. as liaison officers—working closely with their foreign law enforcement counterparts to share information and gain a better understanding of how terrorists work abroad.

Each of these initiatives: the LETPP, CEDAP, the Law Enforcement Deployment Teams, the Information Sharing Resource Center, and FLOAT will be under the direction and control of the Assistant Secretary, who will report directly to the Secretary of the Department of Homeland Security.

I am honored to introduce this legislation with the support of the U.S. Conference of Mayors, the National Association of Police Organizations, the National Sheriffs Association and other law enforcement groups throughout this country who toil daily to keep us safe from crime and terrorism.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3524

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 ''Homeland Security and Law Enforcement Improvements Act of 2008''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Department'' means the Department of Homeland Security; and

(2) the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.

Section 2006 of the Homeland Security Act of 2002 (6 U.S.C. 607) is amended by striking subsection (b) and inserting the following:

''(b) OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.—

''(1) ESTABLISHMENT.—There is established in the Office of the Secretary an Office for State and Local Law Enforcement, which shall be headed by an Assistant Secretary for State and Local Law Enforcement.

''(2) QUALIFICATIONS.—The Assistant Secretary for State and Local Law Enforcement shall have an appropriate background with experience in law enforcement, intelligence, and other antiterrorist functions.

''(3) ASSIGNMENT OF PERSONNEL.—The Secretary may assign to the Office for State and Local Law Enforcement permanent staff and other appropriate personnel detailed from other components of the Department to carry out the responsibilities under this subsection.

''(4) RESPONSIBILITIES.—The Assistant Secretary for State and Local Law Enforcement shall—

''(A) lead the coordination of Department-wide policies relating to the role of State and local law enforcement in preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters within the United States;

''(B) serve as a liaison between State, local, and tribal law enforcement agencies and the Department;

''(C) work with the Office of Intelligence and Analysis to ensure the intelligence and information sharing requirements of State, local, and tribal law enforcement agencies are being addressed;

''(D) work with the Administrator to ensure that homeland security grants to State, local, and tribal government agencies, including grants under sections 2003 and 2004 and subsection (a) of this section, the Commercial Equipment Direct Assistance Program, and grants to support fusion centers and other law enforcement-oriented programs, are adequately focused on terrorism prevention activities;

''(E) coordinate, in cooperation with the Federal Emergency Management Agency and the Office of Intelligence and Analysis, information sharing and fusion center training, technical assistance, and other information sharing activities to ensure needs of State, local, and tribal law enforcement agencies and fusion centers are being met, including the development of a Law Enforcement Information Sharing Resource Center under paragraph (6);

''(F) carry out, in coordination with the Administrator, the National Law Enforcement Deployment Team Program established under paragraph (5); and

''(G) coordinate with the Federal Emergency Management Agency, the Department of Justice, the National Institute of Justice, law enforcement organizations, and other appropriate entities to support the development, promulgation, and updating, as necessary, of national voluntary consensus standards for training and personal protective equipment to be used in a tactical environment by law enforcement officers.

''(5) NATIONAL LAW ENFORCEMENT DEPLOYMENT TEAM PROGRAM.—

''(A) ESTABLISHMENT.—The Assistant Secretary for State and Local Law Enforcement shall establish a National Law Enforcement Deployment Team Program to develop and implement a series of Law Enforcement Deployment Teams comprised of State and local law enforcement personnel capable of providing immediate support in response to the threat or occurrence of a natural or man-made incident.

''(B) ACTIVITIES.—In carrying out the National Law Enforcement Deployment Team Program, the Assistant Secretary for State and Local Law Enforcement shall—

''(i) consult with State and local law enforcement and public safety agencies and other relevant stakeholders as to the capabilities required by a Law Enforcement Deployment Team;

''(ii) develop and implement a model Law Enforcement Deployment Team located in a region of the Federal Emergency Management Agency selected by the Assistant Secretary;

''(iii) exercise and train the Law Enforcement Deployment Teams;

''(iv) create model policies and procedures, templates, and general policies and procedures and document best practices that can be applied to the development of Law Enforcement Deployment Teams in each region of the Federal Emergency Management Agency;

''(v) develop an implementation strategy to support the development, overall management, equipment, infrastructure, and training needs of a National Law Enforcement Deployment Team Program, including the development of a technical assistance and training program; and

''(vi) not later than 6 months after the date of enactment of the Homeland Security and Law Enforcement Improvements Act of 2008, and before implementation of the National Law Enforcement Deployment Team Program in any region of the Federal Emergency Management Agency other than the region selected under clause (ii), submit to the Committee on Homeland Security and Government Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives a report on the National Law Enforcement Deployment Team Program, which shall include the implementation strategy described in clause (v).

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph—

''(i) $5,000,000 for each of fiscal years 2009 and 2010; and

''(ii) such sums as are necessary for each of fiscal years 2011 through 2015.

''(6) LAW ENFORCEMENT INFORMATION SHARING RESOURCE CENTER.—

''(A) ESTABLISHMENT.—There is established within the Office for State and Local Law Enforcement, the Law Enforcement Information Sharing Resource Center to provide technical assistance relating to information sharing and intelligence with and between State, local, and tribal law enforcement agencies and Federal agencies.

''(B) ACTIVITIES.—In carrying out the Law Enforcement Information Sharing Resource Center, the Assistant Secretary for State and Local Law Enforcement shall—

''(i) develop a single repository within the Department to house all relevant guidance, templates, examples, best practices, data sets, analysis tools, and other fusion center and information sharing related items;

''(ii) consult with State and local law enforcement agencies in the development of the Law Enforcement Information Sharing Resource Center;

''(iii) consolidate access to Department resources within the Law Enforcement Information Sharing Resource Center;

''(iv) provide technical assistance to law enforcement and public safety agencies; and

''(v) coordinate, in coordination with the Federal Emergency Management Agency and the Office of Intelligence and Analysis, intelligence, information sharing, and fusion center related training, technical assistance, exercise, and other services provided to State and local law enforcement and other agencies developing or operating fusion centers and intelligence units.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph—

''(i) $3,000,000 for fiscal year 2009;

''(ii) $3,500,000 for fiscal year 2010; and

''(iii) such sums as are necessary for each of fiscal years 2011 through 2015.

''(7) FOREIGN LIAISON OFFICERS AGAINST TERRORISM PROGRAMS.—

''(A) ESTABLISHMENT.—There is established within the Office of State and Local Law Enforcement, the Foreign Liaison Officers Against Terrorism Program.

''(B) DUTIES.—In carrying out the Foreign Liaison Officers Against Terrorism Program the Assistant Secretary for State and Local Law Enforcement shall—

''(i) identify foreign cities the government of which desires a State, local, or tribal law enforcement agency to assign an officer to the foreign city, to share information with law enforcement agencies of State, local, and tribal governments; and

''(ii) assign each foreign city identified under clause (i) to a law enforcement agency participating in the Foreign Liaison Officers Against Terrorism Program, to—

''(I) obtain information relevant to law enforcement agencies of State, local, and tribal governments from each such city for information sharing purposes; and

''(II) share information obtained under subclause (I) with other law enforcement agencies participating in the Foreign Liaison Officers Against Terrorism Program.

''(C) USE OF GRANT FUNDS.—A grant awarded under section 2003 may be used for the costs of participation in the Foreign Liaison Officers Against Terrorism Program established under subparagraph (A).''.

SEC. 4. LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.

(a) IN GENERAL.—Section 2006(a) of the Homeland Security Act of 2002 (6 U.S.C. 607(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) GRANTS.—The Assistant Secretary for State and Local Law Enforcement may make grants to States and local governments for law enforcement terrorism prevention activities.

''(B) PROGRAM.—The Secretary shall maintain the grant program under this subsection as a separate program of the Department.''; and

(2) by adding at the end the following:

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $500,000,000 for each of fiscal years 2009 through 2015, of which not less than 10 percent may be used by the Assistant Secretary for discretionary grants for national best practices and programs of proven effectiveness, including for—

''(A) national, regional and multi-jurisdictional projects;

''(B) development of model programs for replication;

''(C) guidelines and standards for preventing terrorism;

''(D) national demonstration projects that employ innovative or promising approaches; and

''(E) evaluation of programs to ensure the effectiveness of the programs.''.

(b) REPORTING.—The Assistant Secretary for State and Local Law Enforcement of the Department shall submit to Congress and make publicly available an annual report detailing the goals and recommendations for the Nation's terrorism prevention strategy.

SEC. 5. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM.

(a) IN GENERAL.—Title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

''Subtitle C—Other Assistance

''SEC. 2041. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM.

''(a) ESTABLISHMENT.—There is established within the Office of State and Local Law Enforcement, the Commercial Equipment Direct Assistance Program (in this section referred to as the 'program') to make counterterrorism technology, equipment, and information available to local law enforcement agencies.

''(b) ACTIVITIES.—In carrying out the program, the Assistant Secretary for State and Local Law Enforcement shall—

''(1) publish a comprehensive list of available technologies, equipment, and information available under the program;

''(2) consult with local law enforcement agencies and other appropriate individuals and entities, as determined by the Assistant Secretary for State and Local Law Enforcement;

''(3) accept applications from the heads of State and local law enforcement agencies that wish to acquire technologies, equipment, or information under the program to improve the homeland security capabilities of those agencies; and

''(4) transfer the approved technology, equipment, or information and provide the appropriate training to the State or local law enforcement agency to implement such technology, equipment, or information.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $75,000,000 for each of fiscal years 2009 and 2010; and

''(2) such sums as are necessary for each of fiscal years 2011 through 2015.''.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 3525. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the ''Star-Spangled Banner'', and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CARDIN. Mr. President, I rise today to introduce the Star-Spangled Banner Bicentennial Commemorative Coin Act. I am pleased that my colleague, the senior Senator from Maryland, is a cosponsor. This legislation will honor our National Anthem and the Battle for Baltimore, which was a key turning point of the War of 1812, by creating a commemorative U.S. Mint coin.

The War of 1812 confirmed American independence from Great Britain in the eyes of the world. Before the war, the British has been routinely imposing on American sovereignty. They had impressed American merchant seamen into the British Royal Navy, enforced illegal and unfair trade rules with the United States, and allegedly offered assistance to American Indian tribes which were attaching frontier settlements. In response,, the United States declared war on Great Britain on June 18, 1812, to protest these violations of ''free trade and sailors rights,'' as well as the violations on land.

After 2½ years of conflict, the British Royal Navy sailed up the Chesapeake Bay with combined military and naval forces, and in August 1814 attacked Washington, DC, burning to the ground the U.S. Capitol, the White House, and much of the rest of the capital city. However, the American defenders stopped the British as they attempted to capture Baltimore and New Orleans.

As the British Royal Navy sailed up the Patapsco River on its way to Baltimore, American forces held the British fleet at Fort McHenry, located just outside of the city. After 25 hours of bombardment, the British failed to take the Fort and were forced to depart. American lawyer Francis Scott Key, who was being held on board an American flag-of-truce vessel, beheld by the dawn's early light an American flag still flying atop Fort McHenry. He immortalized the event in a song which later became known as ''The Star-Spangled Banner.''

The flag to which Key referred was a 30′ x 42′ foot flag made specifically for Fort McHenry. The commanding officer desired a flag so large that the

British would have no trouble seeing it from a distance. This proved to be the case as Key visited the British fleet on September 7, 1814, to secure the release of Dr. William Beanes, Dr. Beanes was released, but Key and Beanes were detained on an American Flag-of-truce vessel until the end of the bombardment. It was on September 14, 1814, by the dawn's early light, that Key saw the great banner that inspired him to write the song that ultimately became our National Anthem.

The Star-Spangled Banner Bicentennial Commemorative Coin will honor this symbol of our Nation and our National Anthem. The coin will be minted in 2012 in coordination with the 200th Anniversary of the War of 1812. I hope my colleagues will join me in supporting this measure in this fitting tribute to a seminal event in American history.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3525

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 ''Star-Spangled Banner Bicentennial Commemorative Coin Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During the War of 1812, on September 7, 1814, Francis Scott Key visited the British fleet in the Chesapeake Bay to secure the release of Dr. William Beanes, who had been captured after the burning of Washington, DC.

(2) The release was completed, but Key was held by the British during the shelling of Fort McHenry, one of the forts defending Baltimore.

(3) On the morning of September 14, 1814, Key peered through clearing smoke to see an enormous American flag flying proudly after a 25-hour British bombardment of Fort McHenry.

(4) He was so delighted to see the flag still flying over the fort that he began a song to commemorate the occasion, with a note that it should be sung to the popular British melody ''To Anacreon in Heaven''.

(5) In 1916, President Woodrow Wilson ordered that it be played at military and naval occasions.

(6) In 1931, the ''Star-Spangled Banner'' became our National Anthem.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 350,000 $1 coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the battle for Baltimore that formed the basis for the ''Star-Spangled Banner''.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2012''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Maryland War of 1812 Bicentennial Commission and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2012.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Maryland War of 1812 Bicentennial Commission for the purpose of supporting bicentennial activities, educational outreach activities (including supporting scholarly research and the development of exhibits), and preservation and improvement activities pertaining to the sites and structures relating to the War of 1812.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Maryland War of 1812 Bicentennial Commission as may be related to the expenditures of amounts paid under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

By Mr. AKAKA (for himself, Ms. SNOWE, Mr. FEINGOLD, Ms. LANDRIEU, Mr. JOHNSON, Ms. MURKOWSKI, Mr. THUNE, Mr. STEVENS and Mr. ROCKEFELLER):

S. 3527. A bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I am introducing legislation that would secure more timely health care funding for the millions of veterans who rely on the Veterans Health Administration for their health care.

I am pleased to be joined by Senators SNOWE, FEINGOLD, LANDRIEU, JOHNSON, MURKOWSKI, STEVENS, and THUNE in introducing this important bill.

Not all Americans realize that VA's health care system is the largest in the Nation.

They do know, to be sure, that many veterans are injured while serving our country and, unfortunately, some of these injuries require a lifetime of care. Millions of veterans rely on VA for health care every year, and every year that number grows.

Few Americans realize that the VA health care system must rely on an annual appropriation. While Congress has provided much-needed funding increases to veterans' health care in recent years, VA health care funding can be untimely and unpredictable, making it difficult for VA to manage its overall health care program effectively.

A survey recently commissioned by the Disabled American Veterans found that 83 percent of respondents favor requiring Congress to determine the budget for veterans' health care a year in advance. This bill would do just that.

During my time on the Veterans' Affairs Committee, I have heard former Secretaries of Veterans Affairs state plainly that the current process is no way to fund the Nation's largest health care system. We need to provide a more secure and predictable funding system for veterans health care. Our legislation will do exactly that.

This legislation would require that veterans' health care be funded through the advance appropriations process. Under that process, programs are funded 2 years in advance, rather than a year at a time.

Unlike the funding provided to Medicare and Medicaid, veterans' health care would not be funded as an entitlement—Congress would still be able to review and manage the funding, as necessary. But with advance appropriations, VA would be able to plan more efficiently, and better use taxpayer-dollars to care for veterans.

Uncertain and untimely funding can limit VA health care's effectiveness, while they strive to meet the needs of veterans on a daily basis, as costs grow rapidly.

What I am proposing today is not new. Congress already uses advance appropriations for programs that require funding in a timely manner, such as HUD Section 8 housing vouchers and the Low Income Heating Energy Assistance Program.

To this extent, I submit that veterans' health care is just as deserving of secured and predictable funding.

To increase transparency in this process, the bill I am introducing would require an annual GAO audit and public report to Congress on VA's funding forecasts.

This process of continuous open review of VA appropriations would help VA funds go even further for veterans and taxpayers.

Advance funding for veterans' health care has the strong support of the Partnership for Veterans Health Care Budget Reform, a coalition which includes the following veteran service organizations: AMVETS, Blinded Veterans Association, Disabled American Veterans, Jewish War Veterans, Military Order of the Purple Heart, Paralyzed Veterans of America, The American Legion, Veterans of Foreign Wars, and Vietnam Veterans of America.

My friend and counterpart in the House of Representatives, House Veterans' Affairs Committee Chairman ROBERT FILNER, is introducing a companion bill for advance funding as well.

We are united in our determination to set down a marker for future action on veterans' health care through this bill, and place advance appropriations for veterans' health care on the National agenda.

I urge all of our colleagues to join as supporters of more secure, timely funding for veterans' health care.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3527

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 Health Care Budget Reform Act of 2008''.

SEC. 2. TWO-FISCAL YEAR BUDGET AUTHORITY FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) TWO-FISCAL YEAR BUDGET AUTHORITY.—

(1) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 113 the following new section:

''§ 113A. Two-fiscal year budget authority for certain medical care accounts

''(a) IN GENERAL.—Beginning with fiscal year 2010, new discretionary budget authority provided in an appropriations Act for the appropriations accounts of the Department specified in subsection (b) shall be made available for the fiscal year involved and shall include new discretionary budget authority first available after the end of such fiscal year for the subsequent fiscal year.

''(b) MEDICAL CARE ACCOUNTS.—The medical care accounts of the Department specified in this subsection are the medical care accounts of the Veterans Health Administration as follows:

''(1) Medical Services.

''(2) Medical Administration.

''(3) Medical Facilities.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 113 the following new item:

''113A. Two-fiscal year budget authority for certain medical care accounts.''.

SEC. 3. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR HEALTH CARE EXPENDITURES.

(a) STUDY OF ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS.—The Comptroller General of the United States shall conduct a study of the adequacy and accuracy of the budget projections made by the Enrollee Health Care Projection Model, or its equivalent, as utilized for the purpose of estimating and projecting health care expenditures of the Department of Veterans Affairs (in this section referred to as the ''Model'') with respect to the fiscal year involved and the subsequent four fiscal years.

(b) REPORTS.—

(1) IN GENERAL.—Not later than the date of each year in 2010, 2011, and 2012, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the appropriate committees of Congress and to the Secretary a report.

(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

(A) A statement whether the amount requested in the budget of the President for expenditures of the Department for health care in such fiscal year is consistent with anticipated expenditures of the Department for health care in such fiscal year as determined utilizing the Model.

(B) The basis for such statement.

(C) Such additional information as the Comptroller General determines appropriate.

(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall also be made available to the public.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate; and

(B) the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 665—DESIGNATING OCTOBER 3, 2008, AS ''NATURAL ALTERNATIVE FUEL VEHICLE DAY''

Mr. BYRD (for himself, Mr. BAYH, Mr. BIDEN, Mr. BINGAMAN, Ms. CANTWELL, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. KERRY, Mr. LIEBERMAN, Mr. NELSON, of Nebraska, Mr. PRYOR, Mr. REID, Mr. ROCKEFELLER, Mr. SALAZAR, Ms. STABENOW, Mr. WYDEN, Mr. BURR, Mr. DOMENICI, Mr. ENSIGN, Mr. HAGEL, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 665

Whereas the United States should reduce the dependence of the Nation on foreign oil and enhance the energy security of the Nation by creating a transportation sector that is less dependent on oil;

Whereas the United States should improve the air quality of the Nation by reducing emissions from the millions of motor vehicles that operate in the United States;

Whereas the United States should foster national expertise and technological advancement in cleaner, more energy-efficient alternative fuel and advanced technology vehicles;

Whereas a robust domestic industry for alternative fuels and alternative fuel and advanced technology vehicles will create jobs and increase the competitiveness of the United States in the international community;

Whereas the people of the United States need more options for clean and energy-efficient transportation;

Whereas the mainstream adoption of alternative fuel and advanced technology vehicles will produce benefits at the local, national, and international levels;

Whereas consumers and businesses require a better understanding of the benefits of alternative fuel and advanced technology vehicles;

Whereas first responders require proper and comprehensive training to become fully prepared for any precautionary measures that they may need to take during incidents and extrications that involve alternative fuel and advanced technology vehicles;

Whereas the Federal Government can lead the way toward a cleaner and more efficient transportation sector by choosing alternative fuel and advanced technology vehicles for the fleets of the Federal Government; and

Whereas Federal support for the adoption of alternative fuel and advanced technology vehicles can accelerate greater energy independence for the United States, improve the environmental security of the Nation, and address global climate change: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 3, 2008, as ''National Alternative Fuel Vehicle Day'';

(2) proclaims National Alternative Fuel Vehicle Day as a day to promote programs and activities that will lead to the greater use of cleaner, more efficient transportation that uses new sources of energy; and

(3) urges Americans—

(A) to increase the personal and commercial use of cleaner and energy-efficient alternative fuel and advanced technology vehicles;

(B) to promote public sector adoption of cleaner and energy-efficient alternative fuel and advanced technology vehicles; and

(C) to encourage the enactment of Federal policies to reduce the dependence of the United States on foreign oil through the advancement and adoption of alternative, advanced, and emerging vehicle and fuel technologies.

SENATE RESOLUTION 666—RECOGNIZING AND HONORING THE 50TH ANNIVERSARY OF THE FOUNDING OF AARP

Mr. ROBERTS (for himself, Mr. SALAZAR, Ms. COLLINS, Mr. LUGAR, Mrs.

DOLE, Mr. SPECTER, Mr. COLEMAN, Mr. VOINOVICH, Mr. INHOFE, Mr. HAGEL, Mr. SMITH, Ms. SNOWE, Mr. MENENDEZ, Mr. BYRD, Ms. STABENOW, Mr. BINGAMAN, Mr. WYDEN, Mr. NELSON, of Nebraska, Mrs. BOXER, Mr. WHITEHOUSE, Mr. CASEY, Mr. BAYH, Mr. LEVIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. KERRY, Mr. HARKIN, Mrs. LINCOLN, Mr. DURBIN, and Mr. NELSON of Florida) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 666

Whereas AARP is a nonprofit, nonpartisan organization with more than 40,000,000 members that is dedicated to improving the quality of life of people who are 50 years of age or older;

Whereas Ethel Percy Andrus, a retired educator from California, founded AARP in 1958 to promote independence, dignity, and purpose for older people in the United States and to encourage current and future generations ''to serve, not to be served'';

Whereas the vision of AARP is ''a society in which everyone ages with dignity and purpose and in which AARP helps people fulfill their goals and dreams'';

Whereas the mission of AARP is to enhance the quality of life of all people as they age, to promote positive social change, and to deliver value to its members through information, advocacy, and service;

Whereas the nonpartisan advocacy activities of AARP help millions of people participate in the legislative, judicial, and administrative processes of the United States;

Whereas AARP is a trusted source of reliable information on health, financial security, and other issues important to people 50 years of age and older;

Whereas AARP provides an opportunity for volunteerism and service so that its millions of members can better their families, communities, and the Nation;

Whereas AARP Services has become a leader in the marketplace by influencing companies to offer new and better services for the members of AARP;

Whereas AARP Foundation, the philanthropic arm of AARP, delivers information, education, and direct service programs to the most vulnerable people in the United States aged 50 and over;

Whereas the job placement program of AARP Foundation has helped more than 400,000 low-income older people in the United States find jobs, contributing to their sense of purpose and dignity;

Whereas the Driver Safety Program of AARP has helped more than 10,000,000 older drivers sharpen their driving skills;

Whereas 2008 is the 50th anniversary of the founding of AARP; and

Whereas, in honor of its 50th anniversary, AARP renewed its commitment to improving the quality of life for all older people in the United States and helping people of all generations fulfill their goals and dreams: Now, therefore, be it

Resolved, That the Senate—

(1) commends AARP for 50 years of outstanding service to people aged 50 and older; and

(2) recognizes AARP's commitment to serving future generations.

Mr. HARKIN. Mr. President, I am pleased to join with so many of my colleagues in supporting a resolution commemorating the 50th anniversary of the AARP.

The 49 million members of the AARP take Government and public policy very seriously, and their association is a model of effective advocacy here in Washington. For instance, in the successful fight against the administration's attempt to privatize Social Security—a truly terrible idea that would have put Americans' retirement security at risk in the stock market casino—AARP was extraordinarily effective in marshalling facts, mobilizing experts, and educating members of Congress.

Likewise, AARP does a great job of informing and educating its own members about critical issues being debated here in Washington. I don't believe in top-down politics; I believe in bottom-up politics. And so does the AARP. The organization has members in virtually every neighborhood in the United States. It mobilizes old-fashioned people power in order to hold Government accountable. It takes on the powerful, entrenched interests when those interests attempt to trample on the rights of ordinary people.

AARP as an institution is an invaluable resource to us here in Congress. Just as AARP keeps its members informed about what is happening in Washington, it also closely monitors the concerns and wishes of its members so it can better represent them in Washington. Just this week, I chaired a hearing about the things that 401(k) participants and beneficiaries need to know about the fees they are paying. AARP was right there with the results of a timely survey of its members about what disclosure is most useful and understandable to them.

The staff at AARP pay close attention to every regulatory move, every newspaper article, every important hearing or meeting that could have some impact on older Americans. They are truly a wealth of information.

I am grateful for their active engagement on Capitol Hill, because, as our population ages, it is critical that we be attuned to the impact of our policies on older people and retirees. When we make policy and pass laws on everything from health care, to the economy, to improving workplace options for the millions of seniors who want or need to continue working, we have a tremendous resource in the AARP.

I would particularly like to thank the AARP for its assistance to me and my staff on some of our key legislative priorities, including improving retirement security; moving our health care system toward a greater emphasis on wellness and prevention; combating age discrimination in the workplace; preserving and strengthening Social Security; and ending the institutional bias in Medicare and Medicaid so that elderly people and people with disabilities can live in their own homes rather than nursing homes.

I look forward to continuing this rich collaboration with the outstanding professionals who staff and lead the AARP. I salute the people at AARP for the great job they do representing the interests of older Americans and retirees. It has been a remarkable first 50 years. In the years ahead, I wish them even greater success in increasing economic opportunities and retirement security for older Americans.

SENATE RESOLUTION 667—DESIGNATING SEPTEMBER 2008 AS ''NATIONAL PROSTATE CANCER AWARENESS MONTH''

Mr. SESSIONS (for himself, Mr. SCHUMER, Mr. CHAMBLISS, Mrs. CLINTON, Mr. INOUYE, Mr. VITTER, Ms. COLLINS, Ms. SNOWE, Mrs. DOLE, Mrs. BOXER, Mr. GRASSLEY, Mr. SHELBY, Mr. LIEBERMAN, Mr. INHOFE, Ms. LANDRIEU, Mr. STEVENS, Mr. DOMENICI, Mr. CRAPO, Mr. BAYH, Mr. BARRASSO, Ms. STABENOW, Mr. BUNNING, Mr. FEINGOLD, Mr. WHITEHOUSE, Mr. KERRY, Mr. SPECTER, Mr. DODD, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. BROWNBACK, Mr. WARNER, Mr. CARDIN, Mr. BAUCUS, Mrs. LINCOLN, Mr. LEVIN, Mr. HATCH, Mr. MENENDEZ, Mr. CASEY, Mr. JOHNSON, Mr. BENNETT, Mr. DORGAN, Mr. ISAKSON and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 667

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas, in 2008, over 186,320 men in the United States will be diagnosed with prostate cancer and 28,660 men in the United States will die of prostate cancer;

Whereas 30 percent of new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old about every 14 seconds, increasing his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate up to 65 percent higher than White males and double the mortality rates;

Whereas obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death, and high cholesterol levels are strongly associated with advanced prostate cancer;

Whereas, if a man in the United States has 1 family member diagnosed with prostate cancer, he has a 1 in 3 chance of being diagnosed with prostate cancer, if he has 2 family members with such diagnoses, he has an 83 percent risk, and if he has 3 family members with such diagnoses, he then has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination (DRE) and a prostate specific antigen blood test (PSA) can diagnose the disease in its early stages, increasing the chances of surviving more than 5 years to nearly 100 percent, while only 33 percent of men survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection

strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2008 as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the screening and treatment of prostate cancer may be improved, and so that the causes of, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

SENATE RESOLUTION 668—TO COMMEND THE AMERICAN SAIL TRAINING ASSOCIATION FOR ITS ADVANCEMENT OF CHARACTER BUILDING UNDER SAIL AND FOR ITS ADVANCEMENT OF INTERNATIONAL GOODWILL

Mr. KERRY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 668

Whereas the American Sail Training Association (ASTA) is an educational nonprofit corporation whose declared mission is ''to encourage character building through sail training, promote sail training to the North American public and support education under sail'';

Whereas, since its founding in 1973, ASTA has promoted these goals through—(1) support of character building experiences aboard traditionally-rigged sail training vessels; (2) a program of scholarship funds supporting such experiences; (3) a long history of tall ship races, rallies, and maritime festivals dating back as far as 1976; (4) the Tall Ships Challenge series of races and maritime festivals which have been conducted each year since 2001, have reached an aggregate audience to date of some 8,000,000 spectators, have had a cumulative economic impact of over $400,000,000 for over 30 host communities, and involve sail training vessels, trainees, and crews from all the coasts of the United States and around the world; (5) support of its membership of more than 200 sail training vessels, embracing barks, barques, barkentines, brigantines, brigs, schooners, sloops, and full-rigged ships, which carry the flags of the United States, Canada, and many other nations and have brought life changing adventures to thousands and thousands of young trainees; (6) a series of more than 30 annual sail training conferences to date, conducted in numerous cities throughout the United States and Canada and embracing the Safety Under Sail Forum and the Education Under Sail Forum; (7) extensive collaboration with the Coast Guard and with the premier sail training vessel of the United States, the square-rigged barque USCGC Eagle; (8) publication of ''Sail Tall Ships'', a periodic directory of sail training opportunities; and (9) supporting the enactment of the Sailing Schools Vessel Act of 1982, Public Law 97-322, on October 15, 1982;

Whereas ASTA has ably represented the United States as its national sail training organization as a founding member of Sail Training International, the recognized international body for the promotion of sail training, which itself carries forward a series of international races amongst square-rigged and other traditionally-rigged vessels reaching back as far as the 1950s; and

Whereas ASTA and Sail Training International are collaborating with port partners around the Atlantic Ocean to produce Tall Ships Atlantic Challenge 2009, an international fleet of sail training vessels originating in Europe, voyaging to North America, and returning to Europe: Now, therefore, be it

Resolved, That the Senate—

(1) commends the American Sail Training Association for its advancement of character building experiences for youth at sea in traditionally-rigged sailing vessels and its advancement of the finest traditions of the sea;

(2) commends the American Sail Training Association as the national sail training association of the United States, representing the sail training community of the United States in the international forum; and

(3) encourages all citizens of the United States and of nations around the world to join in the celebration of Tall Ships Atlantic Challenge 2009 and in the character building and educational experience that it represents for the youth of all nations.

Mr. KERRY. Mr. President, today it is my great pleasure to honor the incredible achievement, tradition, and performance of the American Sail Training Association, ASTA. This educational nonprofit corporation has allowed young participants from across the country to build character through sail training and to represent the United States around the world with distinction and good spirit. I am proud of the dedicated trainers who have taught young sailors to persevere in international adventures on brigantines, schooners, slops, and other vessels. I commend the efforts of the ASTA to provide such exciting and educational opportunities for youth, and I look forward to the coming Tall Ships Atlantic Challenge 2009.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5631. Mr. CASEY (for Mr. LIEBERMAN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 2606, to reauthorize the United States Fire Administration, and for other purposes.

TEXT OF AMENDMENTS

SA 5631. Mr. CASEY (for Mr. LIEBERMAN (for himself and Ms. COLLINS)) proposed an amendment to the bill S. 2606, to reauthorize the United States Fire Administration, and for other purposes; as follows:

In lieu of the matter to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This subtitle may be cited as the ''United States Fire Administration Reauthorization Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The number of lives lost each year because of fire has dropped significantly over the last 25 years in the United States. However, the United States still has one of the highest fire death rates in the industrialized world. In 2006, the National Fire Protection Association reported 3,245 civilian fire deaths, 16,400 civilian fire injuries, and $11,307,000,000 in direct losses due to fire.

(2) Every year, more than 100 firefighters die in the line of duty. The United States Fire Administration should continue its leadership to help local fire agencies dramatically reduce these fatalities.

(3) The Federal Government should continue to work with State and local governments and the fire service community to further the promotion of national voluntary consensus standards that increase firefighter safety.

(4) The United States Fire Administration provides crucial support to the 30,300 fire departments of the United States through training, emergency incident data collection, fire awareness and education, and support of research and development activities for fire prevention, control, and suppression technologies.

(5) The collection of data on fire and other emergency incidents is a vital tool both for policy makers and emergency responders to identify and develop responses to emerging hazards. Improving the data collection capabilities of the United States Fire Administration is essential for accurately tracking and responding to the magnitude and nature of the fire problems of the United States.

(6) The research and development performed by the National Institute of Standards and Technology, the United States Fire Administration, other government agencies, and nongovernmental organizations on fire technologies, techniques, and tools advance the capabilities of the fire service of the United States to suppress and prevent fires.

(7) Because of the essential role of the United States Fire Administration and the fire service community in preparing for and responding to national and man-made disasters, the United States Fire Administration should have a prominent place within the Federal Emergency Management Agency and the Department of Homeland Security.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (C), by striking ''and'' after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(3) by adding after subparagraph (D) the following:

''(E) $70,000,000 for fiscal year 2009, of which $2,520,000 shall be used to carry out section 8(f);

''(F) $72,100,000 for fiscal year 2010, of which $2,595,600 shall be used to carry out section 8(f);

''(G) $74,263,000 for fiscal year 2011, of which $2,673,468 shall be used to carry out section 8(f); and

''(H) $76,490,890 for fiscal year 2012, of which $2,753,672 shall be used to carry out section 8(f).''.

SEC. 4. NATIONAL FIRE ACADEMY TRAINING PROGRAM MODIFICATIONS AND REPORTS.

(a) AMENDMENTS TO FIRE ACADEMY TRAINING.—Section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

(1) by amending subparagraph (H) to read as follows:

''(H) tactics and strategies for dealing with natural disasters, acts of terrorism, and other man-made disasters;'';

(2) in subparagraph (K), by striking ''forest'' and inserting ''wildland'';

(3) in subparagraph (M), by striking ''response'';

(4) by redesignating subparagraphs (I) through (N) as subparagraphs (M) through (R), respectively; and

(5) by inserting after subparagraph (H) the following:

''(I) tactics and strategies for fighting large-scale fires or multiple fires in a general area that cross jurisdictional boundaries;

''(J) tactics and strategies for fighting fires occurring at the wildland-urban interface;

''(K) tactics and strategies for fighting fires involving hazardous materials;

''(L) advanced emergency medical services training;''.

(b) ON-SITE TRAINING.—Section 7 of such Act (15 U.S.C. 2206) is amended—

(1) in subsection (c)(6), by inserting '', including on-site training'' after ''United States'';

(2) in subsection (f), by striking ''4 percent'' and inserting ''7.5 percent''; and

(3) by adding at the end the following:

''(m) ON-SITE TRAINING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may enter into a contract with nationally recognized organizations that have established on-site training programs that comply with national voluntary consensus standards for fire service personnel to facilitate the delivery of the education and training programs outlined in subsection (d)(1) directly to fire service personnel.

''(2) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not enter into a contract with an organization described in paragraph (1) unless such organization provides training that—

''(i) leads to certification by a program that is accredited by a nationally recognized accreditation organization; or

''(ii) the Administrator determines is of equivalent quality to a fire service training program described by clause (i).

''(B) APPROVAL OF UNACCREDITED FIRE SERVICE TRAINING PROGRAMS.—The Administrator may consider the fact that an organization has provided a satisfactory fire service training program pursuant to a cooperative agreement with a Federal agency as evidence that such program is of equivalent quality to a fire service training program described by subparagraph (A)(i).

''(3) RESTRICTION ON USE OF FUNDS.—The amounts expended by the Administrator to carry out this subsection in any fiscal year shall not exceed 7.5 per centum of the amount authorized to be appropriated in such fiscal year pursuant to section 17.''.

(c) TRIENNIAL REPORTS.—Such section 7 (15 U.S.C. 2206) is further amended by adding at the end the following:

''(n) TRIENNIAL REPORT.—In the first annual report filed pursuant to section 16 for which the deadline for filing is after the expiration of the 18-month period that begins on the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, and in every third annual report thereafter, the Administrator shall include information about changes made to the National Fire Academy curriculum, including—

''(1) the basis for such changes, including a review of the incorporation of lessons learned by emergency response personnel after significant emergency events and emergency preparedness exercises performed under the National Exercise Program; and

''(2) the desired training outcome of all such changes.''.

(d) REPORT ON FEASIBILITY OF PROVIDING INCIDENT COMMAND TRAINING FOR FIRES AT PORTS AND IN MARINE ENVIRONMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the United States Fire Administration shall submit to Congress a report on the feasibility of providing training in incident command for appropriate fire service personnel for fires at United States ports and in marine environments, including fires on the water and aboard vessels.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the necessary curriculum for training described in paragraph (1).

(B) A description of existing training programs related to incident command in port and maritime environments, including by other Federal agencies, and the feasibility and estimated cost of making such training available to appropriate fire service personnel.

(C) An assessment of the feasibility and advisability of the United States Fire Administration developing such a training course in incident command for appropriate fire service personnel for fires at United States ports and in marine environments, including fires on the water and aboard vessels.

(D) A description of the delivery options for such a course and the estimated cost to the United States Fire Administration for developing such a course and providing such training for appropriate fire service personnel.

SEC. 5. NATIONAL FIRE INCIDENT REPORTING SYSTEM UPGRADES.

(a) INCIDENT REPORTING SYSTEM DATABASE.—Section 9 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208) is amended by adding at the end the following:

''(d) NATIONAL FIRE INCIDENT REPORTING SYSTEM UPDATE.—

''(1) IN GENERAL.—The Administrator shall update the National Fire Incident Reporting System to ensure that the information in the system is available, and can be updated, through the Internet and in real time.

''(2) LIMITATION.—Of the amounts made available pursuant to subparagraphs (E), (F), and (G) of section 17(g)(1), the Administrator shall use not more than an aggregate amount of $5,000,000 during the 3-year period consisting of fiscal years 2009, 2010, and 2011 to carry out the activities required by paragraph (1).''.

(b) TECHNICAL CORRECTION.—Section 9(b)(2) of such Act (15 U.S.C. 2208(b)(2)) is amended by striking ''assist State,'' and inserting ''assist Federal, State,''.

SEC. 6. FIRE TECHNOLOGY ASSISTANCE AND RESEARCH DISSEMINATION.

(a) ASSISTANCE TO FIRE SERVICES FOR FIRE PREVENTION AND CONTROL IN WILDLAND-URBAN INTERFACE.—Section 8(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207(d)) is amended to read as follows:

''(d) RURAL AND WILDLAND-URBAN INTERFACE ASSISTANCE.—The Administrator may, in coordination with the Secretary of Agriculture, the Secretary of the Interior, and the Wildland Fire Leadership Council, assist the fire services of the United States, directly or through contracts, grants, or other forms of assistance, in sponsoring and encouraging research into approaches, techniques, systems, equipment, and land-use policies to improve fire prevention and control in—

''(1) the rural and remote areas of the United States; and

''(2) the wildland-urban interface.''.

(b) TECHNOLOGY RESEARCH DISSEMINATION.—Section 8 of such Act (15 U.S.C. 2207) is amended by adding at the end the following:

''(h) PUBLICATION OF RESEARCH RESULTS.—

''(1) IN GENERAL.—For each fire-related research program funded by the Administration, the Administrator shall make available to the public on the Internet website of the Administration the following:

''(A) A description of such research program, including the scope, methodology, and goals thereof.

''(B) Information that identifies the individuals or institutions conducting the research program.

''(C) The amount of funding provided by the Administration for such program.

''(D) The results or findings of the research program.

''(2) DEADLINES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the information required by paragraph (1) shall be published with respect to a research program as follows:

''(i) The information described in subparagraphs (A), (B), and (C) of paragraph (1) with respect to such research program shall be made available under paragraph (1) not later than 30 days after the Administrator has awarded the funding for such research program.

''(ii) The information described in subparagraph (D) of paragraph (1) with respect to a research program shall be made available under paragraph (1) not later than 60 days after the date such research program has been completed.

''(B) EXCEPTION.—No information shall be required to be published under this subsection before the date that is 1 year after the date of the enactment of the United States Fire Administration Reauthorization Act of 2008.''.

SEC. 7. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 37. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

''The Administrator shall promote adoption by fire services of national voluntary consensus standards for firefighter health and safety, including such standards for firefighter operations, training, staffing, and fitness, by—

''(1) educating fire services about such standards;

''(2) encouraging the adoption at all levels of government of such standards; and

''(3) making recommendations on other ways in which the Federal Government can promote the adoption of such standards by fire services.''.

SEC. 8. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.

Section 515 of the Homeland Security Act of 2002 (6 U.S.C. 321d) is amended by adding at the end the following:

''(c) STATE AND LOCAL FIRE SERVICE REPRESENTATION.—

''(1) ESTABLISHMENT OF POSITION.—The Secretary shall, in consultation with the Administrator of the United States Fire Administration, establish a fire service position at the National Operations Center established under subsection (b) to ensure the effective sharing of information between the Federal Government and State and local fire services.

''(2) DESIGNATION OF POSITION.—The Secretary shall designate, on a rotating basis, a State or local fire service official for the position described in paragraph (1).

''(3) MANAGEMENT.—The Secretary shall manage the position established pursuant to paragraph (1) in accordance with such rules, regulations, and practices as govern other similar rotating positions at the National Operations Center.''.

SEC. 9. COORDINATION REGARDING FIRE PREVENTION AND CONTROL AND EMERGENCY MEDICAL SERVICES.

(a) IN GENERAL.—Section 21(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(e)) is amended to read as follows:

''(e) COORDINATION.—

''(1) IN GENERAL.—To the extent practicable, the Administrator shall use existing programs, data, information, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers, and universities.

''(2) COORDINATION OF FIRE PREVENTION AND CONTROL PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator with Federal, State, and local government agencies and departments and nongovernmental organizations concerned with any matter related to programs of fire prevention and control.

''(3) COORDINATION OF EMERGENCY MEDICAL SERVICES PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator related to emergency medical services provided by fire service-based systems with Federal, State, and local government agencies and departments and nongovernmental organizations so concerned, as well as those entities concerned with emergency medical services generally.''.

(b) FIRE SERVICE-BASED EMERGENCY MEDICAL SERVICES BEST PRACTICES.—Section 8(c) of such Act (15 U.S.C. 2207(c)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) The Administrator is authorized to conduct, directly or through contracts or grants, studies of the operations and management aspects of fire service-based emergency medical services and coordination between emergency medical services and fire services. Such studies may include the optimum protocols for on-scene care, the allocation of resources, and the training requirements for fire service-based emergency medical services.''.

SEC. 10. AMENDMENTS TO DEFINITIONS.

Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by striking ''Administration'' and inserting ''Administration, within the Federal Emergency Management Agency'';

(2) in paragraph (7), by striking the ''and'' after the semicolon;

(3) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(9) 'wildland-urban interface' has the meaning given such term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).''.

SEC. 11. SUPPORTING THE ADOPTION OF FIRE SPRINKLERS.

Congress supports the recommendations of the United States Fire Administration regarding the adoption of fire sprinklers in commercial buildings and educational programs to raise awareness of the important of installing fire sprinklers in residential buildings.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, September 18, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, September 18, 2008, at 10 a.m., in room 406 of the Dirksen Senate Office Building to hold a hearing entitled ''Oversight Hearing on Cleanup Efforts at Federal Facilities.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 18, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, September 18, 2008, at a time to be determined.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, September 18, 2008, at 10 a.m. in room SH–216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, September 18, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 18, 2008 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, September 18, 2008, at 2 p.m. to conduct a hearing entitled ''Keeping the Nation Safe through the Presidential Transition.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mrs. CLINTON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on September 18, 2008, at 2:30 p.m., to conduct a hearing entitled ''Transparency in Accounting: Proposed Changes to Accounting for Off-Balance Sheet Entities.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following Finance Committee staff be granted the privilege of the floor during consideration of the tax bill: Mary Baker, Matthew Berkeley, Matt Kazan, Bridget Mallon, Katheena Mussa, Ford Porter, Sean Thomas, and Caroline Phil.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

On Wednesday, September 17, 2008, the Senate passed S. 3001, as amended, as follows:

S. 3001

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 ''National Defense Authorization Act for Fiscal Year 2009''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

Sec. 111. Stryker Mobile Gun System.
Sec. 112. Procurement of small arms.

Subtitle C—Navy Programs

Sec. 131. Authority for advanced procurement and construction of components for the Virginia-class submarine program.
Sec. 132. Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

Subtitle D—Air Force Programs

Sec. 151. F–22A fighter aircraft.

Subtitle E—Joint and Multiservice Matters

Sec. 171. Annual long-term plan for the procurement of aircraft for the Navy and the Air Force.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Requirement for plan on overhead nonimaging infrared systems.
Sec. 212. Advanced battery manufacturing and technology roadmap.
Sec. 213. Availability of funds for defense laboratories for research and development of technologies for military missions.
Sec. 214. Assured funding for certain information security and information assurance programs of the Department of Defense.
Sec. 215. Requirements for certain airborne intelligence collection systems.

Subtitle C—Missile Defense Programs

Sec. 231. Review of the ballistic missile defense policy and strategy of the United States.
Sec. 232. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.
Sec. 233. Airborne Laser system.
Sec. 234. Annual Director of Operational Test and Evaluation characterization of operational effectiveness, suitability, and survivability of the ballistic missile defense system.
Sec. 235. Independent assessment of boost-phase missile defense programs.
Sec. 236. Study on space-based interceptor element of ballistic missile defense system.
Sec. 237. Activation and deployment of AN/TPY–2 forward-based X-band radar.

Subtitle D—Other Matters

Sec. 251. Modification of systems subject to survivability testing by the Director of Operational Test and Evaluation.
Sec. 252. Biennial reports on joint and service concept development and experimentation.
Sec. 253. Repeal of annual reporting requirement relating to the Technology Transition Initiative.
Sec. 254. Executive agent for printed circuit board technology.
Sec. 255. Report on Department of Defense response to findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.
Sec. 256. Assessment of standards for mission critical semiconductors procured by the Department of Defense.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Expansion of cooperative agreement authority for management of natural resources to include off-installation mitigation.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 313. Comprehensive program for the eradication of the brown tree snake population from military facilities in Guam.

Subtitle C—Workplace and Depot Issues

Sec. 321. Authority to consider depot-level maintenance and repair using contractor furnished equipment or leased facilities as core logistics.
Sec. 322. Minimum capital investment for certain depots.

Subtitle D—Reports

Sec. 331. Additional information under annual submissions of information regarding information technology capital assets.

Subtitle E—Other Matters

Sec. 341. Mitigation of power outage risks for Department of Defense facilities and activities.
Sec. 342. Increased authority to accept financial and other incentives related to energy savings and new authority related to energy systems.
Sec. 343. Recovery of improperly disposed of Department of Defense property.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2009 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Increased end strengths for Reserves on active duty in support of the Army National Guard and Army Reserve and military technicians (dual status) of the Army National Guard.
Sec. 417. Modification of authorized strengths for Marine Corps Reserve officers on active duty in the grades of major and lieutenant colonel to meet new force structure requirements.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Modification of distribution requirements for commissioned officers on active duty in general and flag officer grades.
Sec. 502. Modification of limitations on authorized strengths of general and flag officers on active duty.
Sec. 503. Clarification of joint duty requirements for promotion to general or flag grades.
Sec. 504. Modification of authorities on length of joint duty assignments.
Sec. 505. Technical and conforming amendments relating to modification of joint specialty requirements.
Sec. 506. Eligibility of reserve officers to serve on boards of inquiry for separation of regular officers for substandard performance and other reasons.
Sec. 507. Modification of authority on Staff Judge Advocate to the Commandant of the Marine Corps.
Sec. 508. Increase in number of permanent professors at the United States Air Force Academy.
Sec. 509. Service creditable toward retirement for thirty years or more of service of regular warrant officers other than regular Army warrant officers.
Sec. 510. Modification of requirements for qualification for issuance of posthumous commissions and warrants.

Subtitle B—Enlisted Personnel Policy

Sec. 521. Increase in maximum period of reenlistment of regular members of the Armed Forces.

Subtitle C—Reserve Component Management

Sec. 531. Modification of limitations on authorized strengths of reserve general and flag officers in active status.
Sec. 532. Extension to other reserve components of Army authority for deferral of mandatory separation of military technicians (dual status) until age 60.
Sec. 533. Increase in mandatory retirement age for certain Reserve officers to age 62.
Sec. 534. Authority for vacancy promotion of National Guard and Reserve officers ordered to active duty in support of a contingency operation.
Sec. 535. Authority for retention of reserve component chaplains and medical officers until age 68.
Sec. 536. Modification of authorities on dual duty status of National Guard officers.
Sec. 537. Modification of matching fund requirements under National Guard Youth Challenge Program.
Sec. 538. Report on collection of information on civilian skills of members of the reserve components of the Armed Forces.

Subtitle D—Education and Training

Sec. 551. Authority to prescribe the authorized strength of the United States Naval Academy.
Sec. 552. Tuition for attendance of certain individuals at the United States Air Force Institute of Technology.

Sec. 553. Increase in stipend for baccalaureate students in nursing or other health professions under health professions stipend program.
Sec. 554. Clarification of discharge or release triggering delimiting period for use of educational assistance benefit for reserve component members supporting contingency operations and other operations.
Sec. 555. Payment by the service academies of certain expenses associated with participation in activities fostering international cooperation.

Subtitle E—Defense Dependents' Education Matters

Sec. 561. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 562. Impact aid for children with severe disabilities.
Sec. 563. Transition of military dependent students among local educational agencies.

Subtitle F—Military Family Readiness

Sec. 571. Authority for education and training for military spouses pursuing portable careers.

Subtitle G—Other Matters

Sec. 581. Department of Defense policy on the prevention of suicides by members of the Armed Forces.
Sec. 582. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense.
Sec. 583. Paternity leave for members of the Armed Forces.
Sec. 584. Enhancement of authorities on participation of members of the Armed Forces in international sports competitions.
Sec. 585. Pilot programs on career flexibility to enhance retention of members of the Armed Forces.
Sec. 586. Prohibition on interference in independent legal advice by the Legal Counsel to the Chairman of the Joint Chiefs of Staff.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2009 increase in military basic pay.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 615. Extension of authorities relating to payment of referral bonuses.
Sec. 616. Permanent extension of prohibition on charges for meals received at military treatment facilities by members receiving continuous care.
Sec. 617. Accession and retention bonuses for the recruitment and retention of psychologists for the Armed Forces.
Sec. 618. Authority for extension of maximum length of service agreements for special pay for nuclear-qualified officers extending period of active service.
Sec. 619. Incentive pay for members of precommissioning programs pursuing foreign language proficiency.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Shipment of family pets during evacuation of personnel.
Sec. 632. Special weight allowance for transportation of professional books and equipment for spouses.
Sec. 633. Travel and transportation allowances for members of the reserve components of the Armed Forces on leave for suspension of training.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Presentation of burial flag to the surviving spouse and children of members of the Armed Forces who die in service.
Sec. 642. Repeal of requirement of reduction of SBP survivor annuities by dependency and indemnity compensation.

Subtitle E—Other Matters

Sec. 651. Separation pay, transitional health care, and transitional commissary and exchange benefits for members of the Armed Forces separated under Surviving Son or Daughter policy.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

Sec. 701. Calculation of monthly premiums for coverage under TRICARE Reserve Select after 2008.

Subtitle B—Other Health Care Authorities

Sec. 711. Enhancement of medical and dental readiness of members of the Armed Forces.
Sec. 712. Additional authority for studies and demonstration projects relating to delivery of health and medical care.
Sec. 713. Travel for anesthesia services for childbirth for dependents of members assigned to very remote locations outside the continental United States.

Subtitle C—Other Health Care Matters

Sec. 721. Repeal of prohibition on conversion of military medical and dental positions to civilian medical and dental positions.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

Sec. 801. Inclusion of major subprograms to major defense acquisition programs under acquisition reporting requirements.
Sec. 802. Inclusion of certain major information technology investments in acquisition oversight authorities for major automated information system programs.
Sec. 803. Configuration Steering Boards for cost control under major defense acquisition programs.

Subtitle B—Acquisition Policy and Management

Sec. 811. Internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies.
Sec. 812. Contingency Contracting Corps.
Sec. 813. Expedited review and validation of urgent requirements documents.
Sec. 814. Incorporation of energy efficiency requirements into key performance parameters for fuel consuming systems.

Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

Sec. 821. Multiyear procurement authority for the Department of Defense for the purchase of alternative and synthetic fuels.
Sec. 822. Modification and extension of pilot program for transition to follow-on contracts under authority to carry out certain prototype projects.
Sec. 823. Exclusion of certain factors in consideration of cost advantages of offers for certain Department of Defense contracts.

Subtitle D—Department of Defense Contractor Matters

Sec. 831. Database for Department of Defense contracting officers and suspension and debarment officials.
Sec. 832. Ethics safeguards for employees under certain contracts for the performance of acquisition functions closely associated with inherently governmental functions.
Sec. 833. Information for Department of Defense contractor employees on their whistleblower rights.

Subtitle E—Matters Relating to Iraq and Afghanistan

Sec. 841. Performance by private security contractors of inherently governmental functions in an area of combat operations.
Sec. 842. Additional contractor requirements and responsibilities relating to alleged crimes by or against contractor personnel in Iraq and Afghanistan.
Sec. 843. Clarification and modification of authorities relating to the Commission on Wartime Contracting in Iraq and Afghanistan.
Sec. 844. Comprehensive audit of spare parts purchases and depot overhaul and maintenance of equipment for operations in Iraq and Afghanistan.

Subtitle F—Other Matters

Sec. 851. Expedited hiring authority for the defense acquisition workforce.
Sec. 852. Specification of Secretary of Defense as ''Secretary concerned'' for purposes of licensing of intellectual property for the Defense Agencies and defense field activities.
Sec. 853. Repeal of requirements relating to the military system essential item breakout list.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Modification of status of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.
Sec. 902. Participation of Deputy Chief Management Officer of the Department of Defense on Defense Business System Management Committee.

Sec. 903. Repeal of obsolete limitations on management headquarters personnel.
Sec. 904. General Counsel to the Inspector General of the Department of Defense.
Sec. 905. Assignment of forces to the United States Northern Command with primary mission of management of the consequences of an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.
Sec. 906. Business transformation initiatives for the military departments.

Subtitle B—Space Matters

Sec. 911. Space posture review.

Subtitle C—Defense Intelligence Matters

Sec. 921. Requirement for officers of the Armed Forces on active duty in certain intelligence positions.
Sec. 922. Transfer of management of Intelligence Systems Support Office.
Sec. 923. Program on advanced sensor applications.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Incorporation into Act of tables in the report of the Committee on Armed Services of the Senate.
Sec. 1003. United States contribution to NATO common-funded budgets in fiscal year 2009.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds.
Sec. 1012. Reimbursement of expenses for certain Navy mess operations.

Subtitle C—Counter-Drug Activities

Sec. 1021. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1022. Two-year extension of authority for use of funds for unified counterdrug and counterterrorism campaign in Colombia.

Subtitle D—Miscellaneous Authorities and Limitations

Sec. 1031. Procurement by State and local governments of equipment for homeland security and emergency response activities through the Department of Defense.
Sec. 1032. Enhancement of the capacity of the United States Government to conduct complex operations.
Sec. 1033. Crediting of admiralty claim receipts for damage to property funded from a Department of Defense working capital fund.
Sec. 1034. Minimum annual purchase requirements for airlift services from carriers participating in the Civil Reserve Air Fleet.
Sec. 1035. Termination date of base contract for the Navy-Marine Corps Intranet.
Sec. 1036. Prohibition on interrogation of detainees by contractor personnel.
Sec. 1037. Notification of Committees on Armed Services with respect to certain nonproliferation and proliferation activities.
Sec. 1038. Sense of Congress on nuclear weapons management.
Sec. 1039. Sense of Congress on joint Department of Defense-Federal Aviation Administration executive committee on conflict and dispute resolution.
Sec. 1040. Sense of Congress on sale of new outsize cargo, strategic lift aircraft for civilian use.

Subtitle E—Reports

Sec. 1051. Repeal of requirement to submit certain annual reports to Congress regarding allied contributions to the common defense.
Sec. 1052. Report on detention operations in Iraq.
Sec. 1053. Strategic plan to enhance the role of the National Guard and Reserves in the national defense.
Sec. 1054. Review of nonnuclear prompt global strike concept demonstrations.
Sec. 1055. Review of bandwidth capacity requirements of the Department of Defense and the intelligence community.

Subtitle F—Wounded Warrior Matters

Sec. 1061. Modification of utilization of veterans' presumption of sound condition in establishing eligibility of members of the Armed Forces for retirement for disability.
Sec. 1062. Inclusion of service members in inpatient status in wounded warrior policies and protections.
Sec. 1063. Clarification of certain information sharing between the Department of Defense and Department of Veterans Affairs for wounded warrior purposes.
Sec. 1064. Additional responsibilities for the wounded warrior resource center.
Sec. 1065. Responsibility for the Center of Excellence in the Prevention, Diagnosis, Mitigation, Treatment and Rehabilitation of Traumatic Brain Injury to conduct pilot programs on treatment approaches for traumatic brain injury.
Sec. 1066. Center of Excellence in the Mitigation, Treatment, and Rehabilitation of Traumatic Extremity Injuries and Amputations.
Sec. 1067. Three-year extension of Senior Oversight Committee with respect to wounded warrior matters.

Subtitle G—Other Matters

Sec. 1081. Military salute for the flag during the national anthem by members of the Armed Forces not in uniform and by veterans.
Sec. 1082. Modification of deadlines for standards required for entry to military installations in the United States.
Sec. 1083. Suspension of statutes of limitations when Congress authorizes the use of military force.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Department of Defense strategic human capital plans.
Sec. 1102. Conditional increase in authorized number of Defense Intelligence Senior Executive Service personnel.
Sec. 1103. Enhancement of authorities relating to additional positions under the National Security Personnel System.
Sec. 1104. Expedited hiring authority for health care professionals of the Department of Defense.
Sec. 1105. Election of insurance coverage by Federal civilian employees deployed in support of a contingency operation.
Sec. 1106. Permanent extension of Department of Defense voluntary reduction in force authority.
Sec. 1107. Four-year extension of authority to make lump sum severance payments with respect to Department of Defense employees.
Sec. 1108. Authority to waive limitations on pay for Federal civilian employees working overseas under areas of United States Central Command.
Sec. 1109. Technical amendment relating to definition of professional accounting position for purposes of certification and credentialing standards.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Increase in amount available for costs of education and training of foreign military forces under Regional Defense Combating Terrorism Fellowship Program.
Sec. 1202. Authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the Armed Forces.
Sec. 1203. Extension and expansion of authority for support of special operations to combat terrorism.
Sec. 1204. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
Sec. 1205. Extension of authority and increased funding for security and stabilization assistance.
Sec. 1206. Four-year extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1207. Authority for use of funds for nonconventional assisted recovery capabilities.

Subtitle B—Department of Defense Participation in Bilateral, Multilateral, and Regional Cooperation Programs

Sec. 1211. Availability across fiscal years of funds for military-to-military contacts and comparable activities.
Sec. 1212. Enhancement of authorities relating to Department of Defense regional centers for security studies.
Sec. 1213. Payment of personnel expenses for multilateral cooperation programs.
Sec. 1214. Participation of the Department of Defense in multinational military centers of excellence.

Subtitle C—Other Authorities and Limitations

Sec. 1221. Waiver of certain sanctions against North Korea.

Subtitle D—Reports

Sec. 1231. Extension and modification of updates on report on claims relating to the bombing of the Labelle Discotheque.
Sec. 1232. Report on utilization of certain global partnership authorities.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION
Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
TITLE XIV—OTHER AUTHORIZATIONS
Subtitle A—Military Programs
Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Defense Health Program.
Sec. 1404. Chemical agents and munitions destruction, defense.
Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1406. Defense Inspector General.
Sec. 1407. Reduction in certain authorizations due to savings from lower inflation.
Subtitle B—Armed Forces Retirement Home
Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.
Subtitle C—Other Matters
Sec. 1431. Responsibilities for Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky.
Sec. 1432. Modification of definition of ''Department of Defense sealift vessel'' for purposes of the National Defense Sealift Fund.
TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN
Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Navy and Marine Corps procurement.
Sec. 1504. Air Force procurement.
Sec. 1505. Joint Improvised Explosive Device Defeat Fund.
Sec. 1506. Defense-wide activities procurement.
Sec. 1507. Research, development, test, and evaluation.
Sec. 1508. Operation and maintenance.
Sec. 1509. Military personnel.
Sec. 1510. Working capital funds.
Sec. 1511. Other Department of Defense programs.
Sec. 1512. Afghanistan Security Forces Fund.
Sec. 1513. Treatment as additional authorizations.
Sec. 1514. Special transfer authority.
Sec. 1515. Limitation on use of funds.
Sec. 1516. Requirement for separate display of budget for Afghanistan.
TITLE XVI—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN IRAQ
Sec. 1601. Purpose.
Sec. 1602. Army procurement.
Sec. 1603. Navy and Marine Corps procurement.
Sec. 1604. Air Force procurement.
Sec. 1605. Joint Improvised Explosive Device Defeat Fund.
Sec. 1606. Defense-wide activities procurement.
Sec. 1607. Research, development, test, and evaluation.
Sec. 1608. Operation and maintenance.
Sec. 1609. Military personnel.
Sec. 1610. Working capital funds.
Sec. 1611. Defense Health Program.
Sec. 1612. Iraq Freedom Fund.
Sec. 1613. Iraq Security Forces Fund.
Sec. 1614. Treatment as additional authorizations.
Sec. 1615. Limitation on use of funds.
Sec. 1616. Contributions by the Government of Iraq to large-scale infrastructure projects, combined operations, and other activities in Iraq.
DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS
Sec. 2001. Short title.
Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
Sec. 2003. Effective date.
TITLE XXI—ARMY
Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Extension of authorizations of certain fiscal year 2005 projects.
Sec. 2106. Extension of authorization of certain fiscal year 2006 project.
TITLE XXII—NAVY
Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2005 project inside the United States.
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Sec. 2606. Authorization of appropriations, Guard and Reserve.
Sec. 2607. Extension of authorizations of certain fiscal year 2006 projects.
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TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES
Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.
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TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS
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Sec. 2801. Increase in threshold for unspecified minor military construction projects.
Sec. 2802. Authority to use operation and maintenance funds for construction projects outside the United States.
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Sec. 2804. Leasing of military family housing to Secretary of Defense.
Sec. 2805. Cost-benefit analysis of dissolution of Patrick Family Housing LLC.
Subtitle B—Real Property and Facilities Administration
Sec. 2811. Participation in conservation banking programs.
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Sec. 2813. Modification of land management restrictions applicable to Utah national defense lands.
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Sec. 2821. Transfer of proceeds from property conveyance, Marine Corps Logistics Base, Albany, Georgia.
Subtitle D—Energy Security
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Subtitle E—Other Matters

Sec. 2841. Report on application of force protection and anti-terrorism standards to gates and entry points on military installations.

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

Subtitle A—Fiscal Year 2008 Projects

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Navy construction and land acquisition projects.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Termination of authority to carry out fiscal year 2008 Army projects.

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Sec. 2911. Authorized Army construction and land acquisition projects.
Sec. 2912. Authorized Navy construction and land acquisition projects.
Sec. 2913. Limitation on availability of funds for certain purposes relating to Iraq.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Modification of functions of Administrator for Nuclear Security to include elimination of surplus fissile materials usable for nuclear weapons.
Sec. 3112. Report on compliance with Design Basis Threat issued by the Department of Energy in 2005.
Sec. 3113. Modification of submittal of reports on inadvertent releases of restricted data.
Sec. 3114. Nonproliferation scholarship and fellowship program.
Sec. 3115. Review of and reports on Global Initiatives for Proliferation Prevention program.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Army as follows:

(1) For aircraft, $4,957,435,000.
(2) For missiles, $2,211,460,000.
(3) For weapons and tracked combat vehicles, $3,689,277,000.
(4) For ammunition, $2,303,791,000.
(5) For other procurement, $11,861,704,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Navy as follows:

(1) For aircraft, $14,729,274,000.
(2) For weapons, including missiles and torpedoes, $3,605,482,000.
(3) For shipbuilding and conversion, $13,037,218,000.
(4) For other procurement, $5,516,506,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Marine Corps in the amount of $1,495,665,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,131,712,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Air Force as follows:

(1) For aircraft, $13,235,286,000.
(2) For missiles, $5,556,728,000.
(3) For ammunition, $895,478,000.
(4) For other procurement, $16,115,496,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2009 for Defense-wide procurement as follows:

(1) For Defense-wide procurement, $3,466,928,000.
(2) For the Rapid Acquisition Fund, $102,045,000.

Subtitle B—Army Programs

SEC. 111. STRYKER MOBILE GUN SYSTEM.

(a) TESTING OF SYSTEM.—If the Secretary of the Army makes the certification described by subsection (a) of section 117 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–18; 122 Stat. 26) with respect to the Stryker Mobile Gun System, or the Secretary of Defense waives pursuant to subsection (b) of such section the limitations under subsection (a) of such section with respect to the Stryker Mobile Gun System, the Secretary of Defense shall, through the Director of Operational Test and Evaluation, ensure that the Stryker Mobile Gun System is subject to testing to confirm the efficacy of any actions necessary to mitigate operational effectiveness, suitability, and survivability deficiencies identified in Initial Operational Test and Evaluation and Live Fire Test and Evaluation.

(b) QUARTERLY REPORTS.—

(1) REPORTS REQUIRED.—The Secretary of the Army shall submit to the congressional defense committees on a quarterly basis a report setting forth the following:

(A) The status of any necessary mitigating actions taken by the Army to address deficiencies in the Stryker Mobile Gun System that are identified by the Director of Operational Test and Evaluation.

(B) An assessment of the efficacy of the actions described by subparagraph (A).

(C) A statement of additional actions needed to be taken, if any, to mitigate operational deficiencies in the Stryker Mobile Gun System.

(D) A compilation of all hostile fire engagements resulting in damage to the vehicle, resulting in a non-mission capable status of the Stryker Mobile Gun System.

(2) CONSULTATION.—The Secretary shall submit each report required by paragraph (1) in consultation with the Director of Operational Test and Evaluation.

(3) FORM.—Each report required by paragraph (1) may be submitted in unclassified or classified form.

(c) EXPANSION OF LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF SYSTEM.—Section 117(a) of the National Defense Authorization Act for Fiscal Year 2008 is amended by striking ''by sections 101(3) and 1501(3)'' and inserting ''by this Act or any other Act.''.

SEC. 112. PROCUREMENT OF SMALL ARMS.

(a) REPORT ON CAPABILITIES BASED ASSESSMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Capabilities Based Assessment of small arms by the Army Training and Doctrine Command.

(2) LIMITATION ON USE OF CERTAIN FUNDS PENDING REPORT.—Not more than 75 percent of the aggregate amount authorized to be appropriated for the Department of Defense for fiscal year 2009 and available for the Guardrail Common Sensor program may be obligated for that program until after the Secretary of the Army submits to the congressional defense committees a report required under paragraph (1).

(b) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small arms of the Army and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon through one or more contracts entered into after full and open competition described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and nondevelopmental item (NDI) solutions; and

(B) provides for the award of the contract or contracts concerned based on selection criteria that reflect the key performance parameters and attributes identified in an Army-approved service requirements document.

(c) REPORT ON PROCUREMENT OF CARBINE-TYPE RIFLES.—Not later than 120 days after the date of the enactment of this Act, Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of each of the following:

(1) The certification of a carbine-type rifle requirement that does not require commonality with existing technical data.

(2) A full and open competition leading to the award of contracts for carbine-type rifles in lieu of a developmental program intended to meet the proposed carbine-type rifle requirement.

(3) The reprogramming of funds for the procurement of small arms from the procurement of M4 Carbines to the procurement of carbine-type rifles authorized only as the result of competition.

(4) The use of rapid equipping authority to procure carbine-type rifles under $2,000 per unit that meet service-approved requirements, which weapons may be nondevelopmental items selected through full and open competition.

Subtitle C—Navy Programs

SEC. 131. AUTHORITY FOR ADVANCED PROCUREMENT AND CONSTRUCTION OF COMPONENTS FOR THE VIRGINIA-CLASS SUBMARINE PROGRAM.

Section 121 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 26) is amended—

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

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

''(b) ADVANCE PROCUREMENT AND CONSTRUCTION OF COMPONENTS.—The Secretary may enter into one or more contracts for advance procurement and advance construction of those components for the Virginia-class submarine program for which authorization to enter into a multiyear procurement contract

is granted under subsection (a) if the Secretary determines that cost savings or construction efficiencies may be achieved for Virginia-class submarines through the use of such contracts.''.

SEC. 132. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. THEODORE ROOSEVELT.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2009 by section 102(a)(3) for shipbuilding and conversion, Navy, $124,500,000 is available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt (CVN–71) during fiscal year 2009.

(2) FIRST INCREMENT.—The amount made available under paragraph (1) is the first increment of the three increments of funding planned to be available for the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Navy may enter into a contract during fiscal year 2009 for the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

(2) CONDITION ON OUT-YEAR CONTRACT PAYMENTS.—The contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2009 is subject to the availability of appropriations for that purpose for such fiscal year.

Subtitle D—Air Force Programs

SEC. 151. F–22A FIGHTER AIRCRAFT.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 103(1) for procurement of aircraft for the Air Force, $497,000,000 shall be available, at the election of the President, for either, but not both, of the following:

(1) Advance procurement of F–22A fighter aircraft in fiscal year 2010.

(2) Winding down of the production line for F–22A fighter aircraft.

(b) CERTIFICATION.—

(1) IN GENERAL.—The amount referred to in subsection (a) shall not be available for the purpose elected by the President under that subsection until the President certifies to the congressional defense committees the following (as applicable):

(A) That procurement of F–22A fighter aircraft is in the national interests of the United States.

(B) That the winding down of the production line for F–22A fighter aircraft is in the national interests of the United States.

(2) DATE OF SUBMITTAL.—Any certification submitted under this subsection may not be submitted before January 21, 2009.

Subtitle E—Joint and Multiservice Matters

SEC. 171. ANNUAL LONG-TERM PLAN FOR THE PROCUREMENT OF AIRCRAFT FOR THE NAVY AND THE AIR FORCE.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 231 the following new section:

''§ 231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification

''(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.—The Secretary of Defense shall include with the defense budget materials for each fiscal year—

''(1) a plan for the procurement of the aircraft specified in subsection (b) for the Department of the Navy and the Department of the Air Force developed in accordance with this section; and

''(2) a certification by the Secretary that both the budget for such fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.

''(b) COVERED AIRCRAFT.—The aircraft specified in this subsection are the aircraft as follows:

''(1) Fighter aircraft.

''(2) Attack aircraft.

''(3) Bomber aircraft.

''(4) Strategic lift aircraft.

''(5) Intratheater lift aircraft.

''(6) Intelligence, surveillance, and reconnaissance aircraft.

''(7) Tanker aircraft.

''(8) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

''(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the aviation force provided for under the plan is capable of supporting the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time the plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then the plan should be designed so that the aviation force provided for under the plan is capable of supporting the aviation force structure recommended in the report of the most recent Quadrennial Defense Review.

''(2) Each annual aircraft procurement plan shall include the following:

''(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Navy and the Department of the Air Force over the next 30 fiscal years.

''(B) A description of the necessary aviation force structure to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1).

''(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

''(D) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Navy and the Department of the Air Force meet the national security requirements of the United States.

''(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the procurement of aircraft for either the Department of the Navy or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

''(e) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

''(3) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every 4 years under section 118 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 231 the following new item:

''231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification.''.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,855,210,000.

(2) For the Navy, $19,442,192,000.

(3) For the Air Force, $28,322,477,000.

(4) For Defense-wide activities, $21,113,501,000, of which $188,772,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2009.—Of the amounts authorized to be appropriated by section 201, $11,895,180,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in programs elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. REQUIREMENT FOR PLAN ON OVERHEAD NONIMAGING INFRARED SYSTEMS.

(a) IN GENERAL.—The Secretary of the Air Force shall develop a comprehensive plan to conduct and support research, development, and demonstration of technologies that could evolve into the next generation of overhead nonimaging infrared systems.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) The research objectives to be achieved under the plan.

(2) An estimate of the duration of the research, development, and demonstration of technologies under the plan.

(3) The cost and duration of any flight or on-orbit demonstrations of the technologies being developed.

(4) A plan for implementing an acquisition program with respect to technologies determined to be successful under the plan.

(5) An identification of the date by which a decision must be made to begin a follow-on program and a justification for the date identified.

(6) A schedule for completion of a full analysis of the on-orbit performance characteristics of the Space-Based Infrared System and

the Space Tracking and Surveillance System, and an assessment of how the performance characteristics of such systems will inform the decision to proceed to a next generation overhead nonimaging infrared system.

(c) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR THIRD GENERATION INFRARED SURVEILLANCE PROGRAM.—Not more than 50 percent of the amounts authorized to be appropriated for fiscal year 2009 by section 201(3) for research, development, test, and evaluation for the Air Force and available for the Third Generation Infrared Surveillance program may be obligated or expended until the date that is 30 days after the date on which the Secretary submits to the congressional defense committees the plan required by subsection (a).

SEC. 212. ADVANCED BATTERY MANUFACTURING AND TECHNOLOGY ROADMAP.

(a) ROADMAP REQUIRED.—The Secretary of Defense shall, in coordination with the Secretary of Energy, develop a multi-year roadmap to develop advanced battery technologies and sustain domestic advanced battery manufacturing capabilities and an assured supply chain necessary to ensure that the Department of Defense has assured access to advanced battery technologies to support current military requirements and emerging military needs.

(b) ELEMENTS.—The roadmap required by subsection (a) shall include, but not be limited to, the following:

(1) An identification of current and future capability gaps, performance enhancements, cost savings goals, and assured technology access goals that require advances in battery technology and manufacturing capabilities.

(2) Specific research, technology, and manufacturing goals and milestones, and timelines and estimates of funding necessary for achieving such goals and milestones.

(3) Specific mechanisms for coordinating the activities of Federal agencies, State and local governments, coalition partners, private industry, and academia covered by the roadmap.

(4) Such other matters as the Secretary of Defense and the Secretary of Energy consider appropriate for purposes of the roadmap.

(c) COORDINATION.—

(1) IN GENERAL.—The roadmap required by subsection (a) shall be developed in coordination with the military departments, appropriate Defense Agencies and other elements and organizations of the Department of Defense, other appropriate Federal, State, and local government organizations, and appropriate representatives of private industry and academia.

(2) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense shall ensure that appropriate elements and organizations of the Department of Defense provide such information and other support as is required for the development of the roadmap.

(d) SUBMITTAL TO CONGRESS.—The Secretary of Defense shall submit to the congressional defense committees the roadmap required by subsection (a) not later than one year after the date of the enactment of this Act.

SEC. 213. AVAILABILITY OF FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

(a) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish mechanisms under which the director of a defense laboratory may utilize an amount equal to not more than three percent of all funds available to the defense laboratory for the following purposes:

(A) To fund innovative basic and applied research at the defense laboratory in support of military missions.

(B) To fund development programs that support the transition of technologies developed by the defense laboratory into operational use.

(C) To fund workforce development activities that improve the capacity of the defense laboratory to recruit and retain personnel with scientific and engineering expertise required by the defense laboratory.

(2) CONSULTATION REQUIRED.—The mechanisms established under paragraph (1) shall provide that funding shall be utilized under paragraph (1) at the discretion of the director of a defense laboratory in consultation with the science and technology executive of the military department concerned.

(b) ANNUAL REPORT ON USE OF AUTHORITY.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under subsection (a) during the preceding year.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the year covered by such report, the following:

(A) A current description of the mechanisms under subsection (a).

(B) A statement of the amount of funding made available by each defense laboratory for research and development described in subsection (a)(1).

(C) A description of the investments made by each defense laboratory utilizing funds under subsection (a).

(D) A description and assessment of any improvements in the performance of the defense laboratories as a result of investments described under subparagraph (C).

(E) A description and assessment of the contributions of the research and development conducted by the defense laboratories utilizing funds under subsection (a) to the development of needed military capabilities.

(F) A description of any modification to the mechanisms under subsection (a) that are required or proposed to be taken to enhance the efficacy of the authority under subsection (a) to support military missions.

SEC. 214. ASSURED FUNDING FOR CERTAIN INFORMATION SECURITY AND INFORMATION ASSURANCE PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Of the amount authorized to be appropriated for each fiscal year after fiscal year 2008 for a program specified in subsection (b), not less than the amount equal to one percent of such amount shall be available in such fiscal year for the establishment or conduct under such program of a program or activities to—

(1) anticipate advances in information technology that will create information security challenges for the Department of Defense when fielded; and

(2) identify and develop solutions to such challenges.

(b) COVERED PROGRAMS.—The programs specified in this subsection are the programs described in the budget justification documents submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted pursuant to section 1105(a) of title 31, United States Code) as follows:

(1) The Information Systems Security Program of the Department of Defense.

(2) Each other Department of Defense information assurance program.

(3) Any program of the Department of Defense under the Comprehensive National Cybersecurity Initiative that is not funded by the National Intelligence Program.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts available under subsection (a) for a fiscal year for the programs and activities described in that subsection are in addition to any other amounts available for such fiscal year for the programs specified in subsection (b) for research and development relating to new information assurance technologies.

SEC. 215. REQUIREMENTS FOR CERTAIN AIRBORNE INTELLIGENCE COLLECTION SYSTEMS.

(a) IN GENERAL.—Except as provided pursuant to subsection (b), effective as of October 1, 2012, each airborne intelligence collection system of the Department of Defense that is connected to the Distributed Common Ground/Surface System shall have the capability to operate with the Network-Centric Collaborative Targeting System.

(b) EXCEPTIONS.—The requirement in subsection (a) with respect to a particular airborne intelligence collection system may be waived by the Chairman of the Joint Requirements Oversight Council under section 181 of title 10, United States Code. Waivers under this subsection shall be made on a case-by-case basis.

Subtitle C—Missile Defense Programs

SEC. 231. REVIEW OF THE BALLISTIC MISSILE DEFENSE POLICY AND STRATEGY OF THE UNITED STATES.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the ballistic missile defense policy and strategy of the United States.

(b) ELEMENTS.—The matters addressed by the review required by subsection (a) shall include, but not be limited to, the following:

(1) The ballistic missile defense policy of the United States in relation to the overall national security policy of the United States.

(2) The ballistic missile defense strategy and objectives of the United States in relation to the national security strategy of the United States and the military strategy of the United States.

(3) The organization, discharge, and oversight of acquisition for the ballistic missile defense programs of the United States.

(4) The roles and responsibilities of the military departments in the ballistic missile defense programs of the United States.

(5) The process for determining requirements for missile defense capabilities under the ballistic missile defense programs of the United States, including input from the joint military requirements process.

(6) The process for determining the force structure and inventory objectives for the ballistic missile defense programs of the United States.

(7) Standards for the military utility, operational effectiveness, suitability, and survivability of the ballistic missile defense systems of the United States.

(8) The affordability and cost-effectiveness of particular capabilities under the ballistic missile defense programs of the United States.

(9) The objectives, requirements, and standards for test and evaluation with respect to the ballistic missile defense programs of the United States.

(10) Accountability, transparency, and oversight with respect to the ballistic missile defense programs of the United States.

(11) The role of international cooperation on missile defense in the ballistic missile defense policy and strategy of the United States.

(c) REPORT.—

(1) IN GENERAL.—Not later than January 31, 2010, the Secretary shall submit to Congress a report setting forth the results of the review required by subsection (a).

(2) FORM.—The report required by this subsection shall be in unclassified form, but may include a classified annex.

SEC. 232. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

(a) IN GENERAL.—No funds authorized to be appropriated by this Act may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of major components of a long-range missile defense system in a European country until each of the following conditions have been met:

(1) The government of the country in which such major components of such missile defense system (including interceptors and associated radars) are proposed to be deployed has given final approval (including parliamentary ratification) to any missile defense agreements negotiated between such government and the United States Government concerning the proposed deployment of such components in such country.

(2) 45 days have elapsed following the receipt by Congress of the report required by section 226(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 42).

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act may be obligated or expended for the acquisition (other than initial long-lead procurement) or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to Congress a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of accomplishing its mission in an operationally effective manner.

(c) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise limited by subsection (a) or (b), including, but not limited to, site surveys, studies, analysis, and planning and design for the proposed missile defense deployment in Europe.

SEC. 233. AIRBORNE LASER SYSTEM.

(a) REPORT ON DIRECTOR OF OPERATIONAL TEST AND EVALUATION ASSESSMENT OF TESTING.—Not later than January 15, 2010, the Director of Operational Test and Evaluation shall—

(1) review and evaluate the testing conducted on the first Airborne Laser system aircraft, including the planned shootdown demonstration testing; and

(2) submit to the Secretary of Defense and to Congress an assessment by the Director of the operational effectiveness, suitability, and survivability of the Airborne Laser system.

(b) LIMITATION ON AVAILABILITY OF FUNDS FOR LATER AIRBORNE LASER SYSTEM AIRCRAFT.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the procurement of a second or subsequent aircraft for the Airborne Laser system program until the Secretary of Defense, after receiving the assessment of the Director of Operational Test and Evaluation under subsection (a)(2), submits to Congress a certification that the Airborne Laser system has demonstrated, through successful testing and operational and cost analysis, a high probability of being operationally effective, suitable, survivable, and affordable.

SEC. 234. ANNUAL DIRECTOR OF OPERATIONAL TEST AND EVALUATION CHARACTERIZATION OF OPERATIONAL EFFECTIVENESS, SUITABILITY, AND SURVIVABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) ANNUAL CHARACTERIZATION.—Section 232(h) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

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

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Director of Operational Test and Evaluation shall also each year characterize the operational effectiveness, suitability, and survivability of the ballistic missile defense system, and its elements, that have been fielded or tested before the end of the preceding fiscal year.''; and

(3) in paragraph (3), as redesignated by paragraph (1) of this subsection, by inserting ''and the characterization under paragraph (2)'' after ''the assessment under paragraph (1)''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows: ''ANNUAL OT&E ASSESSMENT AND CHARACTERIZATION OF CERTAIN BALLISTIC MISSILE DEFENSE MATTERS.—''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 235. INDEPENDENT ASSESSMENT OF BOOST-PHASE MISSILE DEFENSE PROGRAMS.

(a) INDEPENDENT ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with the National Academy of Sciences under which the Academy shall conduct an independent assessment of the boost-phase ballistic missile defense programs of the United States.

(b) ELEMENTS.—The assessment required by subsection (a) shall consider the following:

(1) The extent to which boost-phase missile defense is feasible, practical, and affordable.

(2) Whether any of the existing boost-phase missile defense technology demonstration efforts of the Department of Defense (particularly the Airborne Laser and the Kinetic Energy Interceptor) have a high probability of performing a boost-phase missile defense mission in an operationally effective, suitable, survivable, and affordable manner.

(c) FACTORS TO BE CONSIDERED.—In conducting the assessment required by subsection (a), the factors considered by the National Academy of Sciences shall include, but not be limited to, the following:

(1) Operational considerations, including the need and ability to be deployed in a particular operational position at a particular time to be effective.

(2) Geographic considerations, including limitations on the ability to deploy systems within operational range of potential targets.

(3) Command and control considerations, including short timelines for detection, decision-making, and engagement.

(4) Concepts of operations.

(5) Whether there is a potential for an engaged threat missile or warhead to land on an unintended target outside of the launching nation.

(6) Effectiveness against countermeasures, and mission effectiveness in destroying threat missiles and their warheads.

(7) Reliability, availability, and maintainability.

(8) Cost and cost-effectiveness.

(9) Force structure requirements.

(d) REPORT.—

(1) IN GENERAL.—Upon the completion of the assessment required by subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the assessment. The report shall include such recommendations regarding the future direction of the boost-phase ballistic missile defense programs of the United States as the Academy considers appropriate.

(2) FORM.—The report under paragraph (1) shall be submitted to the congressional defense committees in unclassified form, but may include a classified annex.

(e) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2009 by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, $3,500,000 is available for the assessment required by subsection (a).

SEC. 236. STUDY ON SPACE-BASED INTERCEPTOR ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.

(a) IN GENERAL.—Not later than 75 days after the date of the enactment of this Act, the Secretary of Defense shall, after consultation with the chair and ranking member of the Committee on Armed Services of the Senate and of the Committee on Armed Services of the House of Representatives, enter into a contract with one or more independent entities under which the entity or entities shall conduct an independent assessment of the feasibility and advisability of developing a space-based interceptor element to the ballistic missile defense system.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) An assessment of the need for a space-based interceptor element to the ballistic missile defense system, including an assessment of—

(A) the extent to which there is a ballistic missile threat that—

(i) such a space-based interceptor element would address; and

(ii) other elements of the ballistic missile defense system would not address;

(B) whether other elements of the ballistic missile defense system could be modified to meet the threat described in subparagraph (A) and the modifications necessary for such elements to meet that threat; and

(C) any other alternatives to the development of such a space-based interceptor element.

(2) An assessment of the components and capabilities and the maturity of critical technologies necessary to make such a space-based interceptor element operational.

(3) An estimate of the total cost for the life cycle of such a space-based interceptor element, including the costs of research, development, demonstration, procurement, deployment, and launching of the element.

(4) An assessment of the effectiveness of such a space-based interceptor element in intercepting ballistic missiles and the survivability of the element in case of attack.

(5) An assessment of possible debris generated from the use or testing of such a space-based interceptor element and any effects of such use or testing on other space systems.

(6) An assessment of any treaty or policy implications of the development or deployment of such a space-based interceptor element.

(7) An assessment of any command, control, or battle management considerations of using such a space-based interceptor element, including estimated timelines for the detection of ballistic missiles, decision-making with respect to the use of the element, and interception of the missile by the element.

(c) REPORT.—

(1) SUBMITTAL.—Upon completion of the independent assessment required under subsection (a), the entity or entities conducting the assessment shall submit contemporaneously to the Secretary of Defense, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report setting forth the results of the assessment.

(2) COMMENTS.—Not later than 60 days after the date on which the Secretary of Defense receives the report required under paragraph (1), the Secretary may submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives any comments on the report or any recommendations of the Secretary resulting from the report.

(3) FORM.—The report required under paragraph (1) and any comments and recommendations submitted under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2009 by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, $5,000,000 shall be available to carry out the study required under subsection (a).

SEC. 237. ACTIVATION AND DEPLOYMENT OF AN/TPY–2 FORWARD-BASED X-BAND RADAR.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, up to $89,000,000 may be available for Ballistic Missile Defense Sensors for the activation and deployment of the AN/TPY–2 forward-based X-band radar to a classified location.

(b) LIMITATION.—

(1) IN GENERAL.—Funds may not be available under subsection (a) for the purpose specified in that subsection until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the deployment of the AN/TPY–2 forward-based X-band radar as described in that subsection, including:

(A) The location of deployment of the radar.

(B) A description of the operational parameters of the deployment of the radar, including planning for force protection.

(C) A description of any recurring and nonrecurring expenses associated with the deployment of the radar.

(D) A description of the cost-sharing arrangements between the United States and the country in which the radar will be deployed regarding the expenses described in subparagraph (C).

(E) A description of the other terms and conditions of the agreement between the United States and such country regarding the deployment of the radar.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Subtitle D—Other Matters

SEC. 251. MODIFICATION OF SYSTEMS SUBJECT TO SURVIVABILITY TESTING BY THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

(a) AUTHORITY TO DESIGNATE ADDITIONAL SYSTEMS AS MAJOR SYSTEMS AND PROGRAMS SUBJECT TO TESTING.—Section 2366(e)(1) of title 10, United States Code, is amended by striking ''or conventional weapon system'' and inserting ''conventional weapon system, or other system or program designated by the Director of Operational Test and Evaluation for purposes of this section''.

(b) FORCE PROTECTION EQUIPMENT.—Section 139(b) of such title is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

SEC. 252. BIENNIAL REPORTS ON JOINT AND SERVICE CONCEPT DEVELOPMENT AND EXPERIMENTATION.

(a) IN GENERAL.—Section 485 of title 10, United States Code, is amended to read as follows:

''§ 485. Joint and service concept development and experimentation

''(a) BIENNIAL REPORTS REQUIRED.—Not later than January 1 of each even numbered-year, the Commander of the United States Joint Forces Command shall submit to the congressional defense committees a report on the conduct and outcomes of joint and service concept development and experimentation.

''(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall include the following:

''(1) A description of any changes since the latest report submitted under this section to each of the following:

''(A) The authority and responsibilities of the Commander of the United States Joint Forces Command with respect to joint concept development and experimentation.

''(B) The organization of the Department of Defense responsible for executing the mission of joint concept development and experimentation.

''(C) The process for tasking forces (including forces designated as joint experimentation forces) to participate in joint concept development and experimentation and the specific authority of the Commander over those forces.

''(D) The resources provided for initial implementation of joint concept development and experimentation, the process for providing such resources to the Commander, the categories of funding for joint concept development and experimentation, and the authority of the Commander for budget execution for joint concept development and experimentation activities.

''(E) The process for the development and acquisition of materiel, supplies, services, and equipment necessary for the conduct of joint concept development and experimentation.

''(F) The process for designing, preparing, and conducting joint concept development and experimentation.

''(G) The assigned role of the Commander for—

''(i) integrating and testing in joint concept development and experimentation the systems that emerge from warfighting experimentation by the armed forces and the Defense Agencies;

''(ii) assessing the effectiveness of organizational structures, operational concepts, and technologies relating to joint concept development and experimentation; and

''(iii) assisting the Secretary of Defense and the Chairman of the Joint Chiefs of Staff in setting priorities for requirements or acquisition programs in light of joint concept development and experimentation.

''(2) A description of the conduct of joint concept development and experimentation activities during the two-year period ending on the date of such report, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the national and homeland security challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions under such activities with commanders of other combatant commands and with other organizations and entities inside and outside the Department.

''(3) A description of the conduct of concept development and experimentation activities of the military departments during the two-year period ending on the date of such report, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the national and homeland security challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions under such activities with commanders of the combatant commands and with other organizations and entities inside and outside the Department.

''(4) A description of the conduct of joint concept development and experimentation, and of concept development and experimentation of the military departments, during the two-year period ending on the date of such report with respect to the development of warfighting concepts for operational scenarios more than 10 years in the future, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions with commanders of other combatant commands and with other organizations and entities inside and outside the Department.

''(5) A description of the mechanisms used to coordinate joint, service, interagency, Coalition, and other appropriate concept development and experimentation activities.

''(6) An assessment of the return on investment in concept development and experimentation activities, including a description of the following:

''(A) Specific outcomes and impacts within the Department of the results of past joint and service concept development and experimentation in terms of new doctrine, operational concepts, organization, training, materiel, leadership, personnel, or the allocation of resources, or in activities that terminated support for legacy concepts, programs, or systems.

''(B) Specific actions taken by the Secretary of Defense to implement the recommendations of the Commander based on concept development and experimentation activities.

''(7) Such recommendations (based primarily based on the results of joint and service concept development and experimentation) as the Commander considers appropriate for enhancing the development of joint warfighting capabilities by modifying activities throughout the Department relating to—

''(A) the development or acquisition of specific advanced technologies, systems, or weapons or systems platforms;

''(B) key systems attributes and key performance parameters for the development or acquisition of advanced technologies and systems;

''(C) joint or service doctrine, organization, training, materiel, leadership development, personnel, or facilities;

''(D) the reduction or elimination of redundant equipment and forces, including the synchronization of the development and fielding of advanced technologies among the

armed forces to enable the development and execution of joint operational concepts; and

''(E) the development or modification of initial capabilities documents, operational requirements, and relative priorities for acquisition programs to meet joint requirements.

''(8) With respect to improving the effectiveness of joint concept development and experimentation capabilities, such recommendations (based primarily on the results of joint warfighting experimentation) as the Commander considers appropriate regarding—

''(A) the conduct of, adequacy of resources for, or development of technologies to support such capabilities; and

''(B) changes in authority for acquisition of materiel, supplies, services, equipment, and support from other elements of the Department of Defense for concept development and experimentation by joint or service organizations.

''(9) The coordination of the concept development and experimentation activities of the Commander of the United States Joint Forces Command with the activities of the Commander of the North Atlantic Treaty Organization Supreme Allied Command Transformation.

''(10) Any other matters that the Commander consider appropriate.

''(c) COORDINATION AND SUPPORT.—The Secretary of Defense shall ensure that the Secretaries of the military departments and the heads of other appropriate elements of the Department of Defense provide the Commander of the United States Joint Forces Command such information and support as is required to enable the Commander to prepare the reports required by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 485 and inserting the following new item:

''485. Joint and service concept development and experimentation.''.

SEC. 253. REPEAL OF ANNUAL REPORTING REQUIREMENT RELATING TO THE TECHNOLOGY TRANSITION INITIATIVE.

Section 2359a of title 10, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

SEC. 254. EXECUTIVE AGENT FOR PRINTED CIRCUIT BOARD TECHNOLOGY.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the Executive Agent of the Department of Defense for printed circuit board technology.

(b) SPECIFICATION OF ROLES, RESPONSIBILITIES, AND AUTHORITIES.—The roles, responsibilities, and authorities of the Executive Agent designated under subsection (a) shall be as described in a directive issued by the Secretary of Defense for purposes of this section not later than one year after the date of the enactment of this Act.

(c) PARTICULAR ROLES AND RESPONSIBILITIES.—The roles and responsibilities described under subsection (b) for the Executive Agent designated under subsection (a) shall include the following:

(1) To develop and maintain a printed circuit board and interconnect technology roadmap that assures that the Department of Defense has access to manufacturing capabilities and expertise and technological capabilities necessary to meet future military requirements.

(2) To develop and recommend to the Secretary of Defense funding strategies that meet the recapitalization and investment requirements of the Department for printed circuit board and interconnect technology, which strategies shall be consistent with the roadmap developed under paragraph (1).

(3) To assure that continuing expertise in printed circuit board technical is available to the Department.

(4) To assess the vulnerabilities, trustworthiness, and diversity of the printed circuit board supply chain, including the development of trustworthiness requirements for printed circuit boards used in defense systems, and to develop strategies to address matters in that supply chain that are identified as a result of such assessment.

(5) To support technical assessments and analyses, especially with respect to acquisition decisions and planning, relating to printed circuit boards

(6) Such other roles and responsibilities as the Secretary considers appropriate.

(d) RESOURCES AND AUTHORITIES.—The Secretary of Defense shall ensure that the Executive Agent designated under subsection (a) has the appropriate resources and authorities to perform the roles and responsibilities of the Executive Agent under this section.

(e) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that the Executive Agent designated under subsection (a) has such support from the military departments, Defense Agencies, and other components of the Department of Defense as is required for the Executive Agent to perform the roles and responsibilities of the Executive Agent under this section.

SEC. 255. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO FINDINGS AND RECOMMENDATIONS OF THE DEFENSE SCIENCE BOARD TASK FORCE ON DIRECTED ENERGY WEAPONS.

(a) REPORT REQUIRED.—Not later than January 1, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of each of the findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(2) A detailed description of the response of the Department of Defense to each finding and recommendation of the Task Force, including—

(A) for each recommendation that is being implemented or that the Secretary plans to implement—

(i) a summary of actions that have been taken to implement such recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of such recommendation; and

(B) for each recommendation that the Secretary does not plan to implement—

(i) the reasons for the decision not to implement such recommendation; and

(ii) a summary of the alternative actions, if any, the Secretary plans to take to address the purposes underlying such recommendation, if any.

(3) A summary of any additional actions, if any, the Secretary plans to take to address concerns raised by the Task Force, if any.

SEC. 256. ASSESSMENT OF STANDARDS FOR MISSION CRITICAL SEMICONDUCTORS PROCURED BY THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT OF METHODS FOR VERIFICATION OF TRUST OF SEMICONDUCTORS PROCURED FROM COMMERCIAL SOURCES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct an assessment of various methods for verification of trust of the semiconductors procured by the Department of Defense from commercial sources for utilization in mission critical components of potentially vulnerable defense systems.

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) An identification of various existing methods for verification of trust of semiconductors that are suitable for Department of Defense purposes as described in subsection (a).

(2) An identification of various methods for verification of trust of semiconductors that are currently under development and have promise for suitability for Department of Defense purposes as described in subsection (a), including methods under development at the Defense Agencies, the national laboratories, and institutions of higher education, and in the private sector.

(3) A determination of the most suitable methods identified under paragraphs (1) and (2) for Department of Defense purposes as described in subsection (a).

(4) An assessment of additional research and technology development efforts necessary to develop methods for verification of trust of semiconductors to meet the needs of the Department of Defense.

(5) Any other matters that the Under Secretary considers appropriate for the verification of trust of semiconductors from commercial sources for utilization in mission critical components of any category or categories of vulnerable defense systems.

(c) CONSULTATION.—The Under Secretary shall conduct the assessment required by subsection (a) in consultation with appropriate elements of the Department of Defense, the intelligence community, private industry, and academia.

(d) EFFECTIVE DATE.—The assessment required by subsection (a) shall be completed not later than December 31, 2009.

(e) UPDATE.—The Under Secretary shall from time to time update the assessment required by subsection (a) to take into account advances in technology.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $31,282,460,000.

(2) For the Navy, $34,811,598,000.

(3) For the Marine Corps, $5,607,354,000.

(4) For the Air Force, $35,244,587,000.

(5) For Defense-wide activities, $25,926,564,000.

(6) For the Army Reserve, $2,642,641,000.

(7) For the Navy Reserve, $1,311,085,000.

(8) For the Marine Corps Reserve, $213,131,000.

(9) For the Air Force Reserve, $3,142,892,000.

(10) For the Army National Guard, $5,909,846,000.

(11) For the Air National Guard, $5,883,926,000.

(12) For the United States Court of Appeals for the Armed Forces, $13,254,000.

(13) For Environmental Restoration, Army, $447,776,000.

(14) For Environmental Restoration, Navy, $290,819,000.

(15) For Environmental Restoration, Air Force, $496,277,000.

(16) For Environmental Restoration, Defense-wide, $13,175,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $257,796,000.

(18) For Overseas Humanitarian, Disaster and Civic Aid programs, $83,273,000.

(19) For Cooperative Threat Reduction programs, $434,135,000.

(20) For Overseas Contingency Operations Transfer Fund, $9,101,000.

Subtitle B—Environmental Provisions

SEC. 311. EXPANSION OF COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF NATURAL RESOURCES TO INCLUDE OFF-INSTALLATION MITIGATION.

Section 103a(a) of the Sikes Act (16 U.S.C. 670c–1(a)) is amended by striking ''to provide for the maintenance and improvement'' and all that follows through the period at the end and inserting the following: ''to provide for one or both of the following:

''(1) The maintenance and improvement of natural resources on, or to benefit natural and historic research on, Department of Defense installations.

''(2) The maintenance and improvement of natural resources outside of Department of Defense installations if the purpose of the cooperative agreement is to relieve or eliminate current or anticipated challenges that could restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military activities.''.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of Defense may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $64,049.40 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

SEC. 313. COMPREHENSIVE PROGRAM FOR THE ERADICATION OF THE BROWN TREE SNAKE POPULATION FROM MILITARY FACILITIES IN GUAM.

The Secretary of Defense shall establish a comprehensive program to control and, to the extent practicable, eradicate the brown tree snake population from military facilities in Guam and to ensure that military activities, including the transport of civilian and military personnel and equipment to and from Guam, do not contribute to the spread of brown tree snakes.

Subtitle C—Workplace and Depot Issues

SEC. 321. AUTHORITY TO CONSIDER DEPOT-LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.

Section 2474 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) CONSIDERATION OF DEPOT LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.—Depot-level maintenance and repair work performed at a Center of Industrial and Technical Excellence by Federal Government employees using equipment furnished by contractors or by Federal Government employees utilizing facilities leased by the Government may be considered as workload necessary to maintain core logistics capability for purposes of section 2464 of this title if the depot-level maintenance and repair workload is the subject of a public-private partnership entered into pursuant to subsection (b).''.

SEC. 322. MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.

(a) ADDITIONAL ARMY DEPOTS.—Subsection (e)(1) of section 2476 of title 10, United States Code, is amended by adding at the end the following new subparagraphs:

''(F) Watervliet Arsenal, New York.

''(G) Rock Island Arsenal, Illinois.

''(H) Pine Bluff Arsenal, Arkansas.''.

(b) SEPARATE CONSIDERATION AND REPORTING OF NAVY DEPOTS AND MARINE CORPS DEPOTS.—Such section is further amended—

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

''(D) Separate consideration and reporting of Navy Depots and Marine Corps depots.''; and

(2) in subsection (e)(2)—

(A) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin;

(B) by inserting after ''Department of the Navy:'' the following:

''(A) The following Navy depots:'';

(C) by inserting after clause (vii), as redesignated by subparagraph (A), the following:

''(B) The following Marine Corps depots:''; and

(D) by redesignating subparagraphs (H) and (I) as clauses (i) and (ii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin.

Subtitle D—Reports

SEC. 331. ADDITIONAL INFORMATION UNDER ANNUAL SUBMISSIONS OF INFORMATION REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS.

Section 351 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2516; 10 U.S.C. 221 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''$30,000,000 and an estimated total life cycle cost'' and inserting ''$30,000,000 or an estimated total life cycle cost''; and

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

''(3) Information technology capital assets not covered by paragraphs (1) and (2) that have been determined by the Chief Information Officer of the Department of Defense to be significant investments.'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

''(d) REQUIRED INFORMATION FOR SIGNIFICANT INVESTMENTS.—With respect to each information technology capital asset not covered by paragraph (1) or (2) of subsection (a), but covered by paragraph (3) of that subsection, the Secretary of Defense shall include such information in a format that is appropriate to the current status of such asset.''.

Subtitle E—Other Matters

SEC. 341. MITIGATION OF POWER OUTAGE RISKS FOR DEPARTMENT OF DEFENSE FACILITIES AND ACTIVITIES.

(a) RISK ASSESSMENT.—The Secretary of Defense shall conduct a comprehensive technical and operational risk assessment of the risks posed to mission critical installations, facilities, and activities of the Department of Defense by extended power outages resulting from failure of the commercial electricity grid and related infrastructure.

(b) RISK MITIGATION PLANS.—

(1) IN GENERAL.—The Secretary of Defense shall develop integrated prioritized plans to eliminate, reduce, or mitigate significant risks identified in the risk assessment under subsection (a).

(2) MITIGATION GOALS.—In developing the risk mitigation plans under paragraph (1), the Secretary of Defense shall prioritize the mission critical installations, facilities, and activities that are subject to the greatest and most urgent risks.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit a report on the efforts of the Department of Defense to mitigate the risks described in subsection (a) as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

(2) CONTENT.—Each report submitted under paragraph (1) shall describe the integrated prioritized plans developed under subsection (b) and the progress made toward achieving the goals established under such subsection.

SEC. 342. INCREASED AUTHORITY TO ACCEPT FINANCIAL AND OTHER INCENTIVES RELATED TO ENERGY SAVINGS AND NEW AUTHORITY RELATED TO ENERGY SYSTEMS.

(a) ENERGY SAVINGS.—Section 2913(c) of title 10, United States Code, is amended by inserting ''or a State or local government'' after ''gas or electric utility''.

(b) ENERGY SYSTEMS.—Section 2915 of such title is amended by adding at the end the following new subsection:

''(f) ACCEPTANCE OF FINANCIAL INCENTIVES, FINANCIAL ASSISTANCE, AND SERVICES.—The Secretary of Defense may authorize any military installation to accept any financial incentive, financial assistance, or services generally available from a gas or electric utility or State or local government to use or construct an energy system using solar energy or other renewable form of energy if the use or construction of the system is consistent with the energy performance goals and energy performance plan for the Department of Defense developed under section 2911 of this title.''.

SEC. 343. RECOVERY OF IMPROPERLY DISPOSED OF DEPARTMENT OF DEFENSE PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2790. Recovery of improperly disposed of Department of Defense property

''(a) PROHIBITION.—No member of the armed forces, civilian employee of the United States Government, contractor personnel, or other person may sell, lend, pledge, barter, or give any clothing, arms, articles, equipment, or other military or Department of Defense property except in accordance with the statutes and regulations governing Government property.

''(b) TRANSFER OF TITLE OR INTEREST INEFFECTIVE.—If property has been disposed of in violation of subsection (a), the person holding the property has no right or title to, or interest in, the property.

''(c) AUTHORITY FOR SEIZURE OF IMPROPERLY DISPOSED OF PROPERTY.—If any person is in the possession of military or Department of Defense property without right or title to, or interest in, the property because it has been disposed of in violation of subsection (a), any Federal, State, or local law enforcement official may seize the property wherever found.

''(d) INAPPLICABILITY TO CERTAIN PROPERTY.—Subsections (b) and (c) shall not apply to property on public display by public or private collectors or museums in secured exhibits.

''(e) DETERMINATIONS OF VIOLATIONS.—(1) The appropriate district court of the United States shall have jurisdiction, regardless of the current approximated or estimated value of the property, to determine whether property was disposed of in violation of subsection (a). Any such determination shall be by a preponderance of the evidence.

''(2) In the case of property, the possession of which could undermine national security or create a hazard to public health or safety, the determination under paragraph (1) may be made after the seizure of the property. If the person from whom the property is seized is found to have been lawfully in possession of the property and the return of the property could undermine national security or create a hazard to public health or safety, the Secretary of Defense shall reimburse the person for the fair value for the property.

''(f) DELIVERY OF SEIZED PROPERTY.—Any law enforcement official who seizes property under subsection (c) and is not authorized to retain it for the United States shall deliver the property to an authorized member of the armed forces or other authorized official of the Department of Defense or the Department of Justice.

''(g) RETROACTIVE ENFORCEMENT AUTHORIZED.—This section shall apply to any military or Department of Defense property that is disposed of on or after January 1, 2002, in a manner that is not in accordance with statutes and regulations governing Government property in effect at the time of the disposal of the property.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of such title is amended by inserting the following new item:

''2790. Recovery of improperly disposed of Department of Defense property.''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2009, as follows:

(1) The Army, 532,400.
(2) The Navy, 325,300.
(3) The Marine Corps, 194,000.
(4) The Air Force, 316,771.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2009, as follows:

(1) The Army National Guard of the United States, 352,600.
(2) The Army Reserve, 205,000.
(3) The Navy Reserve, 66,700.
(4) The Marine Corps Reserve, 39,600.
(5) The Air National Guard of the United States, 106,756.
(6) The Air Force Reserve, 67,400.
(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2009, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 29,950.
(2) The Army Reserve, 16,170.
(3) The Navy Reserve, 11,099.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 14,360.
(6) The Air Force Reserve, 2,733.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2009 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.
(2) For the Army National Guard of the United States, 27,210.
(3) For the Air Force Reserve, 10,003.
(4) For the Air National Guard of the United States, 22,459.

SEC. 414. FISCAL YEAR 2009 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2009, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2009, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2009, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2009, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.
(2) The Army Reserve, 13,000.
(3) The Navy Reserve, 6,200.
(4) The Marine Corps Reserve, 3,000.
(5) The Air National Guard of the United States, 16,000.
(6) The Air Force Reserve, 14,000.

SEC. 416. INCREASED END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE ARMY NATIONAL GUARD AND ARMY RESERVE AND MILITARY TECHNICIANS (DUAL STATUS) OF THE ARMY NATIONAL GUARD.

(a) RESERVES ON ACTIVE DUTY IN SUPPORT OF ARMY NATIONAL GUARD AND ARMY RESERVE.—Notwithstanding the limitations specified in section 412 and subject to the provisions of this section, the number of Reserves authorized as of September 30, 2009, to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for purposes of organizing, administering, recruiting, instructing, or training the reserve components shall be the number as follows:

(1) In the case of the Army National Guard of the United States, the number authorized by section 412(1), plus an additional 2,110 Reserves.

(2) In the case of the Army Reserve, the number authorized by section 412(2), plus an additional 91 Reserves.

(b) MILITARY TECHNICIANS (DUAL STATUS) OF ARMY NATIONAL GUARD.—Notwithstanding the limitation specified in section 413(2) and subject to the provisions of this section, the minimum number of military technicians (dual status) as of September 30, 2009, for the Army National Guard of the United States (notwithstanding section 129 of title 10, United States Code) shall be the number otherwise specified in section 413(2), plus such additional number, not to exceed 1,170, military technicians (dual status) as the Secretary of the Army considers appropriate.

(c) ASSIGNMENT OF PERSONNEL UNDER ADDITIONAL END STRENGTHS.—Any personnel on duty or service under the additional end strengths authorized by subsection (a) or (b) may only be assigned to units of company size or below.

(d) FUNDING.—The costs of any personnel under the additional end strengths authorized by subsection (a) or (b) shall be paid from funds authorized to be appropriated for fiscal year 2009 by titles XV and XVI.

SEC. 417. MODIFICATION OF AUTHORIZED STRENGTHS FOR MARINE CORPS RESERVE OFFICERS ON ACTIVE DUTY IN THE GRADES OF MAJOR AND LIEUTENANT COLONEL TO MEET NEW FORCE STRUCTURE REQUIREMENTS.

(a) AUTHORIZED STRENGTHS FOR MAJORS.—The table in section 12011(a)(1) of title 10, United States Code, is amended by striking the numbers in the column relating to ''Major'' in the items relating to the Marine Corps Reserve and inserting the following new numbers:

''99
''103
''107
''111
''114
''117

''120
''123
''126
''129
''132
''134
''136
''138
''140
''142''.

(b) AUTHORIZED STRENGTHS FOR LIEUTENANT COLONELS.—The table in section 12011(a)(1) of such title is further amended by striking the numbers in the column relating to ''Lieutenant Colonel'' in the items relating to the Marine Corps Reserve and inserting the following new numbers:

''63
''67
''70
''73
''76
''79
''82
''85
''88
''91
''94
''97
''100
''103
''106
''109''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel amounts as follows:

(1) For military personnel, $114,152,040,000.

(2) For contributions to the Medicare-Eligible Retiree Health Fund, $10,350,593,000.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2009.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. MODIFICATION OF DISTRIBUTION REQUIREMENTS FOR COMMISSIONED OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.

(a) INCREASE IN NUMBER OF OFFICERS SERVING IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—Subsection (b) of section 525 of title 10, United States Code, is amended by striking ''16.3 percent'' each place it appears in paragraphs (1) and (2)(A) and inserting ''16.4 percent''.

(b) EXCLUSION OF CERTAIN RESERVE OFFICERS.—Such section is further amended by adding at the end the following new subsection:

''(g) The limitations of this section do not apply to a reserve general or flag officer who is on active duty under a call or order to active duty specifying a period of active duty of not longer than three years.''.

SEC. 502. MODIFICATION OF LIMITATIONS ON AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) GENERAL LIMITATIONS.—Subsection (a) of section 526 of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) For the Army, 222.
''(2) For the Navy, 159.
''(3) For the Air Force, 206.
''(4) For the Marine Corps, 59.''.

(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—(1) The Secretary of Defense may designate up to 324 general officer and flag officer positions that are joint duty assignments for the purposes of chapter 38 of this title for exclusion from the limitations in subsection (a). Officers in positions so designated shall not be counted for the purposes of those limitations.

''(2) Unless the Secretary of Defense determines that a lower number is in the best interests of the nation, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

''(A) For the Army, 85.
''(B) For the Navy, 61.
''(C) For the Air Force, 76.
''(D) For the Marine Corps, 21.''.

(c) TEMPORARY EXCLUSION FOR CERTAIN TEMPORARY BILLETS.—Such section is further amended by inserting after subsection (b), as amended by subsection (b) of this section, the following new subsection:

''(c) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—(1) The limitations in subsection (a) do not apply to a general or flag officer assigned to a temporary joint duty assignment billet designated by the Secretary of Defense for purposes of this section.

''(2) A general or flag officer assigned to a temporary joint duty assignment as described in paragraph (1) may not be excluded under this subsection from the limitations in subsection (a) for a period longer than one year.''.

(d) CONFORMING REPEAL OF LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS WHO MAY SERVE IN POSITIONS OUTSIDE THEIR OWN SERVICE.—

(1) REPEAL.—Section 721 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 721.

(e) ACQUISITION AND CONTRACTING BILLETS.—The Secretary of Defense, the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the chiefs of staff of the Armed Forces shall take appropriate actions to ensure that—

(1) not less than 12 percent of all general officers and flag officers in the Armed Forces generally, and in each Armed Force (as applicable), serve in an acquisition position; and

(2) not less than 10 percent of all general officers and flag officers in the Armed Forces generally, and in each Armed Force (as applicable), who serve in an acquisition position have significant contracting experience.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 2010.

SEC. 503. CLARIFICATION OF JOINT DUTY REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG GRADES.

(a) IN GENERAL.—Subsection (a) of section 619a of title 10, United States Code, is amended by striking ''unless—'' and all that follows and inserting ''unless the officer has been designated as a joint qualified officer in accordance with section 661 of this title.''.

(b) EXCEPTIONS.—Subsection (b) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a),'' and inserting ''subsection (a)''; and

(2) in paragraph (4), by striking ''if the officer's'' and all that follows and inserting ''if—

''(A) the officer's total consecutive years in joint duty assignments is not less than two years; and

''(B) the officer has successfully completed a program of education meeting the requirements for Phase II joint professional military education under subsections (b) and (c) of section 2155 of this title''.

(c) REPEAL OF SPECIAL RULE FOR NUCLEAR PROPULSION OFFICERS.—Such section is further amended by striking subsection (h).

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 619a. Eligibility for consideration for promotion: joint qualified officer designation required for promotion to general or flag grade; exceptions''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking the item relating to section 619a and inserting the following new item:

''619a. Eligibility for consideration for promotion: joint qualified officer designation required for promotion to general or flag grade; exceptions.''.

SEC. 504. MODIFICATION OF AUTHORITIES ON LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) SERVICE EXCLUDABLE FROM TOUR LENGTH REQUIREMENTS.—Subsection (d) of section 664 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking subparagraph (D) and inserting the following new subparagraph (D):

''(D) a qualifying reassignment from a joint duty assignment—

''(i) for unusual personal reasons (including extreme hardship and medical conditions) beyond the control of the officer or the armed forces; or

''(ii) to another joint duty assignment immediately after—

''(I) the officer was promoted to a higher grade, if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or

''(II) the officer's position was eliminated in a reorganization.''; and

(2) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) Service in a joint duty assignment in a case in which the officer's tour of duty in that assignment brings the officer's accrued service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a).''.

(b) EXCLUSIONS OF SERVICE FROM COMPUTING AVERAGE TOUR LENGTHS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraph (2):

''(2) In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

''(A) Service described in subsection (c).
''(B) Service described in subsection (d).
''(C) Service described in subsection (f)(6).''.

(c) SERVICE CONTRIBUTING TOWARD FULL TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) Accrued joint experience in joint duty assignments as described in subsection (g).'';

(2) in paragraph (4), by striking ''(except that'' and all that follows through ''at any time)''; and

(3) by striking paragraph (6) and inserting the following new paragraph (6):

''(6) Any subsequent joint duty assignment that is less than the period required under subsection (a), but not less than two years.''.

(d) ACCRUAL OF JOINT EXPERIENCE.—Subsection (g) of such section is amended to read as follows:

''(g) ACCRUED JOINT EXPERIENCE.—Accrued joint experience that may be aggregated to equal a full tour of duty for purposes of subsection (f)(3) shall include such temporary duty in joint assignments, joint individual training, and participation in joint exercises, and for such periods, as shall be prescribed in regulations by the Secretary of Defense in consultation with the advice of the Chairman of the Joint Chiefs of Staff.''.

(e) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''accord'' and inserting ''award''; and

(B) by striking ''(f)(4), or (g)(2)'' and inserting ''or (f)(4)''; and

(2) by striking paragraph (3).

(f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—Such section is further amended by striking subsection (i).

SEC. 505. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO MODIFICATION OF JOINT SPECIALTY REQUIREMENTS.

(a) JOINT DUTY ASSIGNMENTS AFTER COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION.—Section 663 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the heading, by striking ''JOINT SPECIALTY OFFICERS.—'' and inserting ''JOINT QUALIFIED OFFICERS.—''; and

(B) by striking ''officer with the joint specialty'' and inserting ''designated as a joint qualified officer''; and

(2) in subsection (b)(1), by striking ''do not have the joint specialty'' and inserting ''are not designated as joint qualified officers''.

(b) PROCEDURES FOR MONITORING CAREERS OF JOINT OFFICERS.—Section 665 of such title is amended—

(1) in subsection (a)(l)(A), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(2) in subsection (b)(1), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''.

(c) ANNUAL REPORTS.—Section 667 of such title is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as joint qualified officers''; and

(B) in subparagraph (B), by striking ''selection for the joint specialty but were not selected'' and inserting ''designation as joint qualified officers but were not designated'';

(2) in paragraph (2), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers'';

(3) in paragraph (3), by striking ''selected for the joint specialty'' each place it appears and inserting ''designated as joint qualified officers'';

(4) in paragraph (4)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as joint qualified officers''; and

(B) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) a comparison of—

''(i) the number of officers designated as joint qualified officers who had served in a joint duty assignment list billet and completed Phase II joint professional military education; with

''(ii) the number of officers designated as joint qualified officers based on their aggregated joint experiences and completion of Phase II joint professional military education.'';

(5) by striking paragraph (16);

(6) by redesignating paragraphs (5) through (15) as paragraphs (6) through (16), respectively;

(7) by inserting after paragraph (4) the following new paragraph (5):

''(5) The promotion rate for officers from within the promotion zone who are designated as joint qualified officers compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the armed force and for officers of the armed force concerned designated as joint qualified officers.'';

(8) in paragraph (7), as redesignated by paragraph (6) of this subsection—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(9) in paragraph (8), as so redesignated, by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(10) in paragraph (9), as so redesignated—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(11) in paragraph (10), as so redesignated—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(12) in paragraph (11), as so redesignated, by striking ''selection for the joint specialty'' and inserting ''designation as joint qualified officers'';

(13) in paragraph (14), as so redesignated—

(A) by striking ''paragraphs (5) through (9)'' and inserting ''paragraphs (6) through (10)''; and

(B) by striking ''having the joint specialty'' and inserting ''designated as joint qualified officers'';

(14) by redesignating paragraph (18) as paragraph (19); and

(15) by inserting after paragraph (17) the following new paragraph (18):

''(18) The number of officers in the grade of captain or above, or in the case of the Navy, lieutenant or above, certified at each level of joint qualification, with such numbers to be set forth separated for each armed force and for each covered grade of officer within each armed force.''.

SEC. 506. ELIGIBILITY OF RESERVE OFFICERS TO SERVE ON BOARDS OF INQUIRY FOR SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE AND OTHER REASONS.

(a) ELIGIBILITY.—Section 1187 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(2) in subsection (b), by striking ''on active duty'' in the matter preceding paragraph (1).

(b) CONFORMING AMENDMENT.—The heading of subsection (a) of such section is amended by striking ''ACTIVE DUTY OFFICERS'' and inserting ''IN GENERAL''.

SEC. 507. MODIFICATION OF AUTHORITY ON STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

(a) GRADE OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.—Section 5046(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentence: ''The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.''.

(b) EXCLUSION FROM GENERAL OFFICER DISTRIBUTION LIMITATIONS.—Section 525(a) of such title is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2) An officer while serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps under section 5046 of this title is in addition to the number that would otherwise be permitted for the Marine Corps for officers in grades above the brigadier general under the first sentence of paragraph (1).''.

SEC. 508. INCREASE IN NUMBER OF PERMANENT PROFESSORS AT THE UNITED STATES AIR FORCE ACADEMY.

Section 9331(b)(4) of title 10, United States Code, is amended by striking ''21 permanent professors'' and inserting ''25 permanent professors''.

SEC. 509. SERVICE CREDITABLE TOWARD RETIREMENT FOR THIRTY YEARS OR MORE OF SERVICE OF REGULAR WARRANT OFFICERS OTHER THAN REGULAR ARMY WARRANT OFFICERS.

Section 1305 of title 10, United States Code, is amended—

(1) in subsection (a), ''A regular warrant officer'' and inserting ''A regular Army warrant officer'';

(2) by redesignating subsections (b) and (c) as subsections (c), and (d), respectively;

(3) by inserting after subsection (a) the following new subsection (b);

''(b) A regular warrant officer (other than a regular Army warrant officer) who has at least 30 years of active service that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended, may be retired 60 days after the date on which he completes that service, except as provided by section 8301 of title 5.''; and

(4) in subsections (c) and (d), as redesignated by paragraph (2), by inserting ''or (b)'' after ''subsection (a)''.

SEC. 510. MODIFICATION OF REQUIREMENTS FOR QUALIFICATION FOR ISSUANCE OF POSTHUMOUS COMMISSIONS AND WARRANTS.

(a) POSTHUMOUS COMMISSIONS.—Section 1521 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''in line of duty'' each place it appears; and

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

''(c) A commission issued under subsection (a) shall require a certification by the Secretary of the military department concerned that at the time of death the member was qualified for appointment to the next higher grade.''.

(b) POSTHUMOUS WARRANTS.—Section 1522 of such title is amended—

(1) in subsection (a), by striking ''in line of duty''; and

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

''(c) A warrant issued under subsection (a) shall require a finding by the Secretary of the military department concerned that at the time of death the member was qualified for appointment to the next higher grade.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

Subtitle B—Enlisted Personnel Policy

SEC. 521. INCREASE IN MAXIMUM PERIOD OF REENLISTMENT OF REGULAR MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM PERIOD.—Section 505(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''six years'' and inserting ''eight years''; and

(2) in paragraph (3)(A), by striking ''six years'' and inserting ''eight years''.

(b) CONFORMING AMENDMENT RELATING TO PAYMENT OF REENLISTMENT BONUS.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking ''six'' and inserting ''eight''.

Subtitle C—Reserve Component Management

SEC. 531. MODIFICATION OF LIMITATIONS ON AUTHORIZED STRENGTHS OF RESERVE GENERAL AND FLAG OFFICERS IN ACTIVE STATUS.

(a) EXCLUSION OF ARMY AND AIR FORCE OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (b) of section 12004 of title 10, United States Code, is amended by adding at the end the following new paragraph;

''(4) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the armed force concerned by subsection (a).''.

(b) EXCLUSION OF NAVY OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (c) of such section is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by striking the matter in paragraph (1) before the matter relating to line corps and inserting the following:

''(1) The following Navy reserve officers shall not be counted for purposes of this section:

''(A) Those counted under section 526 of this title.

''(B) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the Navy in subsection (a).

''(2) Of the number of Navy reserve officers authorized by subsection (a), 40 are distributed among the line and staff corps as follows:''.

SEC. 532. EXTENSION TO OTHER RESERVE COMPONENTS OF ARMY AUTHORITY FOR DEFERRAL OF MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS) UNTIL AGE 60.

Section 10216(f) of title 10, United States Code, is amended by inserting ''and the Secretary of the Air Force'' after ''Secretary of the Army''.

SEC. 533. INCREASE IN MANDATORY RETIREMENT AGE FOR CERTAIN RESERVE OFFICERS TO AGE 62.

(a) SELECTIVE SERVICE AND UNITED STATES PROPERTY AND FISCAL OFFICERS.—Section 12647 of title 10, United States Code, is amended by striking ''60 years'' and inserting ''62 years''.

(b) HEADQUARTERS AND RESERVE TECHNICIAN OFFICER PERSONNEL.—

(1) IN GENERAL.—Subsection (b) of section 14702 of such title is amended—

(A) in the subsection caption, by striking ''AGE 60'' and inserting ''AGE 62''; and

(B) by striking ''60 years'' and inserting ''62 years''.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 14702. Retention on reserve active-status list of certain officers until age 62''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1409 of such title is amended by striking the item relating to section 14702 and inserting the following new item:

''14702. Retention on reserve active-status list of certain officers until age 62.''.

SEC. 534. AUTHORITY FOR VACANCY PROMOTION OF NATIONAL GUARD AND RESERVE OFFICERS ORDERED TO ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

Section 14317 of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by inserting ''(1)'' before ''Except as provided in subsection (e)''; and

(B) by striking ''unless'' in the first sentence and all that follows through the end of the subsection and inserting ''unless the officer—

''(A) is ordered to active duty as a member of the unit in which the vacancy exists when that unit is ordered to active duty; or

''(B) has been ordered to or is serving on active duty in support of a contingency operation.

''(2) If the name of an officer is removed under paragraph (1) from a list of officers recommended for promotion, the officer shall be treated as if the officer had not been considered for promotion or examined for Federal recognition.''; and

(2) in subsection (e)(1)(B), by inserting ''or by examination for Federal recognition under title 32'' after ''this title''.

SEC. 535. AUTHORITY FOR RETENTION OF RESERVE COMPONENT CHAPLAINS AND MEDICAL OFFICERS UNTIL AGE 68.

(a) RESERVE CHAPLAINS AND MEDICAL OFFICERS.—Section 14703(b) of title 10, United States Code, is amended by striking ''67 years'' and inserting ''68 years''.

(b) NATIONAL GUARD CHAPLAINS AND MEDICAL OFFICERS.—Section 324(a) of title 32, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

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

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) in the case of a chaplain or medical officer, he becomes 68 years of age; or''.

SEC. 536. MODIFICATION OF AUTHORITIES ON DUAL DUTY STATUS OF NATIONAL GUARD OFFICERS.

(a) DUAL DUTY STATUS AUTHORIZED FOR ANY OFFICER ON ACTIVE DUTY.—Subsection (a)(2) of section 325 of title 32, United States Code, is amended by striking ''in command of a National Guard unit''.

(b) ADVANCE AUTHORIZATION AND CONSENT TO DUAL DUTY STATUS.—Such section is further amended—

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

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

''(b) ADVANCE AUTHORIZATION AND CONSENT.—The President and the Governor of a State or Territory, or of the Commonwealth of Puerto Rico, or the commanding general of the District of Columbia National Guard, as applicable, may give the authorization or consent required by subsection (a)(2) with respect to an officer in advance for the purpose of establishing the succession of command of a unit.''.

SEC. 537. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) IN GENERAL.—Subsection (d) of section 509 of title 32, United States Code, is amended to read as follows:

''(d) MATCHING FUNDS REQUIRED.—(1) The amount of assistance provided by the Secretary of Defense to a State program of the Program for a fiscal year under this section may not exceed 60 percent of the costs of operating the State program during that fiscal year.

''(2) The limitation in paragraph (1) may not be construed as a limitation on the amount of assistance that may be provided to a State program of the Program for a fiscal year from sources other than the Department of Defense.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 538. REPORT ON COLLECTION OF INFORMATION ON CIVILIAN SKILLS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability, utility, and cost effectiveness of the following:

(1) The collection by the Department of Defense of information on the civilian skills, qualifications, and professional certifications of members of the reserve components of the Armed Forces that are relevant to military manpower requirements.

(2) The establishment by each military department, and by the Department of Defense generally, of a system that would match billets and personnel requirements with members of the reserve components of the Armed Forces who have skills, qualifications, and certifications relevant to such billets and requirements.

(3) The establishment by the Department of Defense of one or more systems accessible by private employers who employ individuals with skills, qualifications, and certifications possessed by members of the reserve components of the Armed Forces to assist such employers in hiring and employing such members.

(4) Actions to ensure that employment information collected for and maintained in the Civilian Employment Information database of the Department of Defense is current and accurate.

(5) Actions to incorporate any matter determined feasible and advisable under paragraphs (1) through (4) into the Defense Integrated Military Human Resources System.

Subtitle D—Education and Training

SEC. 551. AUTHORITY TO PRESCRIBE THE AUTHORIZED STRENGTH OF THE UNITED STATES NAVAL ACADEMY.

(a) IN GENERAL.—Section 6954 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''4,000 or such higher number'' and inserting ''4,400 or such lower number''; and

(B) by striking ''under subsection (h)''; and

(2) by striking subsection (h).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to academic years at the United States Naval Academy after the 2007–2008 academic year.

SEC. 552. TUITION FOR ATTENDANCE OF CERTAIN INDIVIDUALS AT THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

Section 9314(c) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4)(A) The Institute shall charge tuition for the cost of instruction at the Institute for individuals described in subparagraph (B).

''(B) The individuals described in this subparagraph are any individuals, including civilian employees of the military departments other than the Air Force, of other components of the Department of Defense, and of other Federal agencies, receiving instruction at the Institute.

''(C) The cost of any tuition charged an individual under this paragraph shall be borne by the department, agency, or component sending the individual for instruction at the Institute.

''(5) Amounts received by the Institute for the instruction of students under this subsection shall be retained by the Institute and available to the Institute to cover the costs of such instruction. The source and disposition of such amounts shall be specifically identified in the records of the Institute.''.

SEC. 553. INCREASE IN STIPEND FOR BACCALAUREATE STUDENTS IN NURSING OR OTHER HEALTH PROFESSIONS UNDER HEALTH PROFESSIONS STIPEND PROGRAM.

Section 16201 of title 10, United States Code, is amended—

(1) in subsection (e)(2)(A), by striking ''of $100 per month'' and inserting '', in an amount determined under subsection (f),''; and

(2) in subsection (f), by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (e)''.

SEC. 554. CLARIFICATION OF DISCHARGE OR RELEASE TRIGGERING DELIMITING PERIOD FOR USE OF EDUCATIONAL ASSISTANCE BENEFIT FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

Section 16164(a)(2) of title 10, United States Code, is amended by striking ''other than dishonorable conditions'' and inserting ''honorable conditions''.

SEC. 555. PAYMENT BY THE SERVICE ACADEMIES OF CERTAIN EXPENSES ASSOCIATED WITH PARTICIPATION IN ACTIVITIES FOSTERING INTERNATIONAL COOPERATION.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding the following new section:

''§ 2016. Service academies: payment of expenses of foreign visitors for international cooperation; expenses of cadets and midshipmen in certain travel or study abroad

''(a) PAYMENT OF EXPENSES OF CERTAIN FOREIGN VISITORS.—The Superintendent of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy may, if such Superintendent considers it necessary in the interests of international cooperation, pay the following:

''(1) Travel, subsistence, and special compensation of officers, students, and representatives of foreign countries visiting the service academy concerned.

''(2) Other hosting and entertainment expenses in connection with foreign visitors to the service academy concerned.

''(b) PER DIEM FOR CADETS AND MIDSHIPMEN TRAVELING OR STUDYING ABROAD.—A cadet at the United States Military Academy or the United States Air Force Academy, and a midshipman at the United States Naval Academy, who travels or studies abroad in a program to enhance language skills or cultural understanding may be paid per diem in connection with such travel or study at a rate lower than the rate authorized by the Joint Federal Travel Regulations if the Superintendent of the service academy concerned determines that payment of per diem at such lower rate is in the best interest of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

''2016. Service academies: payment of costs of foreign visitors for international cooperation; expenses of cadets and midshipmen in certain travel or study abroad.''.

Subtitle E—Defense Dependents' Education Matters

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 563. TRANSITION OF MILITARY DEPENDENT STUDENTS AMONG LOCAL EDUCATIONAL AGENCIES.

Subsection (d) of section 574 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2227; 20 U.S.C. 7703b note) is amended to read as follows:

''(d) TRANSITION OF MILITARY DEPENDENTS AMONG LOCAL EDUCATIONAL AGENCIES.—(1) The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transitions of military dependent students from Department of Defense dependent schools to other schools and among schools of local educational agencies.

''(2) The Secretary of Defense may use funds of the Department of Defense Education Activity for purposes as follows:

''(A) To share expertise and experience of the Activity with local educational agencies as military dependent students make the transitions described in paragraph (1), including transitions resulting from the closure or realignment of military installations under a base closure law, global rebasing, and force restructuring.

''(B) To provide programs for local educational agencies with military dependent students undergoing the transitions described in paragraph (1), including programs for training for teachers and access to distance learning courses for military dependent students who attend public schools in the United States.''.

Subtitle F—Military Family Readiness

SEC. 571. AUTHORITY FOR EDUCATION AND TRAINING FOR MILITARY SPOUSES PURSUING PORTABLE CAREERS.

Section 1784 of title 10, United States Code, is amended by inserting at the end the following new subsection:

''(h) EDUCATION AND TRAINING FOR MILITARY SPOUSES PURSUING PORTABLE CAREERS.—(1) The Secretary of Defense may carry out programs to provide or make available to eligible spouses of members of the armed forces education and training to facilitate the pursuit by such eligible spouses of a portable career.

''(2) In carrying out programs under this subsection, the Secretary may provide assistance utilizing funds available to carry out this section in accordance with such regulations as the Secretary shall prescribe for purposes of this subsection.

''(3) In this subsection:

''(A)(i) The term 'eligible spouse' means any person married to a member of the armed forces on active duty.

''(ii) The term does not include the following:

''(I) Any person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or possession of the United States.

''(II) Any person who is a member of the armed forces.

''(B) The term 'portable career' includes an occupation identified by the Secretary of Defense, in consultation with the Secretary of Labor, as requiring education and training that results in a credential that is recognized nationwide by industry or specific businesses.''.

Subtitle G—Other Matters

SEC. 581. DEPARTMENT OF DEFENSE POLICY ON THE PREVENTION OF SUICIDES BY MEMBERS OF THE ARMED FORCES.

(a) POLICY REQUIRED.—Not later than August 1, 2009, the Secretary of Defense shall develop a comprehensive policy designed to prevent suicide by members of the Armed Forces.

(b) PURPOSES.—The purposes of the policy required by this section shall be as follows:

(1) To ensure that investigations, analyses, and appropriate data collection can be conducted, across the military departments, on the causes and factors surrounding suicides by members of the Armed Forces.

(2) To develop effective strategies and policies for the education of members of the Armed Forces to assist in preventing suicides and suicide attempts by members of the Armed Forces.

(c) ELEMENTS.—The policy required by this section shall include, but not be limited to, the following:

(1) Requirements for investigations and data collection in connection with suicides by members of the Armed Forces.

(2) A requirement for the appointment by the appropriate military authority of a separate investigating officer to conduct an administrative investigation into each suicide by a member of the Armed Forces in accordance with the requirements specified under paragraph (1).

(3) Requirements for minimum information to be determined under each investigation pursuant to paragraph (2), including, but not limited to, the following:

(A) Any mental illness or other mental health condition, including Post Traumatic

Stress Disorder (PTSD), of the member of the Armed Forces concerned at the time of the completion of suicide.

(B) Any other illness or injury of the member at the time of the completion of suicide.

(C) Any receipt of health care services, including mental health care services, by the member before the completion of suicide.

(D) Any utilization of prescription drugs by the member before the completion of suicide.

(E) The number, frequency, and dates of deployment of the member.

(F) The military duty assignment of the member at the time of the completion of suicide.

(G) Any observations by family members, health care providers, medical care managers, and other members of the Armed Forces of any symptoms of depression, anxiety, alcohol or drug abuse, or other relevant behavior in the member before the completion of suicide.

(H) The results of a psychological autopsy of the member, if conducted.

(4) A requirement for a report from each administrative investigation conducted pursuant to paragraph (2) which shall set forth the findings and recommendations resulting from such investigation.

(5) Procedures for the protection of the confidentiality of information contained in each report on an investigation pursuant to paragraph (4).

(6) A requirement that the Deputy Chief of Staff for Personnel of the military department concerned receive and analyze each report on an investigation pursuant to paragraph (4).

(7) The appointment by the Secretary of Defense of an appropriate official or executive agent within the Department of Defense to receive and analyze each report on an investigation pursuant to paragraph (4) in order to—

(A) identify trends or common causal factors in suicides by members of the Armed Forces; and

(B) advise the Secretary on means by which the suicide education and prevention strategies and programs of the military departments can respond appropriately and effectively to such trends and causal factors.

(8) A requirement for an annual report to the Secretary of Defense by each Secretary of a military department on the following:

(A) The results of investigations into suicide by members of the Armed Forces pursuant to paragraph (2) for each calendar year beginning with 2010.

(B) Actions taken to improve the suicide education and prevention strategies and programs of the military departments.

(d) CONSTRUCTION OF INVESTIGATION WITH OTHER INVESTIGATION REQUIREMENTS.—The investigation of the suicide by a member of the Armed Forces under the policy required by this section shall be in addition to any other investigation of the suicide required by law, including any investigation for criminal purposes.

(e) REPORT.—Not later than August 1, 2009, the Secretary of the Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy required by this section. The report shall include—

(1) a description of the policy; and

(2) a plan for the implementation of the policy throughout the Department of Defense.

SEC. 582. RELIEF FOR LOSSES INCURRED AS A RESULT OF CERTAIN INJUSTICES OR ERRORS OF THE DEPARTMENT OF DEFENSE.

(a) RELIEF AUTHORIZED.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127c, as added by section 1201 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2410), the following new section:

''§ 127e. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense

''(a) RELIEF AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary of Defense or the Secretary of the military department concerned may, upon a determination that a member or former member of the armed forces has suffered imprisonment as a result of an injustice or error of the Department of Defense or any of its employees acting in an official capacity following conviction by a court-martial, provide such relief on account of such error as such Secretary determines equitable and fair, including the payment of moneys to any person whom such Secretary determines is entitled to such moneys.

''(b) PAYMENT AS A MATTER OF SOLE DISCRETION.—The payment of any moneys under this section is within the sole discretion of the Secretary of Defense and the Secretaries of the military departments.

''(c) PAYMENT OF INTEREST.—The authority to pay moneys under this section includes the authority to pay interest on such moneys in amounts calculated in accordance with the regulations required under subsection (a).

''(d) FUNDS.—Amounts for the payment of moneys and interest under this section shall be derived from amounts available to the Secretary of Defense or the Secretary of the military department concerned for the payment of emergency and extraordinary expenses under section 127 of this title.

''(e) ANNUAL REPORTS.—Each annual report of the Secretary of Defense under section 127(d) of this title shall include a description of the disposition of each request for relief under this section during the fiscal year covered by such report, including a statement of the amount paid with respect to each finding of injustice or error warranting payment under this section during such fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting after the item relating to section 127c, as so added, the following new item:

''127e. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense.''.

SEC. 583. PATERNITY LEAVE FOR MEMBERS OF THE ARMED FORCES.

(a) LEAVE AUTHORIZED.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces on active duty who is the husband of a woman who gives birth to a child may be given up to 21 days of leave to be used in connection with the birth of the child.

''(2) Leave under paragraph (1) is in addition to other leave authorized under the provisions of this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply only with respect to children born on or after that date.

SEC. 584. ENHANCEMENT OF AUTHORITIES ON PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN INTERNATIONAL SPORTS COMPETITIONS.

(a) IN GENERAL.—Section 717 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''and the Olympic Games'' and inserting ''the Olympic Games, and the Military World Games'';

(2) in subsection (b), by striking ''subsections (c) and (d)'' and inserting ''subsections (c) and (e)'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''$3,000,000'' and inserting ''$6,000,000''; and

(ii) by striking ''October 1, 1980'' and inserting ''October 1, 2008''; and

(B) in paragraph (2)—

(i) by striking ''$100,00'' and inserting ''$200,000''; and

(ii) by striking ''October 1, 1980'' and inserting ''October 1, 2008'';

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following new subsection (d):

''(d)(1) The Secretary of Defense may plan for the following:

''(A) The participation by military personnel in international sports activities and competitions as authorized by subsection (a).

''(B) The hosting of military international sports activities, competitions, and events such as the Military World Games.

''(2) Planning and other activities associated with hosting of international sports activities, competitions, and events under this subsection shall, to the maximum extent possible, be funded using appropriations available to the Department of Defense .''.

(b) REPORT ON PLANNING FOR INTERNATIONAL SPORTS ACTIVITIES, COMPETITIONS, AND EVENTS.—

(1) REPORT REQUIRED.—Not later than October 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan for the following:

(A) The participation by personnel of the Department of Defense in international sports activities, competitions, and events (including the Pan American Games, the Olympic Games, the Paralympic Games, the Military World Games, other activities of the International Military Sports Council (CISM), and the Interallied Confederation of Reserve Officers (CIOR)) through fiscal year 2015.

(B) The hosting by the Department of Defense of military international sports activities, competitions, and events through fiscal year 2015.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A discussion of the military international sports activities, competitions, and events that the Department of Defense intends to seek to host, an estimate of the costs of hosting such activities, competitions, and events that the Department intends to seek to host, and a description of the sources of funding for such costs.

(B) A discussion of the use and replenishment of funds in the account in the Treasury for the Support for International Sporting Competitions for the hosting of such activities, competitions, and events that the Department intends to seek to host.

(C) A discussion of the support that may be obtained from other departments and agencies of the Federal Government, State and local governments, and private entities in encouraging participation of members of the Armed Forces in international sports activities, competitions, and events or in hosting of military international sports activities, competitions, and events.

(D) Such recommendations for legislative or administrative action as the Secretary considers appropriate to implement or enhance planning for the matters described in paragraph (1).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2008.

SEC. 585. PILOT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Each Secretary of a military department may carry out a pilot program under which officers and enlisted members of the regular components of the Armed Forces under the jurisdiction of such Secretary may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

(2) PURPOSE.—The purpose of the pilot programs under this section shall be to evaluate whether permitting inactivation from active duty and greater flexibility in career paths for members of the Armed Forces will provide an effective means to enhance retention of members of the Armed Forces and the capacity of the Department of Defense to respond to the personal and professional needs of individual members of the Armed Forces.

(b) LIMITATION ON ELIGIBLE MEMBERS.—A member of the Armed Forces is not eligible to participate in a pilot program under this section during any period of service required of the member due to receipt of the following:

(1) An accession bonus for medical officers in critically short wartime specialties under section 302k of title 37, United States Code.

(2) An accession bonus for dental specialists in critically short wartime specialties under section 302l of title 37, United States Code.

(3) A retention bonus for members qualified in critical military skills or assigned to high priority units under section 355 of title 37, United States Code.

(c) LIMITATION ON NUMBER OF MEMBERS.—Not more than 20 officers and 20 enlisted members of an Armed Force may participate in a pilot program under this section at any one time.

(d) LIMITATION ON PERIOD OF INACTIVATION FROM ACTIVE DUTY.—The period of inactivation from active duty under the pilot program under this section of a member participating in the pilot program shall be such period as the Secretary concerned shall specify in the agreement of the member under subsection (e), except that such period may not exceed three years.

(e) AGREEMENT.—Each member of the Armed Forces who participates in a pilot program under this section shall enter into a written agreement with the Secretary of the military department concerned under which agreement that member shall agree as follows:

(1) To accept an appointment or enlist, as applicable, and serve in the Ready Reserve of the Armed Force concerned during the period of the member's inactivation from active duty under the pilot program.

(2) To undergo during the period of the inactivation of the member from active duty under the pilot program such inactive duty training as the Secretary concerned shall require in order to ensure that the member retains appropriate proficiency in the member's military skills, professional qualifications, and physical readiness during the inactivation of the member from active duty.

(3) Following completion of the period of the inactivation of the member from active duty under the pilot program, to serve two months as a member of the Armed Forces on active duty for each month of the period of the inactivation of the member from active duty under the pilot program.

(f) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary of the military department concerned, a member of the Armed Forces participating in a pilot program under this section may, in the discretion of such Secretary, be required to terminate participation in the pilot program and be ordered to active duty.

(g) PAY AND ALLOWANCES.—

(1) BASIC PAY.—During each month of participation in a pilot program under this section, a member who participates in the pilot program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the member would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the member when the member commences participation in the pilot program.

(2) SPECIAL AND INCENTIVE PAYS.—

(A) PROHIBITION ON RECEIPT DURING PARTICIPATION.—A member who participates in a pilot program shall not, while participating in the pilot program, be paid any special or incentive pay or bonus to which the member is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(B) TREATMENT OF REQUIRED SERVICE.—The inactivation from active duty of a member participating in a pilot program shall not be treated as a failure of the member to perform any period of service required of the member in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(C) REVIVAL OF SPECIAL PAYS UPON RETURN TO ACTIVE DUTY.—Subject to subparagraph (D), upon the return of a member to active duty after completion by the member of participation in a pilot program—

(i) any agreement entered into by the member under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the member commenced participation in the pilot program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the member commenced participation in the pilot program; and

(ii) any special or incentive pay or bonus shall be payable to the member in accordance with the terms of the agreement concerned for the term specified in clause (i).

(D) LIMITATIONS.—

(i) LIMITATION AT TIME OF RETURN TO ACTIVE DUTY.—Subparagraph (C) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, at the time of the return of the member to active duty as described in that subparagraph—

(I) such pay or bonus is no longer authorized by law; or

(II) the member does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the member to active duty.

(ii) CESSATION DURING LATER SERVICE.—Subparagraph (C) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (C)(i), such pay or bonus ceases being authorized by law.

(E) REPAYMENT.—A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (D)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37, United States Code.

(F) CONSTRUCTION OF REQUIRED SERVICE.—Any service required of a member under an agreement covered by this paragraph after the member returns to active duty as described in subparagraph (C) shall be in addition to any service required of the member under an agreement under subsection (e).

(3) CERTAIN TRAVEL AND TRANSPORTATION ALLOWANCES.—

(A) IN GENERAL.—Subject to subparagraph (B), a member who participates in a pilot program is entitled, while participating in the pilot program, to the travel and transportation allowances authorized by section 404 of title 37, United States Code, for—

(i) travel performed from the member's residence, at the time of release from active duty to participate in the pilot program, to the location in the United States designated by the member as his residence during the period of participation in the pilot program; and

(ii) travel performed to the member's residence upon return to active duty at the end of the member's participation in the pilot program.

(B) LIMITATION.—An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

(h) PROMOTION.—

(1) OFFICERS.—

(A) LIMITATION ON PROMOTION.—An officer participating in a pilot program under this section shall not, while participating in the pilot program, be eligible for consideration for promotion under chapter 36 or 1405 of title 10, United States Code.

(B) PROMOTION AND RANK UPON RETURN TO ACTIVE DUTY.—Upon the return of an officer to active duty after completion by the officer of participation in a pilot program—

(i) the Secretary concerned shall adjust the officer's date of rank in such manner as the Secretary of Defense shall prescribe in regulations for purposes of this section; and

(ii) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

(2) ENLISTED MEMBERS.—An enlisted member participating in a pilot program shall not be eligible for consideration for promotion during the period that—

(A) begins on the date of the member's inactivation from active duty under the pilot program; and

(B) ends at such time after the return of the member to active duty under the pilot program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Secretary of the military department concerned shall prescribe in regulations for purposes of the pilot program.

(i) MEDICAL AND DENTAL CARE.—A member participating in a pilot program under this section shall, while participating in the pilot program, be treated as a member of the Armed Forces on active duty for a period of more than 30 days for purposes of the entitlement of the member and the member's dependents to medical and dental care under the provisions of chapter 55 of title 10, United States Code.

(j) TREATMENT OF PERIOD OF PARTICIPATION FOR PURPOSES OF RETIREMENT AND RELATED PURPOSES.—Any period of participation of a member in a pilot program under this section shall not count toward—

(1) eligibility for retirement or transfer to the Ready Reserve under either chapter 571 or 1223 of title 10, United States Code;

(2) computation of retired or retainer pay under chapter 71 or 1223 of title 10, United States Code; or

(3) computation of total years of commissioned service under section 14706 of title 10, United States Code.

(k) REPORTS.—

(1) INTERIM REPORTS.—Not later than June 1 of each of 2010 and 2012, each Secretary of a military department shall submit to the congressional defense committees a report on the implementation and current status of the pilot programs conducted by such Secretary under this section.

(2) FINAL REPORT.—Not later than March 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot programs conducted under this section.

(3) ELEMENTS OF REPORT.—Each interim report and the final report under this subsection shall include the following:

(A) A description of each pilot program conducted under this section, including a description of the number of applicants for such pilot program and the criteria used to select individuals for participation in such pilot program.

(B) An assessment by the Secretary concerned of the pilot programs, including an evaluation of whether—

(i) the authorities of the pilot programs provided an effective means to enhance the retention of members of the Armed Forces possessing critical skills, talents, and leadership abilities;

(ii) the career progression in the Armed Forces of individuals who participate in the pilot program has been or will be adversely affected; and

(iii) the usefulness of the pilot program in responding to the personal and professional needs of individual members of the Armed Forces.

(C) Such recommendations for legislative or administrative action as the Secretary concerned considers appropriate for the modification or continuation of the pilot programs.

(l) DURATION OF PROGRAM AUTHORITY.—The authority to conduct a pilot program authorized by this section shall commence on January 1, 2009 and expire on December 31, 2014. No member of the Armed Forces may be in a period of inactivation from active duty under the pilot program after December 31, 2014.

SEC. 586. PROHIBITION ON INTERFERENCE IN INDEPENDENT LEGAL ADVICE BY THE LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

Section 156(d) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Legal Counsel''; and

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

''(2) No officer or employee of the Department of Defense may interfere with the ability of the Legal Counsel to give independent legal advice to the Chairman of the Joint Chiefs of Staff and to the Joint Chiefs of Staff.''.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during the fiscal year 2009 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2009, the rates of monthly basic pay for members of the uniformed services are increased by 3.9 percent.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 355(i) of such title, as redesignated by section 661(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) INCOME REPLACEMENT FOR RESERVE MEMBERS EXPERIENCING EXTENDED AND FREQUENT MOBILIZATIONS.—Section 910(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

(a) HEALTH PROFESSIONS REFERRAL BONUS.—Subsection (i) of section 1030 of title 10, United States Code, as added by section 671(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ARMY REFERRAL BONUS.—Subsection (h) of section 3252 of title 10, United States Code, as added by section 671(a) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 616. PERMANENT EXTENSION OF PROHIBITION ON CHARGES FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES BY MEMBERS RECEIVING CONTINUOUS CARE.

Section 402(h) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''during any month covered by paragraph (3)''; and

(2) by striking paragraph (3).

SEC. 617. ACCESSION AND RETENTION BONUSES FOR THE RECRUITMENT AND RETENTION OF PSYCHOLOGISTS FOR THE ARMED FORCES.

(a) MULTIYEAR RETENTION BONUS FOR PSYCHOLOGISTS.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 301e the following new section:

''§ 301f. Multiyear retention bonus: psychologists of the armed forces

''(a) BONUS AUTHORIZED.—An officer described in subsection (c) who executes a written agreement to remain on active duty for

up to four years after completion of any other active-duty service commitment may, upon acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

''(b) MAXIMUM AMOUNT OF BONUS.—The amount of a retention bonus under subsection (a) may not exceed $25,000 for each year of the agreement of the officer concerned.

''(c) ELIGIBLE OFFICERS.—An officer described in this subsection is an officer of the armed forces who—

''(1) is a psychologist of the armed forces;

''(2) is in a pay grade below pay grade O–7;

''(3) has at least eight years of creditable service (computed as described in section 302b(f) of this title) or has completed any active-duty service commitment incurred for psychology education and training;

''(4) has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into an agreement under subsection (a)); and

''(5) holds a valid State license to practice as a doctoral level psychologist.

''(d) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 301e the following new item:

''301f. Multiyear retention bonus: psychologists of the armed forces.''.

(b) ACCESSION BONUS FOR PSYCHOLOGISTS.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302l the following new section:

''§ 302m. Special pay: accession bonus for psychologists

''(a) ACCESSION BONUS AUTHORIZED.—A person described in subsection (b) who executes a written agreement described in subsection (e) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four consecutive years may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

''(b) ELIGIBLE PERSONS.—A person described in this section is any person who—

''(1) is a graduate of an accredited school of psychology; and

''(2) holds a valid State license to practice as a doctoral level psychologist.

''(c) MAXIMUM AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $400,000.

''(d) LIMITATION ON ELIGIBILITY.—A person may not be paid a bonus under subsection (a) if—

''(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in psychology; or

''(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a psychologist.

''(e) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed force concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of such armed force as a psychologist.

''(f) REPAYMENT.—A person who, after signing an agreement under subsection (a), is not commissioned as an officer of the armed forces, does not become licensed as a psychologist, or does not complete the period of active duty specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

''(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2009.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 302l the following new item:

''302m. Special pay: accession bonus for psychologists.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 618. AUTHORITY FOR EXTENSION OF MAXIMUM LENGTH OF SERVICE AGREEMENTS FOR SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.

Section 312(a)(3) of section 312 of title 37, United States Code, is amended by striking ''three, four, or five years'' and inserting ''not less than three years''.

SEC. 619. INCENTIVE PAY FOR MEMBERS OF PRECOMMISSIONING PROGRAMS PURSUING FOREIGN LANGUAGE PROFICIENCY.

(a) INCENTIVE PAY AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 316 the following new section:

''§ 316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency

''(a) INCENTIVE PAY.—The Secretary of Defense may pay incentive pay under this section to an individual who—

''(1) is enrolled as a member of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as determined in accordance with regulations prescribed by the Secretary of Defense under subsection (e); and

''(2) participates in a language immersion program approved for purposes of the Senior Reserve Officers' Training Corps, or in study abroad, or is enrolled in an academic course that involves instruction in a foreign language of strategic interest to the Department of Defense as designated by the Secretary of Defense for purposes of this section.

''(b) PERIOD OF PAYMENT.—Incentive pay is payable under this section to an individual described in subsection (a) for the period of the individual's participation in the language program or study described in paragraph (2) of that subsection.

''(c) AMOUNT.—The amount of incentive pay payable to an individual under this section may not exceed $3,000 per year.

''(d) REPAYMENT.—An individual who is paid incentive pay under this section but who does not satisfactorily complete participation in the individual's language program or study as described in subsection (a)(2), or who does not complete the requirements of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as applicable, shall be subject to the repayment provisions of section 303a(e) of this title.

''(e) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

''(f) REPORTS.—Not later than January 1, 2010, and annually thereafter through 2014, the Secretary of Defense shall submit to the Director of the Office of Management and Budget, and to Congress, a report on the payment of incentive pay under this section during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

''(1) The number of individuals paid incentive pay under this section, the number of individuals commencing receipt of incentive pay under this section, and the number of individuals ceasing receipt of incentive pay under this section.

''(2) The amount of incentive pay paid to individuals under this section.

''(3) The aggregate amount recouped under section 303a(e) of this title in connection with receipt of incentive pay under this section.

''(4) The languages for which incentive pay was paid under this section, including the total amount paid for each such language.

''(5) The effectiveness of incentive pay under this section in assisting the Department of Defense in securing proficiency in foreign languages of strategic interest to the Department of Defense, including a description of how recipients of pay under this section are assigned and utilized following completion of the program of study.

''(g) TERMINATION OF AUTHORITY.—No incentive pay may be paid under this section after December 31, 2013.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 316 the following new item:

''316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

Subtitle C—Travel and Transportation Allowances

SEC. 631. SHIPMENT OF FAMILY PETS DURING EVACUATION OF PERSONNEL.

Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

''(H)(i) Except as provided in paragraph (2) and subject to clause (iii), in connection with an evacuation from a permanent station located in a foreign area, a member is entitled to transportation (including shipment and payment of any quarantine costs) of not more than two family household pets.

''(ii) A member entitled to transportation under clause (i) may be paid reimbursement or, at the member's request, a monetary allowance in accordance with the provisions of subparagraph (F) if the member secures by commercial means shipment and any quarantining of the pets otherwise subject to transportation under clause (i).

''(iii) The provision of transportation under clause (i) and the payment of reimbursement under clause (ii) shall be subject to such regulations as the Secretary of Defense shall prescribe with respect to members of the armed forces for purposes of this subparagraph. Such regulations may specify limitations on the types or size of pets for which transportation may be so provided or reimbursement so paid.''.

SEC. 632. SPECIAL WEIGHT ALLOWANCE FOR TRANSPORTATION OF PROFESSIONAL BOOKS AND EQUIPMENT FOR SPOUSES.

(a) SPECIAL WEIGHT ALLOWANCE.—Section 406(b)(1)(D) of title 37, United States Code, is amended—

(1) by inserting ''(i)'' after ''(D)'';

(2) in the second sentence of clause (i), as so redesignated, by striking ''this subparagraph'' and inserting ''this clause'';

(3) by redesignating the last sentence as clause (iii) and indenting the margin of such clause, as so designated, two ems from the left margin; and

(4) by inserting after clause (i), as redesignated by paragraph (2), the following new clause:

''(ii) In addition to the weight allowance authorized for such member with dependents under paragraph (C), the Secretary concerned may authorize up to an additional 500 pounds in weight allowance for shipment of professional books and equipment belonging to the spouse of such member.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to shipment provided on or after that date.

SEC. 633. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES ON LEAVE FOR SUSPENSION OF TRAINING.

(a) ALLOWANCES AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

''§ 411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training

''(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may reimburse or provide transportation to a member of a reserve component of the armed forces on active duty for a period of more than 30 days who is performing duty at a temporary duty station for travel between the member's temporary duty station and the member's permanent duty station in connection with authorized leave pursuant to a suspension of training.

''(b) MINIMUM DISTANCE BETWEEN STATIONS.—A member may be paid for or provided transportation under subsection (a) only as follows:

''(1) In the case of a member who travels between a temporary duty station and permanent duty station by air transportation, if the distance between such stations is not less than 300 miles.

''(2) In the case of a member who travels between a temporary duty station and permanent duty station by ground transportation, if the distance between such stations is more than the normal commuting distance from the permanent duty station (as determined under the regulations prescribed under subsection (e)).

''(c) MINIMUM PERIOD OF SUSPENSION OF TRAINING.—A member may be paid for or provided transportation under subsection (a) only in connection with a suspension of training covered by that subsection that is five days or more in duration.

''(d) LIMITATION ON REIMBURSEMENT.—The amount a member may be paid under subsection (a) for travel may not exceed the amount that would be paid by the government (as determined under the regulations prescribed under subsection (e)) for the least expensive means of travel between the duty stations concerned.

''(e) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411j the following new item:

''411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to travel that occurs on or after that date.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. PRESENTATION OF BURIAL FLAG TO THE SURVIVING SPOUSE AND CHILDREN OF MEMBERS OF THE ARMED FORCES WHO DIE IN SERVICE.

Section 1482(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(12) Presentation of a flag of equal size to the flag presented under paragraph (10) to the surviving spouse (regardless of whether the surviving spouse remarries after the decedent's death), if the person to be presented the flag under paragraph (10) is other than the surviving spouse.

''(13) Presentation of a flag of equal size to the flag presented under paragraph (10) to each child, regardless of whether the person to be presented a flag under paragraph (10) is a child of the decedent. For purposes of this paragraph, the term 'child' has the meaning prescribed by section 1477(d) of this title''.

SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

Subtitle E—Other Matters

SEC. 651. SEPARATION PAY, TRANSITIONAL HEALTH CARE, AND TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS FOR MEMBERS OF THE ARMED FORCES SEPARATED UNDER SURVIVING SON OR DAUGHTER POLICY.

(a) AVAILABILITY OF SEPARATION PAY OTHERWISE AVAILABLE FOR INVOLUNTARY SEPARATION.—

(1) IN GENERAL.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense before the member completes twenty years of service in the Armed Forces shall be entitled to separation pay payable under section 1174 of title 10, United States Code.

(2) NO MINIMUM SERVICE BEFORE SEPARATION.—A member of the Armed Forces described in paragraph (1) who is separated from the Armed Forces as described in that paragraph is entitled to separation pay under that paragraph without regard to section 1174(c) of title 10, United States Code.

(3) INAPPLICABILITY OF REQUIREMENT FOR SERVICE IN READY RESERVE.—Section 1174(e) of title 10, United States Code, shall not apply to a member of the Armed Forces described in paragraph (1) who is separated from the Armed Forces as described in that paragraph.

(4) AMOUNT OF PAY.—The amount of the separation pay to be paid to a member pursuant to this subsection shall be based on the years of active service actually completed by the member before the member's separation from the Armed Forces as described in paragraph (1).

(b) TRANSITIONAL HEALTH CARE.—

(1) IN GENERAL.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense is entitled to health care benefits under section 1145 of title 10, United States Code, as if such member were an individual described by subsection (a)(2) of such section.

(2) DEPENDENTS.—The dependents of a member entitled to health care benefits under paragraph (1) are entitled to health care benefits in the same manner with respect to such member as dependents of members of the Armed Forces are entitled to such benefits with respect to such members under section 1145 of title 10, United States Code.

(c) TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS.—A member of the Armed

Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense is entitled to continue to use commissary and exchange stores and morale, welfare, and recreational facilities in the same manner as a member on active duty in the Armed Forces during the two-year period beginning on the later of the following dates:

(1) The date of the separation of the member.

(2) The date on which the member is first notified of the members entitlement to benefits under this subsection.

(d) SURVIVING SON OR DAUGHTER POLICY OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''Surviving Son or Daughter policy of the Department of Defense'' means the policy of the Department of Defense for the separation from the Armed Forces of a member of the Armed Forces who is a son or daughter in a family in which the father, mother, or another son or daughter—

(1) has been killed in action or died while serving in the Armed Forces from a wound, accident, or disease;

(2) is a member of the Armed Forces in a captured or missing-in-action status; or

(3) has a service-connected disability rated 100 percent disabling (including a disability of 100 percent mental disability), as determined by the Secretary of Veterans Affairs or the Secretary of the military department concerned, and is not gainfully employed because of such disability.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

SEC. 701. CALCULATION OF MONTHLY PREMIUMS FOR COVERAGE UNDER TRICARE RESERVE SELECT AFTER 2008.

(a) IN GENERAL.—Section 1076d(d)(3) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) in subparagraph (A), as so designated, by striking the second sentence; and

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

''(B) The appropriate actuarial basis for purposes of subparagraph (A) shall be determined as follows:

''(i) For calendar year 2009, by utilizing the reported cost of providing benefits under this section to members and their dependents during calendar years 2006 and 2007.

''(ii) For each calendar year after calendar year 2009, by utilizing the actual cost of providing benefits under this section to members and their dependents during the calendar years preceding such calendar year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

Subtitle B—Other Health Care Authorities

SEC. 711. ENHANCEMENT OF MEDICAL AND DENTAL READINESS OF MEMBERS OF THE ARMED FORCES.

(a) EXPANSION OF AVAILABILITY OF MEDICAL AND DENTAL SERVICES FOR RESERVES.—

(1) EXPANSION OF AVAILABILITY FOR RESERVES ASSIGNED TO UNITS SCHEDULED FOR DEPLOYMENT WITHIN 75 DAYS OF MOBILIZATION.—Subsection (d)(1) of section 1074a of title 10, United States Code, is amended by striking ''The Secretary of the Army shall provide to members of the Selected Reserve of the Army'' and inserting ''The Secretary concerned shall provide to members of the Selected Reserve''.

(2) AVAILABILITY FOR CERTAIN OTHER RESERVES.—Such section is further amended by adding at the end the following new subsection:

''(g)(1) The Secretary concerned may provide to any member of the Selected Reserve not described in subsection (d)(1) or (f), and to any member of the Individual Ready Reserve with a specially designated deployment responsibility, the medical and dental services specified in subsection (d)(1) if the Secretary determines that the receipt of such services by such member is necessary to ensure that the member meets applicable standards of medical and dental readiness.

''(2) Services may not be provided to a member under this subsection for a condition that is the result of the member's own misconduct.

''(3) The services provided under this subsection shall be provided at no cost to the member.''.

(3) FUNDING.—Such section is further amended by adding at the end the following new subsection:

''(h) Amounts available for operation and maintenance of a reserve component of the armed forces may be available for purposes of this section to ensure the medical and dental readiness of members of such reserve component.''.

(b) WAIVER OF CERTAIN COPAYMENTS FOR DENTAL CARE FOR RESERVES FOR READINESS PURPOSES.—Section 1076a(e) of such title is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by striking ''A member or dependent'' and inserting ''(1) Except as provided pursuant to paragraph (2), a member or dependent''; and

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

''(2) During a national emergency declared by the President or Congress, the Secretary of Defense may waive, whether in whole or in part, the charges otherwise payable by a member of the Selected Reserve of the Ready Reserve or a member of the Individual Ready Reserve under paragraph (1) for the coverage of the member alone under the dental insurance plan established under subsection (a)(1) if the Secretary determines that such waiver of the charges would facilitate or ensure the readiness of a unit or individual for a scheduled deployment.''.

(c) REPORT ON POLICIES AND PROCEDURES IN SUPPORT OF MEDICAL AND DENTAL READINESS.—

(1) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the policies and procedures of the Department of Defense to ensure the medical and dental readiness of members of the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the current standards of each military department with respect to the medical and dental readiness of individual members of the Armed Forces (including members of the regular components and members of the reserve components), and with respect to the medical and dental readiness of units of the Armed Forces (including units of the regular components and units of the reserve components), under the jurisdiction of such military department.

(B) A description of the manner in which each military department applies the standards described under subparagraph (A) with respect to each of the following:

(i) Performance evaluation.

(ii) Promotion.

(iii) In the case of the members of the reserve components, eligibility to attend annual training.

(iv) Continued retention in service in the Armed Forces.

(v) Such other matters as the Secretary considers appropriate.

(C) A statement of the number of members of the Armed Forces (including members of the regular components and members of the reserve components) who were determined to be not ready for deployment at any time during the period beginning on October 1, 2001, and ending on September 30, 2008, due to failure to meet applicable medical or dental standards, and an assessment of whether the unreadiness of such members for deployment could reasonably have been mitigated by actions of the members concerned to maintain individual medical or dental readiness.

(D) A description of any actual or perceived barriers to the achievement of full medical and dental readiness in the Armed Forces (including among the regular components and the reserve components), including, but not limited to, barriers associated with the following:

(i) Quality or cost of, or access to, medical and dental care.

(ii) Availability of programs and incentives intended to prevent medical or dental problems.

(E) Such recommendations for legislative or administrative action as the Secretary considers appropriate to ensure the medical and dental readiness of individual members of the Armed Forces and units of the Armed Forces, including, but not limited to, recommendations regarding the following:

(i) The advisability of requiring that fitness reports of members of the Armed Forces include—

(I) a statement of whether or not a member meets medical and dental readiness standards for deployment; and

(II) in cases in which a member does not meet such standard, a statement of actions being taken to ensure that the member meets such standards and the anticipated schedule for meeting such standards.

(ii) The advisability of establishing a mandatory promotion standard relating to individual medical and dental readiness and, in the case of a unit commander, unit medical and dental readiness.

SEC. 712. ADDITIONAL AUTHORITY FOR STUDIES AND DEMONSTRATION PROJECTS RELATING TO DELIVERY OF HEALTH AND MEDICAL CARE.

Section 1092(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(3) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards and incentives to members of the armed forces and covered beneficiaries who obtain health promotion and disease prevention health care services in accordance with terms and schedules prescribed by the Secretary. Such awards and incentives may include, but are not limited to, cash awards and, in the case of members of the armed forces, personnel incentives.

''(4)(A) The Secretary of Defense may, in consultation with the other administering Secretaries, include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards or incentives to individual health care professionals under the authority of such Secretaries, including members of the uniformed services, Federal civilian employees, and contractor personnel, to encourage and reward effective implementation of innovative health care programs designed to improve quality, cost-effectiveness, health promotion, medical readiness, and other priority objectives. Such awards and incentives may include, but are not limited to, cash awards and, in the case of members of the armed forces, personnel incentives.

''(B) Amounts available for the pay of members of the uniformed services shall be available for awards and incentives under this paragraph with respect to members of the uniformed services.

''(5) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the medical and dental readiness of members of reserve components of the armed forces, including the provision of health care services to such members for which they are not otherwise entitled or eligible under this chapter.

''(6) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the continuity of health care services for family members of mobilized members of the reserve components of the armed forces who are eligible for such services under this chapter, including payment of a stipend for continuation of employer-provided health coverage during extended periods of active duty.''.

SEC. 713. TRAVEL FOR ANESTHESIA SERVICES FOR CHILDBIRTH FOR DEPENDENTS OF MEMBERS ASSIGNED TO VERY REMOTE LOCATIONS OUTSIDE THE CONTINENTAL UNITED STATES.

Section 1040(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2)(A) For purposes of paragraph (1), required medical attention of a dependent shall include anesthesia services for childbirth for the dependent equivalent to the anesthesia services for childbirth that would be available to the dependent in military treatment facilities located in the United States.

''(B) In the case of a dependent in a remote location outside the continental United States who elects services authorized by subparagraph (A), the transportation authorized in paragraph (1) may consist of transportation to a military treatment facility providing such services that is located in the continental United States nearest to the closest port of entry into the continental United States from such remote location.

''(C) The second through sixth sentences of paragraph (1) shall apply to a dependent provided transportation under this paragraph.

''(D) Notwithstanding any other provision of this paragraph, the total cost incurred by the United States for the provision of transportation and expenses (including per diem) with respect to a dependent under this paragraph may not exceed the cost the United States would otherwise incur for the provision of transportation and expenses with respect to the dependent under paragraph (1) if the transportation and expenses were provided to the dependent under paragraph (1) rather than this paragraph.''.

Subtitle C—Other Health Care Matters

SEC. 721. REPEAL OF PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) REPEAL.—Subsection (a) of section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c note) is repealed.

(b) REVIVAL OF CERTIFICATION AND REPORT REQUIREMENTS ON CONVERSION OF POSITIONS.—

(1) IN GENERAL.—The provisions of subsections (a) and (b) of section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2306), as in effect on January 27, 2008 (the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008), are hereby revived.

(2) APPLICABLE DEFINITIONS.—In the discharge of subsections (a) and (b) of section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as revived by paragraph (1), the following definitions shall apply:

(A) The definitions in paragraphs (1) through (4) of section 742(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007, as in effect on January 27, 2008.

(B) The definition in section 721(d)(4) of the National Defense Authorization Act for Fiscal Year 2008.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR DEFENSE ACQUISITION PROGRAMS UNDER ACQUISITION REPORTING REQUIREMENTS.

(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2430 following new section:

''§ 2430a. Major subprograms

''(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—(1) If the Secretary of Defense determines that a major defense acquisition program requires the delivery of two or more categories of end items which differ significantly from each other in form and function, the Secretary may designate each such category of end items as a major subprogram for the purposes of acquisition reporting under this chapter.

''(2) The Secretary shall notify the congressional defense committees in writing of any proposed designation pursuant to paragraph (1) not less than 30 days before the date such designation takes effect.

''(b) REPORTING REQUIREMENTS.—If the Secretary designates a major subprogram of a major defense acquisition program in accordance with subsection (a), Selected Acquisition Reports, unit cost reports, and program baselines under this chapter shall reflect cost, schedule, and performance information—

''(1) for the major defense acquisition program as a whole; and

''(2) for each major subprogram of the major defense acquisition program so designated.

''(c) UNIT COSTS.—Notwithstanding paragraphs (1) and (2) of section 2432(a) of this title, in the case of a major defense acquisition program for which the Secretary has designated one or more major subprograms under this section for the purposes of this chapter—

''(1) the term 'program acquisition unit cost' means the total cost for the development and procurement of, and specific military construction for, the major defense acquisition program that is reasonably allocable to each such major subprogram, divided by the relevant number of fully-configured end items to be produced under such major subprogram; and

''(2) the term 'procurement unit cost' means the total of all funds programmed to be available for obligation for procurement for each such major subprogram, divided by the number of fully-configured end items to be procured under such major subprogram.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2430 the following new item:

''2430a. Major subprograms.''.

(b) CONFORMING AMENDMENTS.—Chapter 144 of such title is further amended as follows:

(1) In section 2432—

(A) in subsection (c)—

(i) in paragraph (1)(B)—

(I) by inserting ''or designated major subprogram'' after ''for each major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'';

(ii) in paragraph (3)(A), by inserting ''or designated major subprogram'' after ''for each major defense acquisition program''; and

(B) in subsection (e)—

(i) in paragraph (3), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)''; and

(ii) in paragraph (5), by inserting before the period the following: ''(or for each designated major subprogram under the program)''.

(2) In section 2433—

(A) in subsection (a)—

(i) by striking ''The terms'' and inserting ''Except as provided in section 2430a(c) of this title, the terms'';

(ii) in paragraph (4)—

(I) in subparagraphs (A) and (B), by inserting ''or designated major defense subprogram'' after ''major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'' each place it appears; and

(iii) in paragraph (5)—

(I) in subparagraphs (A) and (B), by inserting ''or designated major defense subprogram'' after ''major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'' each place it appears;

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting ''(and for each designated major subprogram under the program'' after ''unit costs of the program'';

(ii) in paragraph (1), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)'';

(iii) in paragraph (2), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)''; and

(iv) in paragraph (5), by inserting ''or subprogram'' after ''the program'' each place it appears (other than the last place it appears);

(C) in subsection (c)—

(i) by striking ''the program acquisition unit cost for the program or the procurement unit cost for the program'' and inserting ''the program acquisition unit cost for the program (or for a designated major subprogram under the program) or the procurement unit cost for the program (or for such a subprogram)''; and

(ii) by striking ''for the program'' after ''significant cost growth threshold'';

(D) in subsection (d)—

(i) in paragraph (1)—

(I) by inserting ''or any designated major subprogram under the program'' after ''for the program'' the first place it appears; and

(II) by inserting ''or subprogram'' after ''the program'' the second place it appears;

(ii) in paragraph (2)—

(I) by inserting ''or any designated major subprogram under the program'' after ''the program'' the first place it appears; and

(II) by inserting ''or subprogram'' after ''the program'' the second place it appears; and

(iii) in paragraph (3), by striking ''such program'' and inserting ''the program or subprogram concerned'';

(E) in subsection (e)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''the program''; and

(II) in subparagraph (B)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''that program'';

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''the program'';

(II) in subparagraph (A), by inserting ''or subprogram'' after ''program'' each place it appears;

(III) in subparagraph (B), by inserting ''or subprogram'' after ''such acquisition program'' each place it appears; and

(IV) in subparagraph (C), by inserting ''or subprogram'' after ''such program''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A)—

(aa) by inserting ''or subprogram concerned'' after ''the program''; and

(bb) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(II) in subparagraphs (A) and (B), by inserting ''or subprogram'' after ''that program'' each place it appears; and

(F) in subsection (g)—

(i) in paragraph (1)—

(I) in subparagraph (D), by inserting ''(and for each designated major subprogram under the program)'' after ''the program'';

(II) in subparagraph (E), by inserting ''for the program (and for each designated major subprogram under the program)'' after ''program acquisition cost'';

(III) in subparagraph (F), by inserting before the period the following: ''for the program (or for any designated major subprogram under the program)'';

(IV) in subparagraph (J), by inserting ''for the program (or for each designated major subprogram under the program)'' after ''program acquisition unit cost'';

(V) in subparagraph (K), by inserting ''for the program (or for each designated major subprogram under the program)'' after ''procurement unit cost''; and

(VI) in subparagraph (O), by inserting before the period the following: ''for the program (or for any designated major subprogram under the program)''; and

(ii) in paragraph (2)—

(I) by inserting ''or designated major subprogram'' after ''major defense acquisition program'';

(II) by inserting ''or subprogram'' after ''the entire program''; and

(III) by inserting ''or subprogram'' after ''a program''.

SEC. 802. INCLUSION OF CERTAIN MAJOR INFORMATION TECHNOLOGY INVESTMENTS IN ACQUISITION OVERSIGHT AUTHORITIES FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 2445a of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''IN GENERAL'' and inserting ''MAJOR AUTOMATED INFORMATION SYSTEM PROGRAM''; and

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

''(d) OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAM.—In this chapter, the term 'other major information technology investment program' means the following:

''(1) An investment that is designated by the Secretary of Defense, or a designee of the Secretary, as a 'pre-Major Automated Information System' or 'pre-MAIS' program.

''(2) Any other investment in automated information system products or services that is expected to exceed the thresholds established in subsection (a), as adjusted under subsection (b), but is not considered to be a major automated information system program because a formal acquisition decision has not yet been made with respect to such investment.''.

(2) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2445a. Definitions''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144A of such title is amended by striking the item relating to section 2445a and inserting the following new item:

''2445a. Definitions.''.

(b) COST, SCHEDULE, AND PERFORMANCE INFORMATION.—Section 2445b of such title is amended—

(1) in subsection (a), by inserting ''and each other major information technology investment program'' after ''each major automated information system program'';

(2) in subsection (b), by inserting ''REGARDING MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS'' after ''ELEMENTS''; and

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

''(d) ELEMENTS REGARDING OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAMS.—With respect to each other major information technology investment program, the information required by subsection (a) may be provided in the format that is most appropriate to the current status of the program.''.

(c) QUARTERLY REPORTS.—Section 2445c of such title is amended—

(1) in subsection (a)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' the first place it appears; and

(B) by inserting ''or major information technology'' after ''major automated information system'' the second place it appears;

(2) in subsection (b)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' in the matter preceding paragraph (1); and

(B) by inserting ''or information technology'' after ''automated information system'' each place it appears in paragraphs (1) and (2);

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''or other major information technology investment'' after ''major automated information system''; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(ii) by striking subparagraph (A) and inserting the following new subparagraphs:

''(A) no Milestone B decision has been made after more than two years of investment in the program;

''(B) the system failed to achieve initial operational capability within three years after milestone B approval;'';

(iii) in subparagraph (C), as redesignated by clause (i) of this subparagraph, by inserting before the semicolon the following: ''or section 2445b(d) of this title, as applicable'';

(iv) in subparagraph (D), as so redesignated, by inserting before the semicolon the following: ''or section 2445b(d) of this title, as applicable''; and

(v) in subparagraph (E), as so redesignated—

(I) by inserting ''or major information technology'' after ''major automated information system''; and

(II) by inserting before the period the following: ''or section 2445b(d) of this title, as applicable'';

(4) in subsection (e), by inserting ''or other major information technology investment'' after ''major automated information system''; and

(5) in subsection (f)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' in the matter preceding paragraph (1);

(B) in paragraph (1), by inserting ''or information technology'' after ''automated information system'';

(C) in paragraph (2), by inserting ''or technology'' after ''the system''; and

(D) in paragraph (3), by inserting ''or technology, as applicable,'' after ''the program and system''.

SEC. 803. CONFIGURATION STEERING BOARDS FOR COST CONTROL UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) CONFIGURATION STEERING BOARDS.—Each Secretary of a military department shall establish one or more boards (to be known as a ''Configuration Steering Board'') for the major defense acquisition programs of such department.

(b) COMPOSITION.—

(1) CHAIR.—Each Configuration Steering Board under this section shall be chaired by the service acquisition executive of the military department concerned.

(2) PARTICULAR MEMBERS.—Each Configuration Steering Board under this section shall include a representative of the following:

(A) The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(B) The Chief of Staff of the Armed Force concerned.

(C) The Joint Staff.

(D) The Comptroller of the military department concerned.

(E) The military deputy to the service acquisition executive concerned.

(F) The program executive officer for the major defense acquisition program concerned.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Configuration Steering Board for a major defense acquisition program under this section shall be responsible for the following:

(A) Preventing unnecessary changes to program requirements and system configuration that could have an adverse impact on program cost or schedule.

(B) Mitigating the adverse cost and schedule impact of any changes to program requirements that may be required.

(C) Ensuring that the program delivers as much planned capability as possible, consistent with the program baseline.

(2) DISCHARGE OF RESPONSIBILITIES.—In discharging its responsibilities under this section with respect to a major defense acquisition program, a Configuration Steering Board shall—

(A) review and approve or disapprove any proposed changes to program requirements or system configuration that have the potential to adversely impact program cost or schedule; and

(B) review and recommend proposals to reduce program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives.

(3) PRESENTATION RECOMMENDATIONS ON REDUCTION IN REQUIREMENTS.—Any recommendation for a proposed reduction in requirements that is made by a Configuration Steering Board under paragraph (2)(B) shall be presented to appropriate organizations of the Joint Staff and the military departments responsible for such requirements for review and approval in accordance with applicable procedures.

(4) ANNUAL CONSIDERATION OF EACH MAJOR DEFENSE ACQUISITION PROGRAM.—The Secretary of the military department concerned shall ensure that a Configuration Steering Board under this section meets to consider each major defense acquisition program of such military department at least once each year.

(d) APPLICABILITY.—

(1) IN GENERAL.—The requirements of this section shall apply with respect to any major defense acquisition program that is commenced before, on, or after the date of the enactment of this Act.

(2) CURRENT PROGRAMS.—In the case of any major defense acquisition program that is ongoing as of the date of the enactment of this Act, a Configuration Steering Board under this section shall be established for such program not later than 60 days after the date of the enactment of this Act.

(e) GUIDANCE ON AUTHORITIES OF PROGRAM MANAGERS AFTER MILESTONE B.—

(1) MODIFICATION OF GUIDANCE ON AUTHORITIES.—Paragraph (2) of section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2343) is amended to read as follows:

''(2) authorities available to the program manager, including—

''(A) the authority to object to the addition of new program requirements that would be inconsistent with the parameters established at Milestone B (or Key Decision Point B in the case of a space program) and reflected in the performance agreement, unless such requirements are approved by the appropriate Configuration Steering Board; and

''(B) the authority to recommend to the appropriate Configuration Steering Board reduced program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives; and''.

(2) APPLICABILITY.—The Secretary of Defense shall modify the guidance described in section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 in order to take into account the amendment made by paragraph (1) not later than 60 days after the date of the enactment of this Act.

(f) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term ''major defense acquisition program'' has the meaning given that term in section 2430(a) of title 10, United States Code.

Subtitle B—Acquisition Policy and Management

SEC. 811. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) INSPECTOR GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than March 15, 2009, jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of those policies, procedures, and internal controls; and

(B) determine in writing whether—

(i) such non-defense agency is compliant with defense procurement requirements;

(ii) such non-defense agency is not compliant with defense procurement requirements, but has a program or initiative to significantly improve compliance with defense procurement requirements;

(iii) neither of the conclusions stated in clauses (i) and (ii) is correct in the case of such non-defense agency; or

(iv) such non-defense agency is not compliant with defense procurement requirements to such an extent that the interests of the Department of Defense are at risk in procurements conducted by such non-defense agency.

(2) ACTIONS FOLLOWING CERTAIN DETERMINATIONS.—If the Inspectors General determine under paragraph (1) that the conclusion stated in clause (ii), (iii), or (iv) of subparagraph (B) of that paragraph is correct in the case of a covered non-defense agency, such Inspectors General shall, not later than June 15, 2010, jointly—

(A) conduct a second review, as described in subparagraph (A) of that paragraph, regarding such non-defense agency's procurement of property or services on behalf of the Department of Defense in fiscal year 2009; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(b) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a covered non-defense agency is compliant with defense procurement requirements if such non-defense agency's procurement policies, procedures, and internal controls applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure such non-defense agency's compliance with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) MEMORANDA OF UNDERSTANDING BETWEEN INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of each covered non-defense agency shall enter into a memorandum of understanding with each other to carry out the reviews and make the determinations required by this section.

(2) SCOPE OF MEMORANDA.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by mutual agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate governmentwide acquisition contracts, of such non-defense agency. In any case where such separate reviews are conducted, the Inspectors General shall make separate determinations under paragraph (1) or (2) of subsection (a), as applicable, with respect to each such separate review.

(d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—

(1) LIMITATION DURING REVIEW PERIOD.—After March 15, 2009, and before June 16, 2010, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency for which a determination described in clause (iii) or (iv) of paragraph (1)(B) of subsection (a) has been made under subsection (a).

(2) LIMITATION AFTER REVIEW PERIOD.—After June 15, 2010, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(3) LIMITATION FOLLOWING FAILURE TO REACH MOU.—Commencing on the date that is 60 days after the date of the enactment of this Act, if a memorandum of understanding between the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency cannot be attained causing the review required by this section to not be performed, no official of the Department of Defense, except as provided in subsection (e) or (f), may order, purchase or otherwise procure property or services in an amount in excess of $100,000 through such non-defense agency.

(e) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—

(1) EXCEPTION.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a covered non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a covered non-defense agency under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(f) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (d) shall cease to apply to a covered non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of such non-defense agency jointly—

(1) determine that such non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(g) IDENTIFICATION OF PROCUREMENTS MADE DURING A PARTICULAR FISCAL YEAR.—For the purposes of subsection (a), a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for that procurement in that fiscal year.

(h) RESOLUTION OF DISAGREEMENTS.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under subsection (a) or (f), a determination by the Inspector General of the Department of Defense under such subsection shall be conclusive for the purposes of this section.

(i) DEFINITIONS.—In this section:

(1) The term ''covered non-defense agency'' means each of the following:

(A) The Department of Commerce.

(B) The Department of Energy.

(2) The term ''governmentwide acquisition contract'', with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

(j) MODIFICATION OF CERTAIN ADDITIONAL AUTHORITIES ON INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF DOD.—Section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 202; 10 U.S.C. 2304 note) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''each of the Department of the Treasury, the Department of the Interior, and the National Aeronautics and Space Administration'' and inserting ''the Department of the Interior''; and

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

''(D) In the case of each of the Department of Commerce and the Department of Energy, by not later than March 15, 2015.''; and

(2) in subsection (f)(2)—

(A) by striking subparagraphs (B) and (D);

(B) by redesignating subparagraphs (C), (E), and (F) as subparagraphs (B), (C), and (D), respectively; and

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

''(E) The Department of Commerce.

''(F) The Department of Energy.''.

SEC. 812. CONTINGENCY CONTRACTING CORPS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2334. Contingency Contracting Corps

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Department of Defense a Contingency Contracting Corps (in this section, referred to as the 'Corps') to ensure the Department has the capability, when needed, to support contingency contracting actions in a deployed environment. The members of the Corps shall be available for deployment in connection with contingency operations both within and outside the continental United States, including reconstruction efforts relating thereto.

''(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all employees of the Department of Defense, including uniformed members of the Armed Forces, who are members of the defense acquisition workforce, as designated under section 1721 of this title.

''(c) EDUCATION AND TRAINING.—The Secretary of Defense may establish additional educational and training requirements for members of the Corps.

''(d) CLOTHING AND EQUIPMENT.—The Secretary of Defense may identify any necessary clothing and equipment requirements for members of the Corps.

''(e) SALARY.—The salaries for members of the Corps shall be paid by the Department of Defense out of existing appropriations.

''(f) AUTHORITY TO DEPLOY THE CORPS.—The Secretary of Defense, or the Secretary's designee, shall have the authority to determine when members of the Corps shall be deployed.

''(g) ANNUAL REPORT.—(1) The Secretary of Defense shall provide to the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

''(2) At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

''2334. Contingency Contracting Corps.''.

SEC. 813. EXPEDITED REVIEW AND VALIDATION OF URGENT REQUIREMENTS DOCUMENTS.

(a) GUIDANCE FOR EXPEDITED PRESENTATION TO APPROPRIATE AUTHORITIES FOR REVIEW AND VALIDATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to the Secretaries of the military departments and the Chiefs of Staff of the Armed Forces to ensure that each urgent requirements document submitted by an operational field commander is presented to the appropriate authority for review and validation not later than 60 days after date on which such document is so submitted.

(b) DEFINITIONS.—In this section:

(1) The term ''urgent requirements document'' means the following:

(A) A Joint Urgent Operational Needs (JUON) document.

(B) An Army operational need statement (ONS).

(C) A Navy rapid deployment capability (RDC) document or Navy urgent operational need (UON) statement.

(D) An Air Force combat capability document (CCD).

(E) A Marine Corps urgent universal need statement (UUNS).

(F) A combat-mission need statement (CMNS) of the United States Special Operations Command.

(2) The term ''appropriate authority'' means the following:

(A) In the case of a Joint Urgent Operational Needs document, a Functional Capabilities Board or Joint Capabilities Board.

(B) In the case of an Army operational need statement, the Deputy Chief of Staff of the Army for Operations and Plans.

(C) In the case of a Navy rapid deployment capability document or Navy urgent operational need statement, the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(D) In the case of an Air Force combat capability document, the commander of the lead major command of the Air Force.

(E) In the case of a Marine Corps urgent universal need statement, the Marine Requirements Oversight Council.

(F) In the case of a combat-mission need statement of the United States Special Operations Command, the Requirements Directorate of the United States Special Operations Command.

SEC. 814. INCORPORATION OF ENERGY EFFICIENCY REQUIREMENTS INTO KEY PERFORMANCE PARAMETERS FOR FUEL CONSUMING SYSTEMS.

(a) IMPLEMENTATION PLAN.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop an implementation plan for the incorporation of energy efficiency requirements into key performance parameters for the modification of existing fuel consuming systems of the Department of Defense and the development of new fuel consuming systems. The implementation plan shall include—

(1) policies, regulations, and directives to ensure that appropriate officials incorporate such energy efficiency requirements into such performance parameters; and

(2) a plan for implementing such requirements.

(b) REPORT.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit a report on the plan required under subsection (a), including an assessment of progress made in implementing requirements to incorporate energy efficiency requirements into key performance parameters for fuel consuming systems of the Department of Defense, as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 and each fiscal year thereafter for five years (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

SEC. 821. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PURCHASE OF ALTERNATIVE AND SYNTHETIC FUELS.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels

''(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsections (b) and (c), the head of an agency may enter into contracts for a period not to exceed 10 years for the purchase of alternative fuels or synthetic fuels.

''(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The head of an agency may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the head of the agency determines in writing, on the basis of a business case analysis prepared by the agency, that—

''(1) the proposed purchase of fuels under such contract is cost effective for the agency;

''(2) it would not be possible to purchase fuels from the source in an economical manner without the use of a contract for a period in excess of five years; and

''(3) the contract will comply with the requirements of subsection (c) and section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

''(c) LIMITATION ON LIFECYCLE GREENHOUSE GAS EMISSIONS.—The head of an agency may not purchase alternative fuels or synthetic fuels under the authority in subsection (a) unless the contract specifies that lifecycle greenhouse gas emissions associated with the production and combustion of the fuels to be provided under the contract are not greater than such emissions from conventional petroleum-based fuels that are used in the same application.

''(d) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

''(2) The term 'alternative fuel' has the meaning given that term in section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

''(3) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

''(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

''(B) is produced by chemical or physical transformation of domestic sources of energy.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

''2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations providing that the head of an agency may initiate a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), only if the head of the agency has determined in writing that—

(A) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(B) there is a stable design for all related technologies to the purchase of alternative and synthetic fuels as so authorized;

(C) the technical risks associated with such technologies are not excessive;

(D) the multiyear contract will contain appropriate pricing mechanisms to minimize risk to the government from significant changes in market prices for energy;

(E) there is in place a regulatory regime adequate to ensure compliance with the requirements of section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1663; 42 U.S.C. 17142) and other applicable environmental laws; and

(F) the contractor has received all regulatory approvals necessary for the production of the alternative and synthetic fuels to be supplied under the contract.

(2) MINIMUM ANTICIPATED SAVINGS.—The regulations required by paragraph (1) shall provide that, in any case in which the estimated total expenditure under a multiyear contract (or several multiyear contracts with the same prime contractor) under section 2410r of title 10, United States Code (as so added), are anticipated to be more than (or, in the case of several contracts, the aggregate of which is anticipated to be more than) $540,000,000 (in fiscal year 1990 constant dollars), the head of an agency may initiate such contract under such section only upon a finding that use of such contract will result in savings exceeding 10 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means. If such estimated savings will exceed 5 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means, but not exceed 10 percent of such costs, the head of the agency may initiate such contract under such section only upon a finding in writing that an exceptionally strong case has been made with regard to findings required in paragraph (1).

(3) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in section 2410r of title 10, United States Code (as so added), until the regulations required by paragraph (1) are prescribed.

(c) RELATIONSHIP TO OTHER MULTIYEAR CONTRACTING AUTHORITY.—Nothing in this section or the amendments made by this section shall be construed to preclude the Department of Defense from using other applicable multiyear contracting authority of the Department of Defense to purchase energy, including renewable energy.

SEC. 822. MODIFICATION AND EXTENSION OF PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACTS UNDER AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) EXPANSION OF SCOPE OF PILOT PROGRAM.—Paragraph (1) of section 845(e) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking ''under prototype projects carried out under this section'' and inserting ''developed under prototype projects carried out under this section or research projects carried out pursuant to section 2371 of title 10, United States Code''.

(b) FOUR-YEAR EXTENSION OF AUTHORITY.—Paragraph (4) of such section is amended by striking ''September 30, 2008'' and inserting ''September 30, 2012''.

SEC. 823. EXCLUSION OF CERTAIN FACTORS IN CONSIDERATION OF COST ADVANTAGES OF OFFERS FOR CERTAIN DEPARTMENT OF DEFENSE CONTRACTS.

Not later than 90 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to ensure that, in any competition for a contract with a value in excess of $10,000,000, an offeror does not receive an advantage for a proposal that would reduce costs for the Department of Defense as a consequence of any corporate structure a principal purpose of which is to enable the offeror to avoid the payment of taxes to the Federal Government or any State government, including taxes imposed under subtitle C of the Internal Revenue Code of 1986 and any similar taxes imposed by a State government, for or on behalf of employees of the offeror or any subsidiary or affiliate of the offeror.

Subtitle D—Department of Defense Contractor Matters

SEC. 831. DATABASE FOR DEPARTMENT OF DEFENSE CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish and maintain a database of information regarding integrity and performance of certain persons awarded Department of Defense contracts for use by Department of Defense officials having authority over contracts.

(b) PERSONS COVERED.—The database shall cover any person awarded a Department of Defense contract in excess of $500,000 if any information described in subsection (c) exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a person awarded a Department of Defense contract, the database shall include information (in the form of a brief description) for at least the most recent 5-year period regarding the following:

(1) Each civil or criminal proceeding, or any administrative proceeding, in connection with the award or performance of a contract with the Federal Government or, to the maximum extent practicable, a State government with respect to the person during the period to the extent that such proceeding results in the following dispositions:

(A) In a criminal proceeding, a conviction.

(B) In a civil proceeding, a finding of liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(C) In an administrative proceeding, a finding of liability that results in—

(i) the payment of a monetary fine or penalty of $5,000 or more; or

(ii) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(D) In a civil or administrative proceeding, a disposition of the matter by consent or compromise if the proceeding could have led to any of the outcomes specified in subparagraph (A), (B), or (C).

(2) Each Federal contract and grant awarded to the person that was terminated in such period due to default.

(3) Each Federal suspension and debarment of the person in that period.

(4) Each Federal administrative agreement entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding and, to the maximum extent practicable, each agreement involving a suspension or debarment proceeding entered into by the person and a State government in that period.

(5) Each final finding by a Federal official in that period that the person has been determined not to be a responsible source under either subparagraph (C) or (D) of section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Under Secretary shall design and maintain the database in a manner that allows the appropriate officials of the Department of Defense to directly input and update in the information in the database relating to actions such officials have taken with regard to contractors.

(2) TIMELINESS AND ACCURACY.—The Under Secretary shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to submit comments pertaining to information about such person in the database.

(e) USE OF DATABASE.—

(1) AVAILABILITY TO GOVERNMENT OFFICIALS.—The Under Secretary shall ensure that the database is available to all acquisition professionals of the Department of Defense and to Congress. This subsection does not limit the availability of the database to other Department of Defense officials or to government officials outside the Department of Defense that the Under Secretary determines warrant access.

(2) REVIEW AND ASSESSMENT OF DATA.—

(A) IN GENERAL.—Before awarding a contract in excess of $500,000, the Department of Defense official responsible for awarding the contract shall review the database and shall consider information in the database with regard to any offer, along with other past performance information available with respect to that offeror, in making any responsibility determination or past performance evaluation for such offeror.

(B) DOCUMENTATION IN CONTRACT FILE.—The contract file for each contract of the Department of Defense in excess of $500,000 shall document the manner in which the material in the database was considered in any responsibility determination or past performance evaluation.

(f) DISCLOSURE IN APPLICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Defense Supplement to the Federal Acquisition Regulation shall be amended to require that persons with Department of Defense contracts valued in total greater than $10,000,000 must semiannually submit to the Under Secretary a report that includes the information subject to inclusion in the database as listed in paragraphs (1) through (5) of subsection (c).

SEC. 832. ETHICS SAFEGUARDS FOR EMPLOYEES UNDER CERTAIN CONTRACTS FOR THE PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) CONTRACT CLAUSE REQUIRED.—Each contract (or task or delivery order) in excess of $500,000 that calls for the performance of acquisition functions closely associated with inherently governmental functions for or on behalf of the Department of Defense shall include a contract clause addressing financial conflicts of interests of contractor employees who will be responsible for the performance of such functions.

(b) CONTENTS OF CONTRACT CLAUSE.—The contract clause required by subsection (a) shall, at a minimum—

(1) require the contractor to prohibit any employee of the contractor from performing any functions described in subsection (a) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter in which the employee (or a member of the employee's immediate family) has a financial interest without the express written approval of the contracting officer;

(2) require the contractor to obtain, review, update, and maintain as part of its personnel records a financial disclosure statement from each employee assigned to perform functions described in paragraph (1) under such a contract (or task or delivery order) that is sufficient to enable the contractor to ensure compliance with the requirements of paragraph (1);

(3) require the contractor to prohibit any employee of the contractor who is responsible for performing functions described in paragraph (1) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter from accepting a gift from the affected company or from an individual or entity that has a financial interest in the program, contract, or other matter;

(4) require the contractor to prohibit contractor personnel who have access to nonpublic government information obtained while performing work on such a contract (or task or delivery order) from using such information for personal gain;

(5) require the contractor to take appropriate disciplinary action in the case of employees who fail to comply with prohibitions established pursuant to this section;

(6) require the contractor to promptly report any failure to comply with the prohibitions established pursuant to this section to the contracting officer for the applicable contract or contracts;

(7) include appropriate definitions of the terms ''financial interest'' and ''gift'' that are similar to the definitions in statutes and regulations applicable to Federal employees;

(8) establish appropriate contractual penalties for failures to comply with the requirements of paragraphs (1) through (6); and

(9) provide such additional safeguards, definitions, and exceptions as may be necessary to safeguard the public interest.

(c) FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS DEFINED.—In this section, the term ''functions closely associated with inherently governmental functions'' has the meaning given that term in section 2383(b)(3) of title 10, United States Code.

(d) EFFECTIVE DATE.—This section shall take effect 30 days after the date of the enactment of this Act, and shall apply to—

(1) contracts entered on or after that effective date; and

(2) task or delivery orders awarded on or after that effective date, regardless of whether the contracts pursuant to which such task or delivery orders are awarded are entered before, on, or after the date of the enactment of this Act.

SEC. 833. INFORMATION FOR DEPARTMENT OF DEFENSE CONTRACTOR EMPLOYEES ON THEIR WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations a policy for informing employees of a contractor of the Department of Defense of their whistleblower rights and protections under section 2409 of title 10, United States Code, as implemented by subpart 3.9 of part I of title 48, Code of Federal Regulations.

(b) ELEMENTS.—The regulations required by subsection (a) shall include requirements as follows:

(1) Employees of Department of Defense contractors shall be notified in writing of the provisions of section 2409 of title 10, United States Code.

(2) Notice to employees of Department of Defense contractors under paragraph (1) shall state that the restrictions imposed by any employee agreement or nondisclosure agreement shall not supersede, conflict with, or otherwise alter the employee rights created by section 2409 of title 10, United States Code, or the regulations implementing such section.

(c) CONTRACTOR DEFINED.—In this section, the term ''contractor'' has the meaning given that term in section 2409(e)(4) of title 10, United States Code.

Subtitle E—Matters Relating to Iraq and Afghanistan

SEC. 841. PERFORMANCE BY PRIVATE SECURITY CONTRACTORS OF INHERENTLY GOVERNMENTAL FUNCTIONS IN AN AREA OF COMBAT OPERATIONS.

(a) MODIFICATION OF REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the regulations issued by the Secretary of Defense pursuant to section 862(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 254; 10 U.S.C. 2302 note) shall be modified to ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations.

(b) ELEMENTS.—The modification of regulations pursuant to subsection (a) shall provide, at a minimum, each of the following:

(1) That security operations for the protection of resources (including people, information, equipment, and supplies) in uncontrolled or unpredictable high threat environments are inherently governmental functions if such security operations—

(A) will be performed in highly hazardous public areas where the risks are uncertain and could reasonably be expected to require deadly force that is more likely to be initiated by personnel performing such security operations than by others; or

(B) could reasonably be expected to require immediate discretionary decisions on the appropriate course of action or the acceptable level of risk (such as judgments on the appropriate level of force, acceptable level of collateral damage, and whether the target is friend or foe), the outcome of which could significantly affect the life, liberty, or property of private persons or the international relations of the United States.

(2) That the agency awarding the contract has appropriate mechanisms in place to ensure that private security contractors operate in a manner consistent with the regulations issued by the Secretary of Defense pursuant to such section 862(a), as modified pursuant to this section.

(c) PERIODIC REVIEW OF PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the heads of other appropriate agencies, periodically review the performance of private security functions in areas of combat operations to ensure that such functions are authorized and performed in a manner consistent with the requirements of this section.

(2) REPORTS.—Not later than June 1 of each of 2009, 2010, and 2011, the Secretary shall submit to the congressional defense committees a report on the results of the most recent review conducted under paragraph (1).

SEC. 842. ADDITIONAL CONTRACTOR REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN.

(a) IN GENERAL.—Section 861(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 253; 10 U.S.C. 2302 note) is amended by adding the following new paragraphs:

''(7) Mechanisms for ensuring that contractors are required to report offenses described in paragraph (6) that are alleged to have been committed by or against contractor personnel to appropriate investigative authorities.

''(8) Responsibility for providing victim and witness protection and assistance to contractor employees and other persons supporting the mission of the United States Government in Iraq or Afghanistan in connection with alleged offenses described in paragraph (6).''.

(b) IMPLEMENTATION.—The memorandum of understanding required by section 861(a) of the National Defense Authorization Act for Fiscal Year 2008 shall be modified to address the requirements under the amendment made by subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 843. CLARIFICATION AND MODIFICATION OF AUTHORITIES RELATING TO THE COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) NATURE OF COMMISSION.—Subsection (a) of section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) is amended by inserting ''in the legislative branch'' after ''There is hereby established''.

(b) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—Subsection (e) of such is amended by adding at the end the following new paragraph:

''(8) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—If warranted by circumstances described in subparagraph (A) or (B) of section 8344(i)(1) of title 5, United States Code, or by circumstances described in subparagraph (A) or (B) of section 8468(f)(1) of such title, as applicable, a co-chairman of the Commission may exercise, with respect to the members and staff of the Commission, the same waiver authority as would be available to the Director of the Office of Personnel Management under such section.''.

(c) EFFECTIVE DATE.—

(1) NATURE OF COMMISSION.—The amendment made by subsection (a) shall take effect as of January 28, 2008, as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2008.

(2) PAY AND ANNUITIES.—The amendment made by subsection (b) shall apply to members and staff of the Commission on Wartime Contracting in Iraq and Afghanistan appointed or employed, as the case may be, on or after that date.

SEC. 844. COMPREHENSIVE AUDIT OF SPARE PARTS PURCHASES AND DEPOT OVERHAUL AND MAINTENANCE OF EQUIPMENT FOR OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUDITS REQUIRED.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit Agency shall each conduct thorough audits to identify potential waste, fraud, and abuse in the performance of the following:

(1) Department of Defense contracts, subcontracts, and task and delivery orders for—

(A) depot overhaul and maintenance of equipment for the military in Iraq and Afghanistan; and

(B) spare parts for military equipment used in Iraq and Afghanistan; and

(2) Department of Defense in-house overhaul and maintenance of military equipment used in Iraq and Afghanistan.

(b) COMPREHENSIVE AUDIT PLAN.—

(1) PLANS.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit

Agency shall, in coordination with the Inspector General of the Department of Defense, develop a comprehensive plan for a series of audits to discharge the requirements of subsection (a).

(2) INCORPORATION INTO REQUIRED AUDIT PLAN.—The plan developed under paragraph (1) shall be submitted to the Inspector General of the Department of Defense for incorporation into the audit plan required by section 842(b)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 234; 10 U.S.C. 2302 note).

(c) INDEPENDENT CONDUCT OF AUDIT FUNCTIONS.—All audit functions performed under this section, including audit planning and coordination, shall be performed in an independent manner.

(d) AVAILABILITY OF RESULTS.—All audit reports resulting from audits under this section shall be made available to the Commission on Wartime Contracting in Iraq and Afghanistan established pursuant to section 841 of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 230).

Subtitle F—Other Matters

SEC. 851. EXPEDITED HIRING AUTHORITY FOR THE DEFENSE ACQUISITION WORKFORCE.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(1) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

(2) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) TERMINATION OF AUTHORITY.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2012.

SEC. 852. SPECIFICATION OF SECRETARY OF DEFENSE AS "SECRETARY CONCERNED" FOR PURPOSES OF LICENSING OF INTELLECTUAL PROPERTY FOR THE DEFENSE AGENCIES AND DEFENSE FIELD ACTIVITIES.

Subsection (e) of section 2260 of title 10, United States Code, is amended to read as follows:

''(e) DEFINITIONS.—In this section:

''(1) The terms 'trademark', 'service mark', 'certification mark', and 'collective mark' have the meanings given such terms in section 45 of the Act of July 5, 1946 (commonly referred to as the Trademark Act of 1946; 15 U.S.C. 1127).

''(2) The term 'Secretary concerned' includes the Secretary of Defense, with respect to matters concerning the Defense Agencies and the defense field activities.''.

SEC. 853. REPEAL OF REQUIREMENTS RELATING TO THE MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. MODIFICATION OF STATUS OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.

Section 142 of title 10, United States Code, is amended by adding at the end the following:

''(c) The Assistant to the Secretary shall be considered an Assistant Secretary of Defense for purposes of section 138(d) of this title.''.

SEC. 902. PARTICIPATION OF DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE ON DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.

(a) PARTICIPATION.—Subsection (a) of section 186 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Deputy Chief Management Officer of the Department of Defense.''.

(b) SERVICE AS VICE CHAIRMAN.—The second sentence of subsection (b) of such section is amended to read as follows: ''The Deputy Chief Management Officer of the Department of Defense shall serve as vice chairman of the Committee, and shall act as chairman in the absence of the Deputy Secretary of Defense.''.

SEC. 903. REPEAL OF OBSOLETE LIMITATIONS ON MANAGEMENT HEADQUARTERS PERSONNEL.

(a) REPEAL.—The following provisions of title 10, United States Code, are repealed:

(1) Section 143.

(2) Section 194.

(3) Subsection (f) of section 3014.

(4) Subsection (f) of section 5014.

(5) Subsection (f) of section 8014.

(b) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 143.

(2) The table of sections at the beginning of chapter 8 of such title is amended by striking the item relating to section 194.

SEC. 904. GENERAL COUNSEL TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 8 of the Inspector General Act of 1978 (50 U.S.C. App. 8) is amended by adding at the end the following new subsection:

''(h)(1) There is a General Counsel to the Inspector General of the Department of Defense, who shall be appointed by the Inspector General of the Department of Defense.

''(2)(A) Notwithstanding section 140(b) of title 10, United States Code, the General Counsel is the chief legal officer of the Office of the Inspector General.

''(B) The Inspector General is the exclusive legal client of the General Counsel.

''(C) The General Counsel shall perform such functions as the Inspector General may prescribe.

''(D) The General Counsel shall serve at the discretion of the Inspector General.

''(3) There is an Office of the General Counsel to the Inspector General of the Department of Defense. The Inspector General may appoint to the Office to serve as staff of the General Counsel such legal counsel as the Inspector General considers appropriate.''.

SEC. 905. ASSIGNMENT OF FORCES TO THE UNITED STATES NORTHERN COMMAND WITH PRIMARY MISSION OF MANAGEMENT OF THE CONSEQUENCES OF AN INCIDENT IN THE UNITED STATES HOMELAND INVOLVING A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR DEVICE, OR HIGH-YIELD EXPLOSIVES.

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

(1) As noted in the June 2005 Department of Defense Strategy for Homeland Defense and Civil Support, protecting the United States homeland from attack is the highest priority of the Department of Defense.

(2) As further noted in the June 2005 Department of Defense Strategy for Homeland Defense and Civil Support, ''[i]n the next ten years, terrorist groups, poised to attack the United States and actively seeking to inflict mass casualties or disrupt U.S. military operations, represent the most immediate challenge to the nation's security''.

(3) The Department of Defense established the United States Northern Command in October 2002 to provide command and control of the homeland defense efforts of the Department of Defense and to coordinate defense support of civil authorities, including defense support for Federal consequence management of chemical, biological, radiological, nuclear, or high-yield explosive incidents.

(4) The Commission on the National Guard and Reserves and the Government Accountability Office have criticized the capacity of the Department of Defense to respond to an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives due to a lack of capabilities to handle simultaneous weapons of mass destruction events and a lack of coordination and planning with the Department of Homeland Security and State and local governments.

(5) According to testimony to Congress by the Commander of United States Northern Command, the Secretary of Defense has directed that a full-time, dedicated force be trained and equipped by the end of fiscal year 2008 to provide defense support to civil authorities in the case of a chemical, biological, radiological, nuclear, or high-yield explosive incident within the United States. This force is to be assigned to the Commander of the United States Northern Command, and is to be followed by two additional such forces, comprised of units of the regular components of the Armed Forces and units and personnel of the National Guard, and Reserve, to be established over the course of fiscal years 2009 and 2010.

(6) The Department of Defense and United States Northern Command have begun the process of identifying, training, equipping, and assigning forces for the mission of managing the consequences of chemical, biological, radiological, nuclear, or high-yield explosive incidents in the United States.

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

(1) the Department of Defense should, as part of a Government-wide effort, make every effort to help protect the citizens of this Nation from the threat of an attack on the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives by terrorists or other aggressors;

(2) efforts to establish forces for the mission of managing the consequences of chemical, biological, radiological, nuclear, or high-yield explosive incidents in the United States should receive the highest level of attention within the Department of Defense; and

(3) the additional forces necessary for that mission should be identified, trained, equipped, and assigned to United States Northern Command as soon as possible.

(c) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and one year and two years thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made as of the date of such report in assigning to the United States Northern Command forces having the primary mission of managing the consequences of an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the force structure, size, composition, and location of the units and personnel of the regular components of

the Armed Forces, and the units and personnel of the reserve components of the Armed Forces, assigned to the United States Northern Command that have the primary mission of managing the consequences of an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(B) A description of the progress made in developing procedures to mobilize and demobilize units and personnel of the reserve components of the Armed Forces that are assigned to the United States Northern Command as described in subparagraph (A).

(C) A description of the progress being made in the training and certification of units and personnel that are assigned to United States Northern Command as described in subparagraph (A).

(D) An assessment of the need to establish a national training center for training units and personnel of the Armed Forces in the management of the consequences of an incident in the United States homeland as described in subparagraph (A).

(E) A description of the progress made in addressing the shortfalls in the management of the consequences of an incident in the United States homeland as described in subparagraph (A) that are identified in—

(i) the reports of the Comptroller General of the United States numbered GAO–08–251 and GAO–08–252; and

(ii) the report of the Commission on the National Guard and Reserve.

SEC. 906. BUSINESS TRANSFORMATION INITIATIVES FOR THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—The Secretary of each military department shall, acting through the Chief Management Officer of such military department, carry out an initiative for the business transformation of such military department.

(b) OBJECTIVES.—The objectives of the business transformation initiative of a military department under this section shall include, at a minimum, the following:

(1) The development of a comprehensive business transformation plan, with measurable performance goals and objectives, to achieve an integrated management system for the business operations of the military department.

(2) The development of a well-defined enterprise-wide business systems architecture and transition plan encompassing end-to-end business processes and capable of providing accurately and timely information in support of business decisions of the military department.

(3) The implementation of the business transformation plan developed pursuant to paragraph (1) and the business systems architecture and transition plan developed pursuant to paragraph (2).

(c) BUSINESS TRANSFORMATION OFFICES.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of each military department shall establish within such military department an office (to be known as the ''Office of Business Transformation'' of such military department) to assist the Chief Management Officer of such military department in carrying out the initiative required by this section for such military department.

(2) HEAD.—The Office of Business Transformation of a military department under this subsection shall be headed by a Director of Business Transformation, who shall be appointed by the Chief Management Officer of the military department, in consultation with the Director of the Business Transformation Agency of the Department of Defense, from among individuals with significant experience managing large-scale organizations or business transformation efforts.

(3) SUPERVISION.—The Director of Business Transformation of a military department under paragraph (2) shall report directly to the Chief Management Officer of the military department, subject to policy guidance from the Director of the Business Transformation Agency of the Department of Defense.

(4) AUTHORITY.—In carrying out the initiative required by this section for a military department, the Director of Business Transformation of the military department under paragraph (2) shall have the authority to require elements of the military department to carry out actions that are within the purpose and scope of the initiative.

(d) RESPONSIBILITIES OF BUSINESS TRANSFORMATION OFFICES.—The Office of Business Transformation of a military department established pursuant to subsection (b) shall be responsible for the following:

(1) Transforming the budget, finance, and accounting operations of the military department in a manner that is consistent with the business transformation plan developed pursuant to subsection (b)(1).

(2) Eliminating or replacing financial management systems of the military department that are inconsistent with the business systems architecture and transition plan developed pursuant to subsection (b)(2).

(3) Ensuring that the business transformation plan and the business systems architecture and transition plan are implemented in a manner that is aggressive, realistic, and accurately measured.

(e) REQUIRED ELEMENTS.—In carrying out the initiative required by this section for a military department, the Chief Management Officer and the Director of Business Transformation of the military department shall ensure that each element of the initiative is consistent with—

(1) the requirements of the Business Enterprise Architecture and Transition Plan developed by the Secretary of Defense pursuant to section 2222 of title 10, United States Code;

(2) the Standard Financial Information Structure of the Department of Defense;

(3) the Federal Financial Management Improvement Act of 1996 (and the amendments made by that Act); and

(4) other applicable requirements of law and regulation.

(f) REPORTS ON IMPLEMENTATION.—

(1) INITIAL REPORTS.—Not later than six months after the date of the enactment of this Act, the Chief Management Officer of each military department shall submit to the congressional defense committees a report on the actions taken, and on the actions planned to be taken, by such military department to implement the requirements of this section.

(2) UPDATES.—Not later than March 1 of each of 2010, 2011, and 2012, the Chief Management Officer of each military department shall submit to the congressional defense committees a current update of the report submitted by such Chief Management Officer under paragraph (1).

Subtitle B—Space Matters

SEC. 911. SPACE POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the national security space policy and strategy of the United States for the near term, the Secretary of Defense and the Director of National Intelligence shall jointly conduct a comprehensive review of the space posture of the United States over the posture review period.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include, for the posture review period, the following:

(1) The definition, policy, requirements, and objectives for each of the following:

(A) Space situational awareness.

(B) Space control.

(C) Space superiority, including defensive and offensive counterspace and protection.

(D) Force enhancement and force application.

(E) Space-based intelligence and surveillance and reconnaissance from space.

(F) Integration of space and ground control and user equipment.

(G) Any other matter the Secretary considers relevant to understanding the space posture of the United States.

(2) A description of current and planned space acquisition programs that are in acquisition categories 1 and 2, including how each such program will address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(3) A description of future space systems and technology development (other than such systems and technology in development as of the date of the enactment of this Act) necessary to address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(4) An assessment of the relationship among the following:

(A) United States military space policy.

(B) National security space policy.

(C) National security space objectives.

(D) Arms control policy.

(E) Export control policy.

(5) An assessment of the effect of the military and national security space policy of the United States on the proliferation of weapons capable of targeting objects in space or objects on Earth from space.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2009, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional committees specified in paragraph (3) a report on the review conducted under subsection (a).

(2) FORM OF REPORT.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(3) COMMITTEES.—The congressional committees specified in this paragraph are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) POSTURE REVIEW PERIOD DEFINED.—In this section, the term ''posture review period'' means the 10-year period beginning on February 1, 2009.

Subtitle C—Defense Intelligence Matters

SEC. 921. REQUIREMENT FOR OFFICERS OF THE ARMED FORCES ON ACTIVE DUTY IN CERTAIN INTELLIGENCE POSITIONS.

(a) IN GENERAL.—Effective as of October 1, 2008, the individual serving in each position specified in subsection (b) shall be a commissioned officer of the Armed Forces on active duty.

(b) SPECIFIED POSITIONS.—The positions specified in this subsection are the positions as follows:

(1) Principal deputy to the senior military officer serving as the Deputy Chief of the Army Staff for Intelligence.

(2) Principal deputy to the senior military officer serving as the Director of Intelligence for the Chief of Naval Operations.

(3) Principal deputy to the senior military officer serving as the Assistant to the Air Force Chief of Staff for Intelligence.

SEC. 922. TRANSFER OF MANAGEMENT OF INTELLIGENCE SYSTEMS SUPPORT OFFICE.

(a) TRANSFER OF MANAGEMENT GENERALLY.—

(1) TRANSFER.—Except as provided in subsection (b), management of the Intelligence Systems Support Office, and all programs and activities of that office as of April 1, 2008, including the Foreign Materials Acquisitions program, shall be transferred to the Defense Intelligence Agency.

(2) MANAGEMENT.—The programs and activities of the Intelligence Systems Support Office transferred under paragraph (1) shall, after transfer under that paragraph, be managed by the Director of the Defense Intelligence Agency.

(b) TRANSFER OF MANAGEMENT OF CENTER FOR INTERNATIONAL ISSUES RESEARCH.—

(1) TRANSFER.—Management of the Center for International Issues Research shall be transferred to the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

(2) MANAGEMENT.—The Center for International Issues Research shall, after transfer under paragraph (1), be managed by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

(c) DEADLINE FOR TRANSFERS OF MANAGEMENT.—The transfers of management required by subsections (a) and (b) shall occur not later than 30 days after the date of the enactment of this Act.

(d) LIMITATION ON CERTAIN AUTHORITY OF USD FOR INTELLIGENCE.—Effective as of December 1, 2008, the Under Secretary of Defense for Intelligence may not establish or maintain the capabilities as follows:

(1) A capability to execute programs of technology or systems development and acquisition.

(2) A capability to provide operational support to combatant commands.

SEC. 923. PROGRAM ON ADVANCED SENSOR APPLICATIONS.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide for the carrying out of a program on advanced sensor applications in order to provide for the evaluation by the Department of Defense on scientific and engineering grounds of foreign technology utilized for the detection and tracking of submarines.

(2) DESIGNATION.—The program under this section shall be known as the ''Advanced Sensor Applications Program''.

(b) RESPONSIBILITY FOR EXECUTION OF PROGRAM.—The program under this section shall be carried out by the Commander of the Naval Air Systems Command in consultation with the Program Executive Officer for Aviation of the Department of the Navy and the Director of Special Programs for the Chief of Naval Operations.

(c) PROGRAM REQUIREMENTS AND LIMITATIONS.—

(1) ACCESS TO CERTAIN INFORMATION.—In carrying out the program under this section, the Commander of the Naval Air Systems Command shall—

(A) have complete access to all United States intelligence relating to the detection and tracking of submarines; and

(B) be kept currently apprised of information and assessments of the Office of Naval Intelligence, the Defense Intelligence Agency, and the Central Intelligence Agency, and of information and assessments of the intelligence services of allies of the United States that are available to the United States, on matters relating to the detection and tracking of submarines.

(2) INDEPENDENCE OF PROGRAM.—The program under this section shall be carried out independently of the Office of Naval Intelligence, the Defense Intelligence Agency, the Central Intelligence Agency, and any other element of the intelligence community.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION INTO ACT OF TABLES IN THE REPORT OF THE COMMITTEE ON ARMED SERVICES OF THE SENATE.

(a) INCORPORATION.—Each funding table in the report of the Committee on Armed Services of the Senate to accompany the bill S. _____ of the 110th Congress is hereby incorporated into this Act and is hereby made a requirement in law. Items in each such funding table shall be binding on agency heads in the same manner and to the same extent as if such funding table was included in the text of this Act, unless transfers of funding for such items are approved in accordance with established procedures.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds on the basis of any funding table incorporated into this Act pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, and merit-based decision-making in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any item in a funding table incorporated into this Act under subsection (a) shall supersede the requirements of subsection (b).

SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2009.

(a) FISCAL YEAR 2009 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2009 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2008, of funds appropriated for fiscal years before fiscal year 2009 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $1,049,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $408,788,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ''fiscal year 1998 baseline limitation'' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. GOVERNMENT RIGHTS IN DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, CRAFT, AND COMPONENTS DEVELOPED USING PUBLIC FUNDS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7317. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds

''(a) IN GENERAL.—Government rights in the design of a vessel, boat, or craft, and its components, including the hull, decks, superstructure, and all shipboard equipment and systems, developed in whole or in part using public funds shall be determined solely as follows:

''(1) In the case of a vessel, boat, craft, or component procured through a contract, in accordance with the provisions of section 2320 of this title.

''(2) In the case of a vessel, boat, craft, or component procured through an instrument not governed by section 2320 of this title, by the terms of the instrument (other than a contract) under which the design for such vessel, boat, craft, or component, as applicable, was developed for the Government.

''(b) CONSTRUCTION OF SUPERSEDING AUTHORITIES.—This section may be modified or superseded by a provision of statute only if such provision expressly refers to this section in modifying or superseding this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of

such title is amended by adding at the end the following new item:

''7317. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds.''.

SEC. 1012. REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS.

(a) IN GENERAL.—Amounts appropriated for operation and maintenance for the Navy may be used to pay the charge established under section 1011 of title 37, United States Code, for meals sold by messes for United States Navy and Naval Auxiliary vessels to the following:

(1) Members of nongovernmental organizations and officers or employees of host and foreign nations when participating in or providing support to United States civil-military operations.

(2) Foreign national patients treated on Naval vessels during the conduct of United States civil-military operations, and their escorts.

(b) EXPIRATION OF AUTHORITY.—The authority to pay for meals under subsection (a) shall expire on September 30, 2010.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking ''through 2008'' and inserting ''through 2009''.

SEC. 1022. TWO-YEAR EXTENSION OF AUTHORITY FOR USE OF FUNDS FOR UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1023 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended—

(1) in subsection (a)(1), by striking ''through 2008'' and inserting ''through 2010''; and

(2) in subsection (c), by striking ''through 2008'' and inserting ''through 2010''.

Subtitle D—Miscellaneous Authorities and Limitations

SEC. 1031. PROCUREMENT BY STATE AND LOCAL GOVERNMENTS OF EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES THROUGH THE DEPARTMENT OF DEFENSE.

(a) EXPANSION OF PROCUREMENT AUTHORITY TO INCLUDE EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES.—

(1) PROCEDURES.—Subsection (a)(1) of section 381 of title 10, United States Code, is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''law enforcement''; and

(II) by inserting '', homeland security, and emergency response'' after ''counter-drug'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting '', homeland security, or emergency response'' after ''counter-drug''; and

(II) in clause (i), by striking ''law enforcement'';

(iii) in subparagraph (C), by striking ''law enforcement'' each place it appears; and

(iv) in subparagraph (D), by striking ''law enforcement''.

(2) GSA CATALOG.—Subsection (c) of such section is amended—

(A) by striking ''law enforcement''; and

(B) by inserting '', homeland security, and emergency response'' after ''counter-drug''.

(3) DEFINITIONS.—Subsection (d) of such section is amended—

(A) in paragraph (2), by inserting ''or emergency response'' after ''law enforcement'' both places it appears; and

(B) in paragraph (3)—

(i) by striking ''law enforcement'';

(ii) by inserting '', homeland security, and emergency response'' after ''counter-drug''; and

(iii) by inserting ''and, in the case of equipment for homeland security activities, may not include any equipment that is not found on the Authorized Equipment List published by the Department of Homeland Security'' after ''purposes''.

(b) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 18 of such title is amended by striking the item relating to section 381 and inserting the following new item:

''381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities.''.

SEC. 1032. ENHANCEMENT OF THE CAPACITY OF THE UNITED STATES GOVERNMENT TO CONDUCT COMPLEX OPERATIONS.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding the following new section:

''§ 409. Center for Complex Operations

''(a) CENTER AUTHORIZED.—The Secretary of Defense may establish within the Department of Defense a center to be known as the 'Center for Complex Operations' (in this section referred to as the 'Center').

''(b) PURPOSES.—The purposes of the Center established under subsection (a) shall be the following:

''(1) To provide for effective coordination in the preparation of Department of Defense personnel and other United States Government personnel for complex operations.

''(2) To foster unity of effort among the departments and agencies of the United States Government, foreign governments and militaries, international organizations, and nongovernmental organizations in their participation in complex operations.

''(3) To conduct research, collect, analyze, and distribute lessons learned, and compile best practices in matters relating to complex operations.

''(4) To identify gaps in the education and training of Department of Defense personnel, and other United States Government personnel, relating to complex operations, and to facilitate efforts to fill such gaps.

''(c) SUPPORT FROM OTHER UNITED STATES GOVERNMENT AGENCIES.—The head of any non-Department of Defense department or agency of the United States Government may—

''(1) provide to the Secretary of Defense services, including personnel support, to support the operations of the Center; and

''(2) transfer funds to the Secretary of Defense to support the operations of the Center.

''(d) ACCEPTANCE OF GIFTS AND DONATIONS.—(1) Subject to paragraph (3), the Secretary of Defense may accept from any source specified in paragraph (2) any gift or donation for purposes of defraying the costs or enhancing the operations of the Center.

''(2) The sources specified in this paragraph are the following:

''(A) The government of a State or a political subdivision of a State.

''(B) The government of a foreign country.

''(C) A foundation or other charitable organization, including a foundation or charitable organization that is organized or operates under the laws of a foreign country.

''(D) Any source in the private sector of the United States or a foreign country.

''(3) The Secretary may not accept a gift or donation under this subsection if acceptance of the gift or donation would compromise or appear to compromise—

''(A) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

''(B) the integrity of any program of the Department or of any person involved in such a program.

''(4) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining the applicability of paragraph (3) to any proposed gift or donation under this subsection.

''(e) CREDITING OF FUNDS TRANSFERRED OR ACCEPTED.—Funds transferred to or accepted by the Secretary of Defense under this section shall be credited to appropriations available to the Department of Defense for the Center, and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged. Any funds so transferred or accepted shall remain available until expended.

''(f) DEFINITIONS.—In this section:

''(1) The term 'complex operation' means an operation as follows:

''(A) A stability operation.

''(B) A security operation.

''(C) A transition and reconstruction operation.

''(D) A counterinsurgency operation.

''(E) An operation consisting of irregular warfare.

''(2) The term 'gift or donation' means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

''409. Center for Complex Operations.''.

SEC. 1033. CREDITING OF ADMIRALTY CLAIM RECEIPTS FOR DAMAGE TO PROPERTY FUNDED FROM A DEPARTMENT OF DEFENSE WORKING CAPITAL FUND.

Section 7623(b) of title 10, United States Code, is amended—

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

(2) in paragraph (1), as so designated, by striking the last sentence; and

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

''(2)(A) Except as provided in subparagraph (B), amounts received under this section shall be covered into the Treasury as miscellaneous receipts.

''(B) Amounts received under this section for damage or loss to property operated and maintained with funds from a Department of Defense working capital fund or account shall be credited to that fund or account.''.

SEC. 1034. MINIMUM ANNUAL PURCHASE REQUIREMENTS FOR AIRLIFT SERVICES FROM CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet

''(a) IN GENERAL.—The Secretary of Defense may award to an air carrier or an air carrier contractor team arrangement participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for airlift services with a minimum purchase amount under such contract determined in accordance with this section.

''(b) ELIGIBLE CARRIERS.—In order to be eligible for payments under the minimum purchase amount provided by this section, an air carrier (or any air carrier participating in an air carrier contractor team arrangement)—

''(1) if under contract with the Department of Defense in the prior fiscal year, shall have an average on-time pick up rate, based on factors within such air carrier's control, of at least 90 percent;

''(2) shall offer such amount of commitment to the Civil Reserve Air Fleet in excess of the minimum required for participation in the Civil Reserve Air Fleet as the Secretary of Defense shall specify for purposes of this section; and

''(3) may not have refused a Department of Defense request to act as a host for other Civil Reserve Air Fleet carriers at intermediate staging bases during the prior fiscal year.

''(c) AGGREGATE MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the average annual expenditure of the Department of Defense for commercial airlift services during the five-fiscal year period ending in the fiscal year before the fiscal year for which such contracts are awarded.

''(2) In calculating the average annual expenditure of the Department of Defense for airlift services for purposes of paragraph (1), the Secretary of Defense shall omit from the calculation any fiscal year exhibiting unusually high demand for commercial airlift services if the Secretary determines that the omission of such fiscal year from the calculation will result in a more accurate forecast of anticipated commercial airlift services for purposes of that paragraph.

''(d) ALLOCATION OF MINIMUM PURCHASE AMONG CONTRACTS.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year, as determined under subsection (c), shall be allocated among all air carriers and air carrier contractor team arrangements awarded contracts under subsection (a) for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

''(2) In determining the minimum purchase amount payable under paragraph (1) under a contract under subsection (a) for airlift services provided by an air carrier or air carrier contractor team arrangement during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to such carrier or arrangement under paragraph (2) to take into account periods during such fiscal year when airlift services of such carrier or a carrier in such arrangement are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when such carrier is placed in nonuse status pursuant to section 2640 of this title for safety reasons.

''(e) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of airlift services from a carrier or air carrier contractor team arrangement for a fiscal year under a contract under subsection (a) is not utilized to purchase airlift services from the carrier or arrangement in such fiscal year, such amount shall be provided to the carrier or arrangement before the first day of the following fiscal year.

''(f) COMMITMENT OF FUNDS.—(1) The Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for the payment of minimum purchase amounts under all contracts awarded under subsection (a) for such fiscal year equivalent to the percentage of the anticipated use of airlift services by such military department during such fiscal year from all carriers under contracts awarded under subsection (a) for such fiscal year.

''(2) Any amounts required to be transferred under paragraph (1) shall be transferred by the last day of the fiscal year concerned to meet the requirements of subsection (e) unless minimum purchase amounts have already been distributed by the Secretary of Defense under subsection (e) as of that date.

''(g) AVAILABILITY OF AIRLIFT SERVICES.—(1) From the total amount of airlift services available for a fiscal year under all contracts awarded under subsection (a) for such fiscal year, a military department shall be entitled to obtain a percentage of such airlift services equal to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (f).

''(2) A military department may transfer any entitlement to airlift services under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.

''(h) SUNSET.—The authorities in this section shall expire on December 31, 2015.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 941 of such title is amended by adding at the end the following new item:

''9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.''.

SEC. 1035. TERMINATION DATE OF BASE CONTRACT FOR THE NAVY-MARINE CORPS INTRANET.

Section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–215), as amended by section 362 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1065) and Public Law 107–254 (116 Stat. 1733), is further amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection (j):

''(j) TERMINATION DATE OF BASE CONTRACT FOR NAVY-MARINE CORPS INTRANET.—Notwithstanding subsection (i), the base contract of the Navy-Marine Corps Intranet contract may terminate on October 31, 2010.''.

SEC. 1036. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.

(a) REGULATIONS REQUIRED.—Effective as of the date that is one year after the date of the enactment of this Act, the Department of Defense manpower mix criteria and the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to provide that—

(1) the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot be transferred to private sector contractors who are beyond the reach of controls otherwise applicable to government personnel; and

(2) properly trained and cleared contractors may be used as linguists, interpreters, report writers, and information technology technicians if their work is properly reviewed by appropriate government officials.

(b) PENALTIES.—The obligation or expenditure of Department of Defense funds for a contract that is not in compliance with the regulations issued pursuant to this section is a violation of section 1341(a)(1)(A) of title 31, United States Code.

SEC. 1037. NOTIFICATION OF COMMITTEES ON ARMED SERVICES WITH RESPECT TO CERTAIN NONPROLIFERATION AND PROLIFERATION ACTIVITIES.

(a) NOTIFICATION WITH RESPECT TO NONPROLIFERATION ACTIVITIES.—The Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, the Secretary of State, and the Nuclear Regulatory Commission shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives informed with respect to—

(1) any activities undertaken by any such Secretary or the Commission to carry out the purposes and policies of the Secretaries and the Commission with respect to nonproliferation programs; and

(2) any other activities undertaken by any such Secretary or the Commission to prevent the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(b) NOTIFICATION WITH RESPECT TO PROLIFERATION ACTIVITIES IN FOREIGN NATIONS.—(1) IN GENERAL.—The Director of National Intelligence shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives fully and currently informed with respect to any activities of foreign nations that are significant with respect to the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(2) FULLY AND CURRENTLY INFORMED DEFINED.—For purposes of paragraph (1), the term ''fully and currently informed'' means the transmittal of credible information with respect to an activity described in such paragraph not later than 60 days after becoming aware of the activity.

SEC. 1038. SENSE OF CONGRESS ON NUCLEAR WEAPONS MANAGEMENT.

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

(1) The unauthorized transfer of nuclear weapons from Minot Air Force Base, North Dakota, to Barksdale Air Force Base, Louisiana, in August 2007 was an extraordinary breach of the command and control and security of nuclear weapons.

(2) The reviews conducted following that unauthorized transfer found that the ability of the Department of Defense to provide oversight of nuclear weapons matters had degenerated and that senior level attention to nuclear weapons management is minimal at best.

(3) The lack of attention to nuclear weapons and related equipment by the Department of Defense was demonstrated again when it was discovered in March 2008 that classified equipment from Minuteman III intercontinental ballistic missiles was inadvertently shipped to Taiwan in 2006.

(4) The Department of Defense has insufficient capability and staffing in the Office of the Under Secretary of Defense for Policy to provide the necessary oversight of the nuclear weapons functions of the Department.

(5) The key senior position responsible for nuclear weapons matters in the Department of Defense, the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, a position filled by appointment by and with the advice and consent of the Senate, has been vacant for more than 18 months.

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

(1) the United States should maintain clear and unambiguous command and control of its nuclear weapons;

(2) the safety and security of nuclear weapons and related equipment should be a high priority as long as the United States maintains a stockpile of nuclear weapons;

(3) the President should take immediate steps to nominate a qualified individual for the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs; and

(4) the Secretary of Defense should establish and fill a senior position, at the level of Assistant Secretary or Deputy Under Secretary, within the Office of the Under Secretary of Defense for Policy to be responsible solely for the strategic and nuclear weapons policy of the Department of Defense.

SEC. 1039. SENSE OF CONGRESS ON JOINT DEPARTMENT OF DEFENSE-FEDERAL AVIATION ADMINISTRATION EXECUTIVE COMMITTEE ON CONFLICT AND DISPUTE RESOLUTION.

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

(1) Unmanned aerial systems (UAS) of the Department of Defense, like the Predator and the Global Hawk, have become a critical component of military operations. Unmanned aerial systems are indispensable in the conflict against terrorism and the campaigns in Afghanistan and Iraq.

(2) Unmanned aerial systems of the Department of Defense must operate in the National Airspace System (NAS) for training, operational support to the combatant commands, and support to domestic authorities in emergencies and national disasters.

(3) The Department of Defense has been lax in developing certifications of airworthiness for unmanned aerial systems, qualifications for operators of unmanned aerial systems, databases on safety matters relating to unmanned aerial systems, and standards, technology, and procedures that are necessary for routine access of unmanned aerial systems to the National Airspace System.

(4) As recognized in a Memorandum of Agreement for Operation of Unmanned Aircraft Systems in the National Airspace System signed by the Deputy Secretary of Defense and the Administrator of the Federal Aviation Administration in September 2007, it is vital for the Department of Defense and the Federal Aviation Administration to collaborate closely to achieve progress in gaining access for unmanned aerial systems to the National Airspace System to support military requirements.

(5) The Department of Defense and the Federal Aviation Administration have jointly and separately taken significant actions to improve the access of unmanned aerial systems of the Department of Defense to the National Airspace System, but overall, the pace of progress in access of such systems to the National Airspace System has been insufficient and poses a threat to national security.

(6) Techniques and procedures can be rapidly acquired or developed to temporarily permit safe operations of unmanned aerial systems in the National Airspace System until permanent safe operations of such systems in the National Airspace System can be achieved.

(7) Identifying, developing, approving, implementing, and monitoring the adequacy of these techniques and procedures may require the establishment of a joint Department of Defense-Federal Aviation Administration executive committee reporting to the highest levels of the Department of Defense and the Federal Aviation Administration on matters relating to the access of unmanned aerial systems of the Department of Defense to the National Airspace System.

(8) Joint management attention at the highest levels of the Department of Defense and the Federal Aviation Administration may also be required on other important issues, such as type ratings for aerial refueling aircraft.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should seek an agreement with the Administrator of the Federal Aviation Administration to jointly establish within the Department of Defense and the Federal Aviation Administration a joint Department of Defense–Federal Aviation Administration executive committee on conflict and dispute resolution which would—

(1) act as a focal point for the resolution of disputes on matters of policy and procedures between the Department of Defense and the Federal Aviation Administration with respect to—

(A) airspace, aircraft certifications, and aircrew training; and

(B) other issues brought before the joint executive committee by the Department of Defense or the Department of Transportation;

(2) identify solutions to the range of technical, procedural, and policy concerns arising in the disputes described in paragraph (1); and

(3) identify solutions to the range of technical, procedural, and policy concerns arising in the integration of Department of Defense unmanned aerial systems into the National Airspace System in order to achieve the increasing, and ultimately routine, access of such systems into the National Airspace System.

SEC. 1040. SENSE OF CONGRESS ON SALE OF NEW OUTSIZE CARGO, STRATEGIC LIFT AIRCRAFT FOR CIVILIAN USE.

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

(1) The 2004 Quadrennial Defense Review (as submitted to Congress in 2005) and the 2005 Mobility Capability Study determined that the United States Transportation Command requires a force of 292 organic strategic lift aircraft, augmented by procurement of airlift service from commercial air carriers participating in the Civil Reserve Air Fleet, to meet the demands of the National Military Strategy. Congress has authorized and appropriated funds for 301 strategic airlift aircraft.

(2) The Commander of the United States Transportation Command has testified to Congress that it is essential to safeguard the capabilities and capacity of the Civil Reserve Air Fleet to meet wartime surge demands in connection with major combat operations, and that procurement by the Air Force of excess organic strategic lift aircraft would be harmful to the health of the Civil Reserve Air Fleet.

(3) The C–17 Globemaster aircraft is the workhorse of the Air Mobility Command in the Global War on Terror. Production of the C–17 Globemaster aircraft is scheduled to cease in 2009, upon completion of the aircraft remaining to be procured by the Air Force.

(4) The Federal Aviation Administration has informed the Committee on Armed Services of the Senate that no fewer than six commercial operators have expressed interest in procuring a commercial variant of the C–17 Globemaster aircraft. Commercial sale of the C–17 Globemaster aircraft would require that the Department of Defense or Congress determine that it is in the national interest for the Federal Aviation Administration to proceed with the issuance of a type certificate for surplus aircraft of the Armed Forces in accordance with section 21.27 of title 14, Code of Federal Regulations.

(5) C–17 Globemaster aircraft sold for commercial use could be made available to the Civil Reserve Air Fleet, thus strengthening the capabilities and capacity of the Civil Reserve Air Fleet.

(6) The sale of a commercial variant of the C–17 Globemaster to Civil Reserve Air Fleet partners would strengthen the United States industrial base.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should—

(1) review the benefits and feasibility of pursuing a commercial-military cargo initiative for the C–17 Globemaster aircraft and determine whether such an initiative is in the national interest; and

(2) if the Secretary determines that such an initiative is in the national interest, take appropriate actions to coordinate with the Federal Aviation Administration to achieve the type certification for such aircraft required by section 21.27 of title 14, Code of Federal Regulations.

Subtitle E—Reports

SEC. 1051. REPEAL OF REQUIREMENT TO SUBMIT CERTAIN ANNUAL REPORTS TO CONGRESS REGARDING ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.

(a) REPEAL OF CERTAIN REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—Section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 95–525; 98 Stat. 2576) is amended by striking subsections (c) and (d).

(b) REPEAL OF REPORT ON COST-SHARING.—Section 1313 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2894) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsections (c).

SEC. 1052. REPORT ON DETENTION OPERATIONS IN IRAQ.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on detention operations at theater internment facilities in Iraq during the period beginning on January 1, 2007, and ending on the date of the report.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed description of the policies and procedures governing detention operations at theater internment facilities in Iraq during the period covered by the report, and a description of any changes to such policies and procedures during that period intended to incorporate counterinsurgency doctrine within such detention operations.

(2) A detailed description of the policies and programs instituted to prepare detainees for reintegration following their release from detention in theater interment facilities in Iraq, including programs of family visits and outreach, religious counseling, literacy, basic education, and vocational skills.

(3) A detailed description of the procedures for reviewing the detention status of individuals under detention in theater detention facilities in Iraq during the period covered by the report, including the procedures of the Multinational Forces Review Committee, and an assessment of the effect, if any, on United States detention policy and procedures with respect to Iraq of the General

Amnesty Law approved by the Council of Representatives on February 13, 2008, and signed by the Presidency Council on February 26, 2008.

(4) Information for each month of the period covered by the report as follows:

(A) The detainee population at each theater internment facility in Iraq as of the end of such month.

(B) The number of detainees released from detention in theater internment facilities in Iraq during such month both in aggregate and in number released from each such theater internment facility.

(C) The number of detainees in theater internment facilities in Iraq turned over to the control of the Government of Iraq for criminal prosecution during such month.

(5) Information on the length of detainments in the theater internment facilities in Iraq as of each of January 1, 2007, and January 1, 2008, with a stratification of the number of individuals who had been so detained at each such date by six-month increments.

(6) A description and assessment of the effects of changes in detention operations and reintegration programs at theater internment facilities in Iraq during the period of the report, including changes in levels of violence within internment facilities and in rates of recapture of detainees released from detention in internment facilities.

(7) A statement of the costs of establishing and operating reintegration centers in Iraq and of the share of such costs to be paid by the Government of Iraq, and a description of plans for the transition of such centers to the control of the Government of Iraq.

(8) A description of—

(A) the lessons learned regarding detention operations in a counterinsurgency operation, an assessment of how such lessons could be applied to detention operations elsewhere (including in Afghanistan and at Guantanamo Bay, Cuba); and

(B) any efforts to integrate such lessons into Department of Defense directives, joint doctrine, mission rehearsal exercises for deploying forces, and training for units involved in detention and interrogation operations.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1053. STRATEGIC PLAN TO ENHANCE THE ROLE OF THE NATIONAL GUARD AND RESERVES IN THE NATIONAL DEFENSE.

(a) STRATEGIC PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall develop a strategic plan to enhance the role of the National Guard and Reserves in the national defense, including—

(A) the transition of the reserve components of the Armed Forces from a strategic force to an operational force;

(B) the achievement of a fully-integrated total force (including further development of the continuum of service); and

(C) the enhancement of the role of the reserve components of the Armed Forces in homeland defense.

(2) CONSULTATION.—The Secretary shall develop the strategic plan required by this subsection in consultation with the Chairman of the Joint Chiefs of Staff and the Chief of the National Guard Bureau.

(b) CONSIDERATION OF EXISTING FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the strategic plan required by subsection (a), the Secretary shall consider the following:

(1) The findings and recommendations of the final report of the Commission on the National Guard and Reserves.

(2) The findings and recommendations of the Center for Strategic and International Studies on the future of the National Guard and Reserves.

(3) The policies expressed in the provisions of the bill S. 2760 of the 110th Congress, to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

(4) Current policies and practices of the Department of Defense for the utilization of members and units of the reserve components of the Armed Forces.

(c) ELEMENTS.—The strategic plan required by subsection (a) shall include the following:

(1) A description of the legislative, organizational, and administrative actions required to make the reserve components of the Armed Forces a sustainable operational force.

(2) A description of the legislative, organizational, and administrative actions required to enhance the Department of Defense role in homeland defense and support of civil authorities, with particular emphasis on the role of the reserve components of the Armed Forces in such role.

(3) A description of the legislative, organizational, and administrative actions required to create a continuum of service in the reserve components of the Armed Forces, including a personnel management system for an integrated total force that will facilitate the seamless transition of members of National Guard and Reserves on and off active duty to meet mission requirements and permit different levels of participation by such members in the Armed Forces over the course of a military career.

(4) A description of the legislative and administrative actions required to develop a ready, capable, and available operational reserve for the Armed Forces.

(5) A description of the legislative and administrative actions required to reform organizations and institutions to support an operational reserve for the Armed Forces.

(6) A description of the legislative and administrative actions required to enhance support to members of the Armed Forces, including members of the reserve components of the Armed Forces, their families, and their employers.

(d) DEADLINE FOR SUBMITTAL.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan required by subsection (a) not later than July 1, 2009.

SEC. 1054. REVIEW OF NONNUCLEAR PROMPT GLOBAL STRIKE CONCEPT DEMONSTRATIONS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of State, conduct a review of each nonnuclear prompt global strike concept demonstration with respect to which the President requests funding in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) ELEMENTS.—The review required by subsection (a) shall include, for each concept demonstration described in that subsection, the following:

(1) The full cost of such concept demonstration.

(2) An assessment of any policy, legal, or treaty-related issues that could arise during the course of, or as a result of, such concept demonstration.

(3) The extent to which the concept demonstrated could be misconstrued as a nuclear weapon or delivery system.

(4) An assessment of the potential basing and deployment options for the concept demonstrated.

(5) A description of the types of targets against which the concept demonstrated might be used.

(c) REPORT.—Not later than 30 days after the date on which the President submits to Congress the budget for fiscal year 2010 (as so submitted), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the review required by subsection (a).

SEC. 1055. REVIEW OF BANDWIDTH CAPACITY REQUIREMENTS OF THE DEPARTMENT OF DEFENSE AND THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall conduct a joint review of the bandwidth capacity requirements of the Department of Defense and the intelligence community in the near term, mid term, and long term.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the following:

(1) The current bandwidth capacities of the Department of Defense and the intelligence community to transport data, including Government and commercial ground networks and satellite systems.

(2) The bandwidth capacities anticipated to be available to the Department of Defense and the intelligence community to transport data in the near term, mid term, and long term.

(3) The bandwidth and data requirements of current major operational systems of the Department of Defense and the intelligence community, including an assessment of—

(A) whether such requirements are being appropriately met by the bandwidth capacities described in paragraph (1); and

(B) the degree to which any such requirements are not being met by such bandwidth capacities.

(4) The anticipated bandwidth and data requirements of major operational systems of the Department of Defense and the intelligence community planned for each of the near term, mid term, and long term, including an assessment of—

(A) whether such anticipated requirements will be appropriately met by the bandwidth capacities described in paragraph (2); and

(B) the degree to which any such requirements are not anticipated to be met by such bandwidth capacities.

(5) Any mitigation concepts that could be used to satisfy any unmet bandwidth and data requirements.

(6) The costs of meeting the bandwidth and data requirements described in paragraphs (3) and (4).

(7) Any actions necessary to integrate or consolidate the information networks of the Department of Defense and the intelligence community.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth the results of the review required by subsection (a).

(d) FORMAL REVIEW PROCESS FOR BANDWIDTH REQUIREMENTS.—The Secretary of Defense and the Director of National Intelligence shall, as part of the Milestone B or Key Decision Point B approval process for any major defense acquisition program or major system acquisition program, establish a formal review process to ensure that—

(1) the bandwidth requirements needed to support such program are or will be met; and

(2) a determination will be made with respect to how to meet the bandwidth requirements for such program.

(e) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) LONG TERM.—The term ''long term'' means the five-year period beginning on the date that is 10 years after the date of the enactment of this Act.

(3) MID TERM.—The term ''mid term'' means the five-year period beginning on the date that is five years after the date of the enactment of this Act.

(4) NEAR TERM.—The term ''near term'' means the five-year period beginning on the date of the enactment of this Act.

Subtitle F—Wounded Warrior Matters

SEC. 1061. MODIFICATION OF UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.

(a) RETIREMENT OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1201(b)(3)(B)(i) of title 10, United States Code, is amended—

(1) by striking ''the member has six months or more of active military service and''; and

(2) by striking ''(unless compelling evidence'' and all that follows through ''active duty)'' and inserting ''(unless clear and unmistakable evidence demonstrates that the disability existed before the member's entrance on active duty and was not aggravated by active military service)''.

(b) SEPARATION OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1203(b)(4)(B) of such title is amended—

(1) by striking ''the member has six months or more of active military service, and''; and

(2) by striking ''(unless compelling evidence'' and all that follows through ''active duty)'' and inserting ''(unless clear and unmistakable evidence demonstrates that the disability existed before the member's entrance on active duty and was not aggravated by active military service)''.

SEC. 1062. INCLUSION OF SERVICE MEMBERS IN INPATIENT STATUS IN WOUNDED WARRIOR POLICIES AND PROTECTIONS.

Section 1602(7) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 432; 10 U.S.C. 1071 note) is amended by inserting ''inpatient or'' before ''outpatient status''.

SEC. 1063. CLARIFICATION OF CERTAIN INFORMATION SHARING BETWEEN THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS FOR WOUNDED WARRIOR PURPOSES.

(a) IN GENERAL.—Section 1614(b)(11) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 444; 10 U.S.C. 1071 note) is amended by inserting before the period at the end the following: ''or that such transfer is otherwise authorized by the regulations implementing such Act''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 28, 2008, as if included in the provisions of the Wounded Warrior Act, to which such amendment relates.

SEC. 1064. ADDITIONAL RESPONSIBILITIES FOR THE WOUNDED WARRIOR RESOURCE CENTER.

Section 1616(a) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 447; 10 U.S.C. 1071 note) is amended in the first sentence by inserting ''receiving legal assistance referral information (where appropriate), receiving other appropriate referral information,'' after ''receiving benefits information,''.

SEC. 1065. RESPONSIBILITY FOR THE CENTER OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT AND REHABILITATION OF TRAUMATIC BRAIN INJURY TO CONDUCT PILOT PROGRAMS ON TREATMENT APPROACHES FOR TRAUMATIC BRAIN INJURY.

Section 1621(c) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 453; 10 U.S.C. 1071 note) is amended—

(1) by redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) To conduct pilot programs to promote or assess the efficacy of approaches to the treatment of all forms of traumatic brain injury, including mild traumatic brain injury.''.

SEC. 1066. CENTER OF EXCELLENCE IN THE MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC EXTREMITY INJURIES AND AMPUTATIONS.

(a) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly establish a center of excellence in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(b) PARTNERSHIPS.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly ensure that the center collaborates with the Department of Veterans Affairs, the Department of Defense, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—The center shall have the responsibilities as follows:

(1) To implement a comprehensive plan and strategy for the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(2) To carry out such other activities to improve and enhance the efforts of the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations as the Secretary of Veterans Affairs and the Secretary of Defense consider appropriate.

(d) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to Congress a report on the activities of the center.

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) In the case of the first report under this subsection, a description of the implementation of the requirements of this Act.

(B) A description and assessment of the activities of the center during the one-year period ending on the date of such report, including an assessment of the role of such activities in improving and enhancing the efforts of the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

SEC. 1067. THREE-YEAR EXTENSION OF SENIOR OVERSIGHT COMMITTEE WITH RESPECT TO WOUNDED WARRIOR MATTERS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take such actions as are appropriate, including the allocation of appropriate personnel, funding, and other resources, to continue the operations of the Senior Oversight Committee until September 30, 2011.

(b) REPORT ON FURTHER EXTENSION OF COMMITTEE.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the joint recommendation of the Secretaries as to the advisability of continuing the operations of the Senior Oversight Committee after September 30, 2011. If the Secretaries recommend that continuing the operations of the Senior Oversight Committee after September 30, 2011, is advisable, the report may include such recommendations for the modification of the responsibilities, composition, or support of the Senior Oversight Committee as the Secretaries jointly consider appropriate.

(c) SENIOR OVERSIGHT COMMITTEE DEFINED.—In this section, the term ''Senior Oversight Committee'' means the Senior Oversight Committee jointly established by the Secretary of Defense and the Secretary of Veterans Affairs in May 2007. The Senior Oversight Committee was established to address concerns related to the treatment of wounded, ill, and injured members of the Armed Forces and veterans and serve as the single point of contact for oversight, strategy, and integration of proposed strategies for the efforts of the Department of Defense and the Department of Veterans Affairs to improve support throughout the recovery, rehabilitation, and reintegration of wounded, ill, or injured members of the Armed Forces.

Subtitle G—Other Matters

SEC. 1081. MILITARY SALUTE FOR THE FLAG DURING THE NATIONAL ANTHEM BY MEMBERS OF THE ARMED FORCES NOT IN UNIFORM AND BY VETERANS.

Section 301(b)(1) of title 36, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

''(A) individuals in uniform should give the military salute at the first note of the anthem and maintain that position until the last note;

''(B) members of the Armed Forces and veterans who are present but not in uniform may render the military salute in the manner provided for individuals in uniform; and

''(C) all other persons present should face the flag and stand at attention with their right hand over the heart, and men not in uniform, if applicable, should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart; and''.

SEC. 1082. MODIFICATION OF DEADLINES FOR STANDARDS REQUIRED FOR ENTRY TO MILITARY INSTALLATIONS IN THE UNITED STATES.

Section 1069(c) of the National Defense Authorization Act of Fiscal Year 2008 (Public Law 110–181; 122 Stat. 327) is amended—

(1) in paragraph (1)—

(A) by striking ''July 1, 2008'' and inserting ''February 1, 2009''; and

(B) by striking ''January 1, 2009'' and inserting ''October 1, 2012''; and

(2) in paragraph (2), by striking ''implemented'' and inserting ''developed''.

SEC. 1083. SUSPENSION OF STATUTES OF LIMITATIONS WHEN CONGRESS AUTHORIZES THE USE OF MILITARY FORCE.

Section 3287 of title 18, United States Code, is amended—

(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the

Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. DEPARTMENT OF DEFENSE STRATEGIC HUMAN CAPITAL PLANS.

(a) CODIFICATION OF ANNUAL REQUIREMENT FOR PLAN.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

''§ 115b. Department of Defense strategic human capital plans

''(a) ANNUAL PLAN REQUIRED.—The Secretary of Defense shall submit to Congress on an annual basis a strategic human capital plan to shape and improve the civilian employee workforce of the Department of Defense. The plan shall be submitted not later than March 1 each year.

''(b) CONTENTS.—Each strategic human capital plan under subsection (a) shall include the following:

''(1) An assessment of—

''(A) the critical skills and competencies that will be needed in the future civilian employee workforce of the Department of Defense to support national security requirements and effectively manage the Department over the next decade;

''(B) the skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraph (A).

''(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

''(A) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals; and

''(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies.

''(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic human capital plan under this section during the previous year.

''(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—(1) Each strategic human capital plan under subsection (a) shall specifically address the shaping and improvement of the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense.

''(2) For purposes of paragraph (1), each plan shall include, at a minimum, the following:

''(A) An assessment of—

''(i) the needs of the Department for senior management, functional, and technical personnel (including scientists and engineers) in light of recent trends and projected changes in the mission and organization of the Department and in light of staff support needed to accomplish that mission;

''(ii) the capability of the existing civilian employee workforce of the Department to meet requirements relating to the mission of the Department, including the impact on that capability of projected trends in the senior management, functional, and technical personnel workforce of the Department based on expected losses due to retirement and other attrition; and

''(iii) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the senior management, functional, and technical personnel (including scientists and engineers) it needs.

''(B) A plan of action for developing and reshaping the senior management, functional, and technical workforce of the Department to address the gaps identified under subparagraph (A)(iii), including—

''(i) any legislative or administrative action that may be needed to adjust the requirements applicable to any category of civilian personnel identified in paragraph (3) or to establish a new category of senior management or technical personnel;

''(ii) any changes in the number of personnel authorized in any category of personnel identified in subsection (b) that may be needed to address such gaps and effectively meet the needs of the Department;

''(iii) any changes in the rates or methods of pay for any category of personnel identified in paragraph (3) that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department;

''(iv) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals;

''(v) specific strategies for developing, training, deploying, compensating, motivating, and designing career paths and career opportunities for the senior management, functional, and technical workforce of the Department, including the program objectives of the Department to be achieved through such strategies; and

''(vi) specific steps that the Department has taken or plans to take to ensure that the senior management, functional, and technical workforce of the Department is managed in compliance with the requirements of section 129 of this title.

''(3) For purposes of this subsection, the senior management, functional, and technical workforce of the Department of Defense includes the following categories of Department of Defense civilian personnel:

''(A) Appointees in the Senior Executive Service under section 3131 of title 5.

''(B) Persons serving in positions described in section 5376(a) of title 5.

''(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

''(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

''(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

''(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

''(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

''(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic human capital plan under subsection (a) shall specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

''(2) For purposes of paragraph (1), each plan shall include, at a minimum, the following:

''(A) An assessment of—

''(i) the skills and competencies needed in the military and civilian workforce of the Department of Defense to effectively manage the acquisition programs and activities of the Department over the next decade;

''(ii) the skills and competencies of the existing military and civilian acquisition workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(iii) gaps in the existing or projected military and civilian acquisition workforce that should be addressed to ensure that the Department has access to the skills and competencies identified pursuant to clauses (i) and (ii).

''(B) A plan of action that establishes specific objectives for developing and reshaping the military and civilian acquisition workforce of the Department to address the gaps in skills and competencies identified under subparagraph (A), including—

''(i) specific recruiting and retention goals; and

''(ii) specific strategies and incentives for developing, training, deploying, compensating, and motivating the military and civilian acquisition workforce of the Department to achieve such goals.

''(C) A plan for funding needed improvements in the military and civilian acquisition workforce of the Department, including—

''(i) an identification of the funding programmed for defense acquisition workforce improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title;

''(ii) an identification of the funding programmed for defense acquisition workforce training in the future-years defense program, including a specific identification of funding provided by the acquisition workforce training fund established under section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3));

''(iii) a description of how the funding identified pursuant to clauses (i) and (ii) will be implemented during the fiscal year concerned to address the areas of need identified in accordance with subparagraph (A);

''(iv) a statement of whether the funding identified under clauses (i) and (ii) is being fully used; and

''(v) a description of any continuing shortfall in funding available for the defense acquisition workforce.

''(e) SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.—The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section. The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into

the strategic human capital plans required by this section.

''(f) GAPS IN THE WORKFORCE.—(1) The Secretary of Defense may not conduct a public-private competition under chapter 126 of this title, Office of Management and Budget Circular A–76, or any other provision of law or regulation before expanding the civilian workforce of the Department of Defense to address a gap in the workforce identified under this section.

''(2) For purposes of this section, gaps in the workforce include—

''(A) shortcomings in the skills and competencies of employees; and

''(B) shortcomings in the number of employees possessing such skills and competencies.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 115a the following new item:

''115b. Department of Defense strategic human capital plans.''.

(b) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after date on which the Secretary of Defense submits to Congress an annual strategic human capital plan under section 115b of title 10, United States Code (as added by subsection (a)), in each of 2009, 2010, 2011 and 2012, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plan so submitted.

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3452; 10 U.S.C. note prec. 1580).

(2) Section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 119–364; 120 Stat. 2407).

(3) Section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 247; 10 U.S.C. note prec. 1580).

SEC. 1102. CONDITIONAL INCREASE IN AUTHORIZED NUMBER OF DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE PERSONNEL.

(a) IN GENERAL.—Section 1606(a) of title 10, United States Code, is amended—

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

(2) by striking the second sentence and inserting the following:

''(2)(A) The number of positions in the Defense Intelligence Senior Executive Service in any fiscal year after fiscal year after fiscal year 2008 may not exceed the lesser of the following:

''(i) The number of such positions authorized on September 30, 2007, as adjusted by the percentage specified in subparagraph (B) for such fiscal year.

''(ii) 694.

''(B) The percentage specified in this subparagraph for a fiscal year is the percentage by which the authorized number of Department of Defense positions in the Senior Executive Service has been increased as of the end of the preceding fiscal year over the number of such positions authorized on September 30, 2007.

''(3) Priority shall be given in the allocation of any increase in the number of authorized positions in the Defense Intelligence Senior Executive Service after fiscal year 2008 to components of the intelligence community within the Department of Defense in which the ratio of senior executives to employees other than senior executives is the lowest.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1103. ENHANCEMENT OF AUTHORITIES RELATING TO ADDITIONAL POSITIONS UNDER THE NATIONAL SECURITY PERSONNEL SYSTEM.

Section 9902(i) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''(except that the limitations of chapter 33 may be waived to the extent necessary to achieve the purposes of this subsection)'' after ''the limitations in subsection (b)(3)''; and

(2) in paragraph (2), by inserting before the period at the end the following: ''in a manner comparable to the manner in which such provisions are applied under chapter 33''.

SEC. 1104. EXPEDITED HIRING AUTHORITY FOR HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(1) designate any category of health care position within the Department of Defense as a shortage category position if the Secretary determines that there exists a severe shortage of candidates for such position or there is a critical hiring need for such position; and

(2) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) TERMINATION OF AUTHORITY.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2012.

SEC. 1105. ELECTION OF INSURANCE COVERAGE BY FEDERAL CIVILIAN EMPLOYEES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) AUTOMATIC COVERAGE.—Section 8702(c) of title 5, United States Code, is amended—

(1) by inserting ''an employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or'' after ''subsection (b)''; and

(2) by inserting ''notification of deployment or'' after ''the date of the''.

(b) OPTIONAL INSURANCE.—Section 8714a(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated the following new paragraph (1):

''(1) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.''.

(c) ADDITIONAL OPTIONAL LIFE INSURANCE.—Section 8714b(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated the following new paragraph (1):

''(2) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.''.

SEC. 1106. PERMANENT EXTENSION OF DEPARTMENT OF DEFENSE VOLUNTARY REDUCTION IN FORCE AUTHORITY.

Section 3502(f) of title 5, United States Code, is amended by striking paragraph (5).

SEC. 1107. FOUR-YEAR EXTENSION OF AUTHORITY TO MAKE LUMP SUM SEVERANCE PAYMENTS WITH RESPECT TO DEPARTMENT OF DEFENSE EMPLOYEES.

Section 5595(i)(4) of title 5, United States Code, is amended by striking ''October 1, 2010'' and inserting ''October 1, 2014''.

SEC. 1108. AUTHORITY TO WAIVE LIMITATIONS ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS UNDER AREAS OF UNITED STATES CENTRAL COMMAND.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding sections 5307 and 5547 of title 5, United States Code, the head of an Executive agency (as that term is defined in section 105 of title 5, United States Code) may, during calendar year 2009, waive limitations on the aggregate on basic pay and premium pay payable in such calendar year, and on allowances, differentials, bonuses, awards, and similar cash payments payable in such calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the United States Central Command in direct support of, or directly related to—

(A) a military operation, including a contingency operation; or

(B) an operation in response to a declared emergency.

(2) LIMITATION.—The total annual compensation payable to an employee pursuant to a waiver under this subsection may not exceed the total annual compensation payable to the Vice President under section 104 of title 3, United States Code.

(b) ROLLOVER OF EARNED PAY TO SUBSEQUENT YEAR.—Any amount that would otherwise be paid an employee in calendar year 2009 under a waiver under subsection (a)(1) except for the limitation in subsection (a)(2) shall be paid to the employee in a lump sum at the beginning of calendar year 2010. Any amount paid an employee under this subsection in calendar year 2010 shall be taken into account as if the limitation in subsection (a)(2) was applicable to the employee in calendar year 2010.

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall such additional pay be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(d) REGULATIONS.—The Director of the Office of Personnel Management may prescribe regulations to ensure appropriate consistency among heads of Executive agencies in the exercise of the authority granted by this section.

SEC. 1109. TECHNICAL AMENDMENT RELATING TO DEFINITION OF PROFESSIONAL ACCOUNTING POSITION FOR PURPOSES OF CERTIFICATION AND CREDENTIALING STANDARDS.

Section 1599d(e) of title 10, United States Code, is amended by striking ''GS–510, GS–511, and GS–505'' and inserting ''0505, 0510, 0511, or equivalent''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. INCREASE IN AMOUNT AVAILABLE FOR COSTS OF EDUCATION AND TRAINING OF FOREIGN MILITARY FORCES UNDER REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

(a) INCREASE IN AMOUNT.—Section 2249c(b) of title 10, United States Code, is amended by striking ''$25,000,000'' and inserting ''$35,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 1202. AUTHORITY FOR DISTRIBUTION TO CERTAIN FOREIGN PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE MILITARY INTEROPERABILITY WITH THE ARMED FORCES.

(a) AUTHORITY FOR DISTRIBUTION.—

(1) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces

''(a) DISTRIBUTION AUTHORIZED.—To enhance interoperability between the armed forces and military forces of friendly foreign nations, the Secretary of Defense, with the concurrence of the Secretary of State, may—

''(1) provide to personnel referred to in subsection (b) electronically-distributed learning content for the education and training of such personnel for the development or enhancement of allied and friendly military and civilian capabilities for multinational operations, including joint exercises and coalition operations; and

''(2) provide information technology, including computer software developed for such purpose, but only to the extent necessary to support the use of such learning content for the education and training of such personnel.

''(b) AUTHORIZED RECIPIENTS.—The personnel to whom learning content and information technology may be provided under subsection (a) are military and civilian personnel of a friendly foreign government, with the permission of that government.

''(c) EDUCATION AND TRAINING.—Any education and training provided under subsection (a) shall include the following:

''(1) Internet-based education and training.

''(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer-assisted exercises.

''(d) APPLICABILITY OF EXPORT CONTROL REGIMES.—The provision of learning content and information technology under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign nations.

''(e) GUIDANCE ON UTILIZATION OF AUTHORITY.—

''(1) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance on the procedures for the use of the authority in this section.

''(2) MODIFICATION.—If the Secretary modifies the guidance issued under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report setting forth the modified guidance not later than 30 days after the date of such modification.

''(f) ANNUAL REPORT.—

''(1) REPORT REQUIRED.—Not later than October 31 following each fiscal year in which the authority in this section is used, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the exercise of the authority during such fiscal year.

''(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) A statement of the recipients of learning content and information technology provided under this section.

''(B) A description of the type, quantity, and value of the learning content and information technology provided under this section.

''(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Armed Services of the Senate; and

''(2) the Committee on Armed Services of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by adding at the end the following new item:

''2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.''.

(b) GUIDANCE ON UTILIZATION OF AUTHORITY.—

(1) SUBMITTAL TO CONGRESS.—Not later than 30 days after issuing the guidance required by section 2249d(e) of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such guidance.

(2) UTILIZATION OF SIMILAR GUIDANCE.—In developing the guidance required by section 2249d(e) of title 10, United States Code, as so added, the Secretary may utilize applicable portions of the current guidance developed by the Secretary under subsection (f) of section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2419) for purposes of the exercise of the authority in such section 1207.

(c) REPEAL OF SUPERSEDED AUTHORITY.—

(1) IN GENERAL.—Section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is repealed.

(2) SUBMITTAL OF FINAL REPORT ON EXERCISE OF AUTHORITY.—If the Secretary of Defense exercised the authority in section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 during fiscal year 2008, the Secretary shall submit the report required by subsection (g) of such section for such fiscal year in accordance with the provisions of such subsection (g) without regard to the repeal of such section under paragraph (1).

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2008.

SEC. 1203. EXTENSION AND EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) IN GENERAL.—Subsection (a) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is amended—

(1) by inserting '', with the concurrence of the relevant Chief of Mission,'' after ''may''; and

(2) by striking ''$25,000,000'' and inserting ''$35,000,000''.

(b) TIMING OF NOTICE ON PROVISION OF SUPPORT.—Subsection (c) of such section is amended by striking ''in not less than 48 hours'' and inserting ''within 48 hours''.

(c) EXTENSION.—Subsection (h) of such section, as amended by section 1202(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 364), is further amended by striking ''2010'' and inserting ''2011''.

(d) TECHNICAL AMENDMENT.—The heading of such section is amended by striking ''military operations'' and inserting ''special operations''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1204. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) BUILDING OF CAPACITY OF ADDITIONAL FOREIGN FORCES.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418), is further amended by striking ''a program'' and all that follows and inserting ''a program or programs as follows:

''(1) To build the capacity of a foreign country's national military forces in order for that country to—

''(A) conduct counterterrorism operations; or

''(B) participate in or support military and stability operations in which the United States Armed Forces are participating.

''(2) To build the capacity of a foreign country's coast guard, border protection, and other security forces engaged primarily in counterterrorism missions in order for that country to conduct counterterrorism operations.''.

(b) DISCHARGE THROUGH GRANTS.—Subsection (b)(1) of such section, as so amended, is further amended by inserting ''may be carried out by grant and'' before ''may include the provision''.

(c) FUNDING.—Subsection (c) of such section, as so amended, is further amended—

(1) in paragraph (1), by striking ''$300,000,000'' and inserting ''$400,000,000''; and

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

''(4) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—Amounts available under this subsection for the authority in subsection (a) for a fiscal year may be used for programs under that authority that begin in such fiscal year but end in the next fiscal year.''.

(d) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as so amended, is further amended—

(1) by striking ''September 30, 2008'' and inserting ''September 30, 2011''; and

(2) by striking ''fiscal year 2006, 2007, or 2008'' and inserting ''fiscal years 2006 through 2011''.

SEC. 1205. EXTENSION OF AUTHORITY AND INCREASED FUNDING FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) INCREASE IN MAXIMUM AMOUNT OF ASSISTANCE.—Subsection (b) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458) is amended by striking ''$100,000,000'' and inserting ''$200,000,000''.

(b) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as amended by section 1210(b) of the National Defense Authorization Act for Fiscal Year

2008 (Public Law 110–181; 122 Stat. 369), is further amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1206. FOUR-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

Section 1202(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as amended by section 1252(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 402), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2013''.

SEC. 1207. AUTHORITY FOR USE OF FUNDS FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) AUTHORITY FOR USE OF FUNDS.—

(1) IN GENERAL.—The Commander of a combatant command may, with the concurrence of the relevant Chief of Mission, expend amounts authorized to be appropriated for a fiscal year by section 301(2) for Operation and Maintenance, Navy to establish, develop, and maintain non-conventional assisted recovery capabilities in a foreign country if the Commander determines that expenditure of such funds for that purpose is necessary in connection with support of non-conventional assisted recovery efforts in that foreign country.

(2) LIMITATION ON AMOUNT.—The total amount of funds that may be expended under the authority in subsection (a) in each of fiscal years 2009 and 2010 may not exceed $20,000,000.

(b) SCOPE OF EFFORTS SUPPORTABLE.—

(1) IN GENERAL.—In expending funds under the authority in subsection (a), the Commander of a combatant command may provide support to surrogate or irregular groups or individuals in order to facilitate the recovery of military or civilian personnel of the Department of Defense (including the Coast Guard), and other individuals who, while conducting activities in support of United States military operations, become separated or isolated from friendly forces.

(2) SUPPORT.—The support provided under paragraph (1) may include, but is not limited to, the provision of equipment, supplies, training, transportation, and other logistical support or funding to support operations and activities for the recovery of personnel and individuals as described in that paragraph.

(c) PROCEDURES.—

(1) PROCEDURES REQUIRED.—The Secretary of Defense shall establish procedures for the exercise of the authority in subsection (a).

(2) NOTICE.—The Secretary shall notify the congressional defense committees of the procedures established under paragraph (1) before any exercise of the authority in subsection (a).

(d) NOTICE TO CONGRESS ON USE OF AUTHORITY.—Upon using the authority in subsection (a) to make funds available for support of non-conventional assisted recovery activities, the Secretary of Defense shall notify the congressional defense committees expeditiously, and in any event within 48 hours, of the use of such authority with respect to support of such activities. Such notice need be provided only once with respect to support of particular activities. Any such notice shall be in writing.

(e) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(f) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on the support provided under that subsection during such fiscal year. Each such report shall describe the support provided, including a statement of the recipient of the support and the amount obligated to provide the support.

(g) EXPIRATION.—The authority in subsection (a) shall expire on September 30, 2010.

Subtitle B—Department of Defense Participation in Bilateral, Multilateral, and Regional Cooperation Programs

SEC. 1211. AVAILABILITY ACROSS FISCAL YEARS OF FUNDS FOR MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.

(a) IN GENERAL.—Section 168(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs or activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 168 of title 10, United States Code (as so amended), that begin on or after that date.

SEC. 1212. ENHANCEMENT OF AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—

(1) IN GENERAL.—Section 184(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Funds available to carry out this section, including funds accepted under paragraph (4) and funds available under paragraph (5), shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 184 of title 10, United States Code (as so amended), that begin on or after that date.

(b) TEMPORARY WAIVER OF REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL.—

(1) AUTHORITY FOR TEMPORARY WAIVER.—In fiscal years 2009 and 2010, the Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under subsection (f) of section 184 of title 10, United States Code, of the costs of activities of Regional Centers under such section for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States.

(2) LIMITATION.—The amount of reimbursement that may be waived under paragraph (1) in any fiscal year may not exceed $1,000,000.

(3) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report under section 184(h) of title 10, United States Code, in 2010 and 2011 information on the attendance of personnel of nongovernmental and international organizations in activities of the Regional Centers during the preceding fiscal year for which a waiver of reimbursement was made under paragraph (1), including information on the costs incurred by the United States for the participation of personnel of each nongovernmental or international organization that so attended.

SEC. 1213. PAYMENT OF PERSONNEL EXPENSES FOR MULTILATERAL COOPERATION PROGRAMS.

(a) EXPANSION OF AUTHORITY FOR BILATERAL AND REGIONAL PROGRAMS TO COVER MULTILATERAL PROGRAMS.—Section 1051 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''a bilateral'' and inserting ''a multilateral, bilateral,''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''to and'' and inserting ''to, from, and''; and

(ii) by striking ''bilateral'' and inserting ''multilateral, bilateral,''; and

(B) in paragraph (2), by striking ''bilateral'' and inserting ''multilateral, bilateral,''.

(b) AVAILABILITY OF FUNDS FOR PROGRAMS AND ACTIVITIES ACROSS FISCAL YEARS.—Such section is further amended by adding at the end the following new subsection:

''(e) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1051 and inserting the following new item:

''1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses.''.

SEC. 1214. PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2350m. Participation in multinational military centers of excellence

''(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the armed forces and Department of Defense civilian personnel in any multinational military center of excellence hosted by any nation or combination of nations referred to in subsection (b) for purposes of—

''(1) enhancing the ability of military forces and civilian personnel of the nations participating in such center to engage in joint exercises or coalition or international military operations; or

''(2) improving interoperability between the armed forces and the military forces of friendly foreign nations.

''(b) COVERED NATIONS.—The nations referred to in this subsection are the following:

''(1) The United States.

''(2) Any member nation of the North Atlantic Treaty Organization (NATO).

''(3) Any major non-NATO ally.

''(4) Any other friendly foreign nation identified by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

''(c) MEMORANDUM OF UNDERSTANDING.—(1) The participation of members of the armed forces or Department of Defense civilian personnel in a multinational military center of excellence under subsection (a) shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

''(2) If Department of Defense facilities, equipment, or funds are used to support a multinational military center of excellence under subsection (a), the memoranda of understanding under paragraph (1) with respect to that center shall provide details of any cost-sharing arrangement or other funding arrangement.

''(d) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

''(A) To pay the United States share of the operating expenses of any multinational military center of excellence in which the United States participates under this section.

''(B) To pay the costs of the participation of members of the armed forces and Department of Defense civilian personnel in multinational military centers of excellence under this section, including the costs of expenses of such participants.

''(2) No funds may be used under this section to fund the pay or salaries of members of the armed forces and Department of Defense civilian personnel who participate in multinational military centers of excellence under this section.

''(e) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

''(f) ANNUAL REPORTS ON USE OF AUTHORITY.—(1) Not later than October 31, 2009, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the use of the authority in this section during the preceding fiscal year.

''(2) Each report required by paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) A detailed description of the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence under the authority of this section.

''(B) For each multinational military center of excellence in which the Department of Defense, or members of the armed forces or civilian personnel of the Department, so participated—

''(i) a description of such multinational military center of excellence;

''(ii) a description of the activities participated in by the Department, or by members of the armed forces or civilian personnel of the Department; and

''(iii) a statement of the costs of the Department for such participation, including—

''(I) a statement of the United States share of the expenses of such center and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

''(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the authority of this section by category of costs).

''(g) DEFINITIONS.—In this section:

''(1) The term 'multinational military center of excellence' means an entity sponsored by one or more nations that is accredited and approved by the Military Committee of the North Atlantic Treaty Organization (NATO) as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of NATO by providing such personnel opportunities to—

''(A) enhance education and training;

''(B) improve interoperability and capabilities;

''(C) assist in the development of doctrine; and

''(D) validate concepts through experimentation.

''(2) The term 'major non-NATO ally' means a country (other than a member nation of the North Atlantic Treaty Organization) that is designated as a major non-NATO ally pursuant to section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

''2350m. Participation in multinational military centers of excellence.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

Subtitle C—Other Authorities and Limitations

SEC. 1221. WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA.

(a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)) for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to ensure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of the enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

Subtitle D—Reports

SEC. 1231. EXTENSION AND MODIFICATION OF UPDATES ON REPORT ON CLAIMS RELATING TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

Section 122(b)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465), as amended by section 1262(1)(B) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 405), is further amended—

(1) by striking ''Not later than one year after enactment of this Act, and not later than two years after enactment of this Act'' and inserting ''Not later than the end of each calendar quarter ending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009''; and

(2) by adding at the end the following new sentence: ''Each update under this paragraph after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009 shall be submitted in unclassified form, but may include a classified annex.''.

SEC. 1232. REPORT ON UTILIZATION OF CERTAIN GLOBAL PARTNERSHIP AUTHORITIES.

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report on the implementation of the Building

Global Partnership authorities during the period beginning on the date of the enactment of this Act and ending on September 30, 2010.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed summary of the programs conducted under the Building Global Partnership authorities during the period covered by the report, including, for each country receiving assistance under such a program, a description of the assistance provided and its cost.

(2) An assessment of the impact of the assistance provided under the Building Global Partnership authorities with respect to each country receiving assistance under such authorities.

(3) A description of—

(A) the processes used by the Department of Defense and the Department of State to jointly formulate, prioritize, and select projects to be funded under the Building Global Partnership authorities; and

(B) the processes, if any, used by the Department of Defense and the Department of State to evaluate the success of each project so funded after its completion.

(4) A statement of the projects initiated under the Building Global Partnership authorities that were subsequently transitioned to and sustained under the authorities of the Foreign Assistance Act of 1961 or other authorities.

(5) An assessment of the utility of the Building Global Partnership authorities, and of any gaps in such authorities, including an assessment of the feasability and advisability of continuing such authorities beyond their current dates of expiration (whether in their current form or with such modifications as the Secretary of Defense and the Secretary of State jointly consider appropriate).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

(2) BUILDING GLOBAL PARTNERSHIP AUTHORITIES.—The term ''Building Global Partnership authorities'' means the following:

(A) AUTHORITY FOR BUILDING CAPACITY OF FOREIGN MILITARY FORCES.—The authorities provided in section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418) and section 1204 of this Act.

(B) AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.—The authorities provided in section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3458), as amended by section 1210 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369) and section 1205 of this Act.

(C) CIVIC ASSISTANCE AUTHORITIES UNDER COMBATANT COMMANDER INITIATIVE FUND.—The authority to engage in urgent and unanticipated civic assistance under the Combatant Commander Initiative Fund under section 166a(b)(6) of title 10, United States Code, as a result of the amendments made by section 902 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2351).

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2009 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2009 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $434,135,000 authorized to be appropriated to the Department of Defense for fiscal year 2009 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $79,985,000.

(2) For nuclear weapons storage security in Russia, $33,101,000.

(3) For nuclear weapons transportation security in Russia, $40,800,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $50,286,000.

(5) For biological threat reduction in the states of the former Soviet Union, $184,463,000.

(6) For chemical weapons destruction in Russia, $1,000,000.

(7) For threat reduction outside the former Soviet Union, $10,000,000.

(8) For defense and military contacts, $8,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $20,100,000.

(10) For strategic offensive arms elimination in Ukraine, $6,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2009 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2009 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $198,150,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,291,084,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the National Defense Sealift Fund in the amount of $1,608,553,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $24,802,202,000, of which—

(1) $24,301,359,000 is for Operation and Maintenance;

(2) $196,938,000 is for Research, Development, Test, and Evaluation; and

(3) $303,905,000 is for Procurement.

(b) SOURCE OF CERTAIN FUNDS.—Of the amount available under subsection (a), $1,300,000,000 shall, to the extent provided in advance in an Act making appropriations for fiscal year 2009, be available by transfer from the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h).

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,485,634,000, of which—

(1) $1,152,668,000 is for Operation and Maintenance;

(2) $268,881,000 is for Research, Development, Test, and Evaluation; and

(3) $64,085,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction 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

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,060,463,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $273,845,000, of which—

(1) $270,445,000 is for Operation and Maintenance; and

(2) $3,400,000 is for Procurement.

SEC. 1407. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION.

(a) REDUCTION.—The aggregate amount authorized to be appropriated by this division is the amount equal to the sum of all the amounts authorized to be appropriated by the provisions of this division reduced by $1,048,000,000, to be allocated as follows:

(1) PROCUREMENT.—The aggregate amount authorized to be appropriated by title I is hereby reduced by $313,000,000.

(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The aggregate amount authorized to be appropriated by title II is hereby reduced by $239,000,000.

(3) OPERATION AND MAINTENANCE.—The aggregate amount authorized to be appropriated by title III is hereby reduced by $470,000,000.

(4) OTHER AUTHORIZATIONS.—The aggregate amount authorized to be appropriated by title XIV is hereby reduced by $26,000,000

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of the difference between the inflation assumptions used in the Concurrent Resolution on the Budget for Fiscal Year 2009 when compared with the inflation assumptions used in the budget of the President for fiscal year 2009, as submitted to Congress pursuant to section 1005 of title 31, United States Code.

(c) ALLOCATION OF REDUCTIONS.—The Secretary of Defense shall allocate the reductions required by this section among the amounts authorized to be appropriated for accounts in titles I, II, III, and XIV to reflect the extent to which net savings from lower-than-expected inflations are allocable to amounts authorized to be appropriated to such accounts.

Subtitle B—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2009 from the Armed Forces Retirement Home Trust Fund the sum of $63,010,000 for the operation of the Armed Forces Retirement Home.

Subtitle C—Other Matters

SEC. 1431. RESPONSIBILITIES FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS IN COLORADO AND KENTUCKY.

Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) COLORADO AND KENTUCKY CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.—(1) Notwithstanding subsections (b), (g), and (h), and consistent with section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note) and section 8122 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1566; 50 U.S.C. 1521 note), the Secretary of the Army shall transfer responsibilities for the Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky to the Program Manager for Assembled Chemical Weapons Alternatives.

''(2) In carrying out the responsibilities transferred under paragraph (1), the Program Manager for Assembled Chemical Weapons Alternatives shall take appropriate actions to ensure that each Commission referred to in paragraph (1) retains the capacity to receive citizen and State concerns regarding the ongoing chemical demilitarization program in the State concerned.

''(3) A representative of the Office of the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall meet with each Commission referred to in paragraph (1) not less often than twice a year.

''(4) Funds authorized to be appropriated for the Assembled Chemical Weapons Alternatives Program shall be available for travel and associated travel cost for Commissioners on the Commissions referred to in paragraph (1) when such travel is conducted at the invitation of the Special Assistant for Chemical and Biological Defense and Chemical Demilitarization Programs of the Department of Defense.''.

SEC. 1432. MODIFICATION OF DEFINITION OF "DEPARTMENT OF DEFENSE SEALIFT VESSEL" FOR PURPOSES OF THE NATIONAL DEFENSE SEALIFT FUND.

Section 2218(1)(2) of title 10, United States Code, is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) A maritime prepositioning ship, other than a ship derived from a Navy design for an amphibious ship or auxiliary support vessel.''; and

(2) by striking subparagraph (I).

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for operations in Afghanistan.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Army in amounts as follows:

(1) For aircraft procurement, $250,000,000.

(2) For missile procurement, $12,500,000.

(3) For weapons and tracked combat vehicles procurement, $375,000,000.

(4) For ammunition procurement, $87,500,000.

(5) For other procurement, $1,100,000,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $25,000,000.

(2) For weapons procurement, $12,500,000.

(3) For other procurement, $25,000,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $250,000,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $75,000,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $400,000,000.

(2) For missile procurement, $12,500,000.

(3) For ammunition procurement, $12,500,000.

(4) For other procurement, $150,000,000.

SEC. 1505. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $750,000,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by subsection (c) of this section, shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) MODIFICATION OF FUNDS TRANSFER AUTHORITY.—Subsection (c)(1) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively.

(d) PRIOR NOTICE OF TRANSFER OF FUNDS.—Funds authorized to be appropriated to the Joint Improvised Explosive Device Defeat Fund by subsection (a) may not be obligated from the Fund or transferred in accordance with the provisions of subsection (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as amended by subsection (c) of this section, until five days after the date on which the Secretary of Defense notifies the congressional defense committees of the proposed obligation or transfer.

(e) MODIFICATION OF SUBMITTAL DATE OF REPORTS.—Subsection (e) of such section 1514 is amended by striking ''30 days'' and inserting ''60 days''.

SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, $62,500,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, $100,000,000.

SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $15,000,000.

(2) For the Navy, $15,000,000.

(3) For the Air Force, $15,000,000.

(4) For Defense-wide activities, $15,000,000.

SEC. 1508. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $9,000,000,000.

(2) For the Navy, $500,000,000.

(3) For the Marine Corps, $1,000,000,000.

(4) For the Air Force, $500,000,000.

(5) For Defense-wide activities, $668,750,000.

(6) For the Army Reserve, $12,500,000.

(7) For the Navy Reserve, $7,500,000.

(8) For the Marine Corps Reserve, $10,000,000.

(9) For the Air Force Reserve, $3,750,000.

(10) For the Army National Guard, $75,000,000.

(11) For the Air National Guard, $12,500,000.

SEC. 1509. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $500,000,000.

(2) For the Navy, $25,000,000.

(3) For the Marine Corps, $62,500,000.

(4) For the Air Force, $25,000,000.

(5) For the Army Reserve, $25,000,000.

(6) For the Navy Reserve, $7,500,000.

(7) For the Marine Corps Reserve, $5,000,000.

(8) For the Army National Guard, $100,000,000.

SEC. 1510. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $250,000,000, for the Defense Working Capital Funds.

SEC. 1511. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $155,000,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $150,000,000.

SEC. 1512. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Afghanistan Security Forces Fund in the amount of $3,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funds.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose for which transferred, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE TO CONGRESS OF OBLIGATION OR TRANSFER.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Afghanistan Security Forces Fund for the purposes provided in subsection (b) from any foreign government or international organization. Any amounts so accepted shall be credited to the Afghanistan Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during such fiscal-year quarter.

(h) EXPIRATION OF AUTHORITY.—The authority in this section shall expire on September 30, 2010.

SEC. 1513. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1514. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title and title XVI for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,000,000,000, of which not more than $300,000,000 may be transferred to the Iraq Security Forces Fund.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1515. LIMITATION ON USE OF FUNDS.

(a) REPORT.—Amounts authorized to be appropriated by this title may not be obligated until 15 days after the Secretary of Defense has transmitted to the congressional defense committees a report setting forth the proposed allocation of such amounts at the program, project, or activity level.

(b) EFFECT OF REPORT.—The report required by subsection (a) shall serve as a base for reprogramming for the purposes of sections 1514 and 1001.

SEC. 1516. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR AFGHANISTAN.

(a) IN GENERAL.—In any annual or supplemental budget request for the Department of Defense that is submitted to Congress after the date of the enactment of this Act, the Secretary of Defense shall set forth separately any funding requested in such budget request for operations of the Department of Defense in Afghanistan.

(b) SPECIFICITY OF DISPLAY.—Each budget request under subsection (a) shall—

(1) clearly display the amounts requested in the budget request for the Department of Defense for Afghanistan at the appropriation account level and at the program, project, or activity level; and

(2) also include a detailed description of the assumptions underlying the funding requested in the budget request for the Department of Defense for Afghanistan for the period covered by the budget request, including anticipated troop levels, operating tempos, and reset requirements.

TITLE XVI—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN IRAQ

SEC. 1601. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for operations in Iraq.

SEC. 1602. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Army in amounts as follows:

(1) For aircraft procurement, $750,000,000.

(2) For missile procurement, $37,500,000.

(3) For weapons and tracked combat vehicles procurement, $1,125,000,000.

(4) For ammunition procurement, $262,500,000.

(5) For other procurement, $3,300,000,000.

SEC. 1603. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $75,000,000.

(2) For weapons procurement, $37,500,000.

(3) For other procurement, $75,000,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $750,000,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $225,000,000.

SEC. 1604. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $400,000,000.

(2) For missile procurement, $37,500,000.

(3) For ammunition procurement, $37,500,000.

(4) For other procurement, $450,000,000.

SEC. 1605. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year

2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $2,250,000,000.

(b) RULE OF CONSTRUCTION.—The provisions of section 1505 and the amendments made by that section shall apply to the use of funds authorized to be appropriated by this section.

SEC. 1606. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, $187,500,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, $500,000,000.

SEC. 1607. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $35,000,000.

(2) For the Navy, $35,000,000.

(3) For the Air Force, $35,000,000.

(4) For Defense-wide activities, $35,000,000.

SEC. 1608. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $27,000,000,000.

(2) For the Navy, $1,500,000,000.

(3) For the Marine Corps, $3,000,000,000.

(4) For the Air Force, $1,500,000,000.

(5) For Defense-wide activities, $1,811,250,000.

(6) For the Army Reserve, $37,500,000.

(7) For the Navy Reserve, $22,500,000.

(8) For the Marine Corps Reserve, $30,000,000.

(9) For the Air Force Reserve, $11,250,000.

(10) For the Army National Guard, $225,000,000.

(11) For the Air National Guard, $37,500,000.

SEC. 1609. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $1,500,000,000.

(2) For the Navy, $75,000,000.

(3) For the Marine Corps, $187,500,000.

(4) For the Air Force, $75,000,000.

(5) For the Army Reserve, $75,000,000.

(6) For the Navy Reserve, $22,500,000.

(7) For the Marine Corps Reserve, $15,000,000.

(8) For the Army National Guard, $300,000,000.

SEC. 1610. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $750,000,000, for the Defense Working Capital Funds.

SEC. 1611. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $460,000,000 for operation and maintenance.

SEC. 1612. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Freedom Fund in the amount of $150,000,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1613. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Security Forces Fund in the amount of $200,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command–Iraq, to provide assistance to the security forces of Iraq.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, and training.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) NOTICE TO CONGRESS.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Iraq Security Forces Fund for the purposes provided in subsection (b) from any foreign government or international organization. Any amounts so accepted shall be credited to the Iraq Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(h) EXPIRATION OF AUTHORITY.—The authority in this section shall expire on September 30, 2010.

SEC. 1614. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1615. LIMITATION ON USE OF FUNDS.

(a) REPORT.—Amounts authorized to be appropriated by this title may not be obligated until 15 days after the Secretary of Defense has transmitted to the congressional defense committees a report setting forth the proposed allocation of such amounts at the program, project, or activity level.

(b) EFFECT OF REPORT.—The report required by subsection (a) shall serve as a base for reprogramming for the purposes of sections 1514 and 1001.

SEC. 1616. CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO LARGE-SCALE INFRASTRUCTURE PROJECTS, COMBINED OPERATIONS, AND OTHER ACTIVITIES IN IRAQ.

(a) FINDING.—The Senate finds that the financial contributions of the Government of Iraq to the reconstruction and stability of Iraq have been increasing.

(b) LARGE-SCALE INFRASTRUCTURE PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts authorized to be appropriated by this Act

(other than amounts described in paragraph (3)) may not be obligated or expended for any large-scale infrastructure project in Iraq that is commenced after the date of the enactment of this Act.

(2) FUNDING OF RECONSTRUCTION PROJECTS BY THE GOVERNMENT OF IRAQ.—The United States Government shall work with the Government of Iraq to provide that the Government of Iraq shall obligate and expend funds of the Government of Iraq for reconstruction projects in Iraq that are not large-scale infrastructure projects before obligating and expending United States assistance (other than amounts described in paragraph (3)) for such projects.

(3) EXCEPTION FOR CERP.—The limitations in paragraphs (1) and (2) do not apply to amounts authorized to be appropriated by this Act for the Commanders' Emergency Response Program (CERP).

(4) LARGE-SCALE INFRASTRUCTURE PROJECT DEFINED.—In this subsection, the term ''large-scale infrastructure project'' means any construction project for infrastructure in Iraq that is estimated by the United States Government at the time of the commencement of the project to cost at least $2,000,000.

(c) COMBINED OPERATIONS.—

(1) IN GENERAL.—The United States Government shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the Multinational Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall, in conjunction with the Secretary of Defense, submit to Congress a report describing the status of negotiations under paragraph (1).

(d) IRAQI SECURITY FORCES.—

(1) IN GENERAL.—The United States Government shall take actions to ensure that Iraq funds are used to pay the following:

(A) The costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

(B) The costs associated with the Sons of Iraq.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2009''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2012 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2008; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$45,000,000
	Redstone Arsenal	$16,500,000
Alaska	Fort Richardson	$18,100,000
	Fort Wainright	$110,400,000
Arizona	Fort Huachuca	$11,200,000
	Yuma Proving Ground	$3,800,000
California	Fort Irwin	$39,600,000
	Presidio, Monterey	$15,000,000
	Sierra Army Depot	$12,400,000
Colorado	Fort Carson	$534,000,000
Georgia	Fort Benning	$267,800,000
	Fort Stewart/Hunter Army Air Field	$432,300,000
Hawaii	Pohakuloa Training Area	$21,300,000
	Schofield Barracks	$279,000,000
	Wahiawa	$40,000,000
Indiana	Crane Army Ammunition Activity	$8,300,000
Kansas	Fort Riley	$132,000,000
Kentucky	Fort Campbell	$118,113,000
Louisiana	Fort Polk	$29,000,000
Michigan	Detroit Arsenal	$6,100,000
Missouri	Fort Leonard Wood	$31,650,000
New York	Fort Drum	$90,000,000
	United States Military Academy, West Point	$67,000,000
North Carolina	Fort Bragg	$36,900,000
Oklahoma	Fort Sill	$63,000,000
Pennsylvania	Carlisle Barracks	$13,400,000
	Letterkenny Army Depot	$7,500,000
	Tobyhanna Army Depot	$15,000,000
South Carolina	Fort Jackson	$30,000,000
Texas	Corpus Christi Storage Complex	$39,000,000
	Fort Bliss	$1,031,800,000
	Fort Hood	$32,000,000
	Fort Sam Houston	$96,000,000
	Red River Army Depot	$6,900,000
Virginia	Fort Belvoir	$7,200,000
	Fort Eustis	$28,000,000
	Fort Lee	$100,600,000
	Fort Myer	$14,000,000
Washington	Fort Lewis	$158,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$67,000,000
Germany	Katterbach	$19,000,000
	Wiesbaden Air Base	$119,000,000
Japan	Camp Zama	$2,350,000
	Sagamihara	$17,500,000
Korea	Camp Humphreys	$20,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Wiesbaden Air Base	326	$133,000,000
Korea	Camp Humphreys	216	$125,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $579,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $420,001,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $6,042,210,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $4,007,863,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $202,250,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $200,807,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $678,580,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $716,110,000.

(6) For the construction of increment 3 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat. 41), $102,000,000.

(7) For the construction of increment 2 of the SOUTHCOM Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), $81,600,000.

(8) For the construction of increment 2 of the BDE Complex-Barracks/Community at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $15,000,000.

(9) For the construction of increment 2 of the BDE Complex-Operations Support Facility, at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $15,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $42,600,000 (the balance of the amount authorized under section 2101(b) for construction of a command and battle center at Wiesbaden, Germany).

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorizations set forth in the table in subsection (b), as provided in sections 2101 of that Act (118 Stat. 2101), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility	$9,207,000
		Battle Area Complex	$33,660,000
Virginia	Fort Belvoir	Defense Access Road	$18,000,000

SEC. 2106. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
Hawaii	Schofield Barracks	Combined Arms Collective Training Facility	$32,542,000

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$19,490,000
California	Marine Corps Base, Camp Pendleton	$799,870,000
	Marine Corps Logistics Base, Barstow	$7,830,000
	Marine Corps Air Station, Miramar	$48,770,000
	Naval Air Facility, El Centro	$8,900,000
	Naval Facility, San Clemente Island	$34,020,000
	Naval Air Station, North Island	$53,262,000
	Marine Corps Recruit Depot, San Diego	$51,200,000
	Marine Corps Base, Twentynine Palms	$145,550,000
Connecticut	Naval Submarine Base, Groton	$46,060,000
	Submarine Base, New London	$11,000,000
District of Columbia	Naval Support Activity, Washington	$24,220,000
Florida	Naval Air Station, Jacksonville	$12,890,000
	Naval Station, Mayport	$14,900,000
	Naval Support Activity, Tampa	$29,000,000
Georgia	Marine Corps Logistics Base, Albany	$15,320,000
Hawaii	Marine Corps Base, Kaneohe	$28,200,000
	Pacific Missile Range, Barking Sands	$28,900,000
	Naval Station, Pearl Harbor	$80,290,000
Illinois	Recruit Training Command, Great Lakes	$62,940,000
Maine	Portsmouth Naval Shipyard	$20,660,000
Maryland	Naval Surface Warfare Center, Indian Head	$25,980,000
Mississippi	Naval Air Station, Meridian	$6,340,000
	Naval Construction Battalion Center, Gulfport	$12,770,000
New Jersey	Naval Air Warfare Center, Lakehurst	$15,440,000
	Naval Weapons Station, Earle	$8,160,000
North Carolina	Marine Corps Air Station, Cherry Point	$77,420,000
	Marine Corps Air Station, New River	$86,280,000
	Marine Corps Base, Camp Lejeune	$353,090,000
Pennsylvania	Naval Support Activity, Philadelphia	$22,020,000
Rhode Island	Naval Station, Newport	$29,900,000
South Carolina	Marine Corps Air Station, Beaufort	$5,940,000
	Marine Corps Recruit Depot, Parris Island	$64,750,000
Virginia	Marine Corps Base, Quantico	$150,290,000
	Naval Station, Norfolk	$53,330,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	$20,600,000
Diego Garcia	Diego Garcia	$35,060,000
Djibouti	Camp Lemonier	$18,580,000
Guam	Naval Activities, Guam	$88,430,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Unspecified Worldwide	$66,020,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Cuba	Naval Air Station, Guantanamo Bay	146	$62,598,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,169,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated

pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $318,011,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $3,884,469,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,455,002,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $162,670,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $66,020,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $13,670,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $239,128,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $382,778,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $376,062,000.

(7) For the construction of increment 2 of kilo wharf extension at Naval Forces Marianas Islands, Guam, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $50,912,000.

(8) For the construction of increment 2 of the sub drive-in magnetic silencing facility at Naval Submarine Base, Pearl Harbor, Hawaii, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $41,088,000.

(9) For the construction of increment 3 of the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $12,439,000.

(10) For the construction of increment 2 of hangar 5 recapitalizations at Naval Air Station, Whidbey Island, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $34,000,000.

(11) For the construction of increment 5 of the limited area production and storage complex at Naval Submarine Base, Kitsap, Bangor, Washington (formerly referred to as a project at the Strategic Weapons Facility Pacific, Bangor), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514) $50,700,000.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT INSIDE THE UNITED STATES.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514), is further amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking ''$295,000,000'' in the amount column and inserting ''$311,670,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,084,497,000''.

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS INSIDE THE UNITED STATES.

(a) MODIFICATIONS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), as amended by section 2205(a)(17) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 513) is amended—

(1) in the item relating to NMIC/Naval Support Activity, Suitland, Maryland, by striking ''$67,939,000'' in the amount column and inserting ''$76,288,000''; and

(2) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking ''$57,653,000'' in the amount column and inserting ''$60,500,000''.

(b) CONFORMING AMENDMENTS.—Section 2204(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452), is amended—

(1) in paragraph (2), by striking ''$56,159,000'' and inserting ''$64,508,000''; and

(2) in paragraph (3), by striking ''$31,153,000'' and inserting ''$34,000,000''.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$15,556,000
Alaska	Elmendorf Air Force Base	$138,300,000
Arizona	Davis Monthan Air Force Base	$15,000,000
California	Edwards Air Force Base	$3,100,000
	Travis Air Force Base	$12,100,000
Colorado	Peterson Air Force Base	$4,900,000
	United States Air Force Academy	$18,000,000
Delaware	Dover Air Force Base	$19,000,000
Florida	Cape Canaveral Air Station	$8,000,000
	Eglin Air Force Base	$19,000,000
	MacDill Air Force Base	$21,000,000
Georgia	Robins Air Force Base	$24,100,000
Hawaii	Hickam Air Force Base	$8,700,000
Louisiana	Barksdale Air Force Base	$14,600,000
Maryland	Andrews Air Force Base	$77,648,000
Mississippi	Columbus Air Force Base	$8,100,000
	Keesler Air Force Base	$6,600,000
Montana	Malmstrom Air Force Base	$10,000,000
Nebraska	Offutt Air Force Base	$11,800,000
Nevada	Creech Air Force Base	$48,500,000
	Nellis Air Force Base	$63,100,000
New Mexico	Holloman Air Force Base	$25,450,000
North Carolina	Seymour Johnson Air Force Base	$12,200,000
North Dakota	Grand Forks Air Force Base	$13,000,000
Oklahoma	Altus Air Force Base	$10,200,000
	Tinker Air Force Base	$48,600,000
South Carolina	Charleston Air Force Base	$4,500,000
	Shaw Air Force Base	$9,900,000
South Dakota	Ellsworth Air Force Base	$11,000,000
Texas	Dyess Air Force Base	$21,000,000
	Fort Hood	$10,800,000
	Lackland Air Force Base	$75,515,000
Utah	Hill Air Force Base	$41,400,000
Washington	McChord Air Force Base	$5,500,000
Wyoming	Francis E. Warren Air Force Base	$8,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Airfield	$57,200,000
Guam	Andersen Air Force Base	$5,200,000
Kyrgyzstan	Manas Air Base	$6,000,000
United Kingdom	Royal Air Force Lakenheath	$7,400,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Location	$891,000
Worldwide Unspecified	Unspecified Worldwide Locations	$52,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

Location	Installation or Location	Purpose	Amount
United Kingdom	Royal Air Force Lakenheath	182 Units	$71,828,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,708,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $316,343,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,057,408,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $844,769,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $75,800,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $53,391,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $73,104,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $395,879,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $599,465,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
		Purchase Build/Lease Housing (300 units)	$18,144,000
California	Edwards Air Force Base	Replace Family Housing (226 units)	$59,699,000
Florida	MacDill Air Force Base	Replace Family Housing (109 units)	$40,982,000
Missouri	Whiteman Air Force Base	Replace Family Housing (111 units)	$26,917,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (255 units)	$48,868,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2005 Project Authorizations

State/Country	Installation or Location	Project	Amount
Arizona	Davis-Monthan Air Force Base	Replace Family Housing (250 units)	$48,500,000
California	Vandenberg Air Force Base	Replace Family Housing (120 units)	$30,906,000
Florida	MacDill Air Force Base	Construct Housing Maintenance Facility	$1,250,000
Missouri	Whiteman Air Force Base	Replace Family Housing (160 units)	$37,087,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (167 units)	$32,693,000
Germany	Ramstein Air Base	USAFE Theater Aerospace Operations Support Center	$24,204,000

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Campbell	$21,400,000
North Carolina	Fort Bragg	$78,471,000

Defense Intelligence Agency

State	Installation or Location	Amount
Illinois	Scott Air Force Base	$13,977,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Defense Distribution Depot, Tracy	$50,300,000
Delaware	Defense Fuel Supply Center, Dover Air Force Base	$3,373,000
Florida	Defense Fuel Support Point, Jacksonville	$34,000,000
Georgia	Hunter Army Air Field	$3,500,000
Hawaii	Pearl Harbor	$27,700,000
New Mexico	Kirtland Air Force Base	$14,400,000
Oklahoma	Altus Air Force Base	$2,850,000
Pennsylvania	Philadelphia	$1,200,000
Utah	Hill Air Force Base	$20,400,000
Virginia	Craney Island	$39,900,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$31,000,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	$9,800,000
Florida	Eglin Air Force Base	$40,000,000
	Hurlburt Field	$8,900,000
	MacDill Air Force Base	$10,500,000
Kentucky	Fort Campbell	$15,000,000
New Mexico	Cannon Air Force Base	$26,400,000
North Carolina	Fort Bragg	$38,250,000
Virginia	Fort Story	$11,600,000
Washington	Fort Lewis	$38,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Fort Richardson	$6,300,000
Colorado	Buckley Air Force Base	$3,000,000
Georgia	Fort Benning	$3,900,000
Kansas	Fort Riley	$52,000,000
Kentucky	Fort Campbell	$24,000,000
Maryland	Aberdeen Proving Ground	$430,000,000
Missouri	Fort Leonard Wood	$22,000,000
Oklahoma	Tinker Air Force Base	$65,000,000

TRICARE Management Activity—Continued

State	Installation or Location	Amount
Texas	Fort Sam Houston	$13,000,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$38,940,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Logistics Agency

Country	Installation or Location	Amount
Germany	Germersheim	$48,000,000
Greece	Souda Bay	$27,761,000

Special Operations Command

Country	Installation or Location	Amount
Qatar	Al Udeid	$9,200,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities	$30,000,000

Missile Defense Agency

Country	Installation or Location	Amount
Poland	Various Locations	$661,380,000
Czech Republic	Various Locations	$176,100,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $80,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,821,379,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $792,811,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $356,121,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $31,853,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $155,793,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $80,000,000.

(7) For support of military family housing, including functions described in section 2833 of title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $54,581,000.

(8) For the construction of increment 4 of the National Security Agency regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriation Act for Defense, Global War on Terrorism and Hurricane Relief (Public Law 109–234; 120 Stat. 485), $100,220,000.

(9) For the construction of increment 2 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $209,000,000.

(10) For the construction of increment 2 of the SOF Operational Facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $31,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $528,780,000 (the balance of the amount authorized for the Missile Defense Agency under section 2401(b) for the European interceptor site in Poland.

(3) $67,540,000 (the balance of the amount authorized for the Missile Defense Agency under section 2401(b) for the European midcourse radar site in the Czech Republic.

(c) LIMITATION ON EUROPEAN MISSILE DEFENSE CONSTRUCTION PROJECTS.—Funds appropriated pursuant to the authorization of appropriations in subsection (a)(2) for the projects authorized for the Missile Defense Agency under section 2401(b) may only be obligated or expended in accordance with the conditions specified in section 232 of this Act.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECT.

(a) MODIFICATION.—The table relating to TRICARE Management Activity in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), is amended in the item relating to Fort Detrick, Maryland, by striking ''$550,000,000'' in the amount column and inserting ''$683,000,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2461) is amended by striking ''$521,000,000'' and inserting ''$654,000,000''.

SEC. 2405. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b),

as provided in section 2401 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Extension of 2006 Project Authorization

Installation or Location	Project	Amount
Defense Logistics Agency	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania.	$6,500,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZED CHEMICAL DEMILITARIZATION PROGRAM CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2412(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Chemical Demilitarization Program: Inside the United States

Army	Installation or Location	Amount
Army	Blue Grass Army Depot, Kentucky	$12,000,000

SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction and land acquisition for chemical demilitarization in the total amount of $134,278,000, as follows:

(1) For military construction projects inside the United States authorized by section 2411(a), $12,000,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $65,060,000.

(3) For the construction of phase 9 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $67,218,000.

SEC. 2413. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), is amended—

(1) under the agency heading relating to the Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking ''$261,000,000'' in the amount column and inserting ''$484,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$830,454,000''.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking ''$261,000,000'' and inserting ''$484,000,000''.

SEC. 2414. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking ''$290,325,000'' in the amount column and inserting ''$492,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$949,920,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is further amended by striking ''$267,525,000'' and inserting ''$469,200,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $240,867,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Alaska	Bethel Armory	$16,000,000
Arizona	Camp Navajo	$13,000,000
	Florence	$13,800,000
	Papago Military Reservation	$24,000,000
Colorado	Denver	$9,000,000
	Grand Junction	$9,000,000
Connecticut	Camp Rell	$28,000,000
	East Haven	$13,800,000
Delaware	New Castle	$28,000,000

Army National Guard—Continued

State	Location	Amount
Florida	Camp Blanding	$12,400,000
Georgia	Dobbins Air Reserve Base	$45,000,000
Idaho	Orchard Training Area	$1,850,000
Illinois	Urbana Armory	$16,186,000
Indiana	Camp Atterbury	$5,800,000
	Lawrence	$21,000,000
Maine	Bangor	$20,000,000
Maryland	Edgewood	$28,000,000
	Salisbury	$9,800,000
Massachusetts	Methuen	$21,000,000
Michigan	Camp Grayling	$18,943,000
Minnesota	Arden Hills	$15,000,000
Nevada	Elko	$11,375,000
New York	Fort Drum	$11,000,000
	Queensbury	$5,900,000
South Carolina	Anderson	$12,000,000
	Beaufort	$3,400,000
	Eastover	$28,000,000
South Dakota	Rapid City	$43,463,000
Utah	Camp Williams	$17,500,000
Virginia	Arlington	$15,500,000
	Fort Pickett	$2,950,000
Vermont	Ethan Allen Range Jericho	$10,200,000
Washington	Fort Lewis (Gray Army Airfield)	$32,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	$3,950,000
Hawaii	Fort Shafter	$19,199,000
Idaho	Hayden Lake	$9,580,000
Kansas	Dodge City	$8,100,000
Maryland	Baltimore	$11,600,000
Massachusetts	Fort Devens	$1,900,000
Michigan	Saginaw	$11,500,000
Missouri	Weldon Springs	$11,700,000
Nevada	Las Vegas	$33,900,000
New Jersey	Fort Dix	$3,825,000
New York	Kingston	$13,494,000
	Shoreham	$15,031,000
	Staten Island	$18,550,000
North Carolina	Raleigh	$25,581,000
Pennsylvania	Letterkenny Army Depot	$14,914,000
Tennessee	Chattanooga	$10,600,000
Texas	Sinton	$9,700,000
Washington	Seattle	$37,500,000
Wisconsin	Fort McCoy	$4,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Lemoore	$15,420,000
Delaware	Wilmington	$11,530,000
Georgia	Marietta	$7,560,000
Virginia	Norfolk	$8,170,000
	Williamsburg	$12,320,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arkansas	Little Rock Air Force Base	$4,000,000
Colorado	Buckley Air Force Base	$4,200,000
Delaware	New Castle County Airport	$14,800,000
Iowa	Fort Dodge	$5,600,000
Kansas	Smoky Hill Air National Guard Range	$7,100,000
Massachusetts	Otis Air National Guard Base	$14,300,000
Minnesota	Duluth 148th Fighter Wing Base	$4,500,000
Mississippi	Gulfport-Biloxi International Airport	$3,400,000
New York	Gabreski Airport, Westhampton	$7,500,000
	Hancock Field	$5,000,000
Rhode Island	Quonset State Airport	$7,700,000
Tennessee	Knoxville	$8,000,000
Vermont	Burlington International Airport	$6,600,000
Washington	McChord Air Force Base	$8,600,000
West Virginia	Yeager Airport, Charleston	$27,000,000
Wisconsin	Truax Field	$6,300,000
Wyoming	Cheyenne Municipal Airport	$7,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Georgia	Dobbins Air Reserve Base	$6,450,000
Oklahoma	Tinker Air Force Base	$9,900,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $634,407,000; and

(B) for the Army Reserve, $281,687,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $57,045,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $156,124,000; and

(B) for the Air Force Reserve, $26,615,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Roberts	Urban Assault Course	$1,485,000
Idaho	Gowen Field	Railhead, Phase 1	$8,331,000
Mississippi	Biloxi	Readiness Center	$16,987,000
	Camp Shelby	Modified Record Fire Range	$2,970,000
Montana	Townsend	Automated Qualification Training Range.	$2,532,000
Pennsylvania	Philadelphia	Stryker Brigade Combat Team Readiness Center.	$11,806,000
	Philadelphia	Organizational Maintenance Shop #7.	$6,144,930

SEC. 2608. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
California	Dublin	Readiness Center, Add/Alt (ADRS)	$11,318,000

SEC. 2609. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.

The table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 527) is amended in the item relating to North Kingstown, Rhode Island, by striking ''$33,000,000'' in the amount column and inserting ''$38,000,000''.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by 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) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $393,377,000, as follows:

(1) For the Department of the Army, $72,855,000.

(2) For the Department of the Navy, $178,700,000.

(3) For the Department of the Air Force, $139,155,000.

(4) For the Defense Agencies, $2,667,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by 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) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $6,982,334,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by 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) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $9,065,386,000, as follows:

(1) For the Department of the Army, $4,486,178,000.

(2) For the Department of the Navy, $871,492,000.

(3) For the Department of the Air Force, $1,072,925,000.

(4) For the Defense Agencies, $2,634,791,000.

SEC. 2704. MODIFICATION OF ANNUAL BASE CLOSURE AND REALIGNMENT REPORTING REQUIREMENTS.

Section 2907 of 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) is amended—

(1) by striking ''As part of the budget request for fiscal year 2007 and for each fiscal year thereafter'' and inserting ''(a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2007 and for each fiscal year thereafter through fiscal year 2016''; and

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

''(b) TERMINATION OF REPORTING REQUIREMENTS RELATED TO REALIGNMENT ACTIONS.—The reporting requirements under subsection (a) shall terminate with respect to realignment actions after the report submitted with the budget for fiscal year 2014.''.

SEC. 2705. TECHNICAL CORRECTIONS REGARDING AUTHORIZED COST AND SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS RELATED TO BASE CLOSURES AND REALIGNMENTS.

(a) CORRECTION OF CITATION IN AMENDATORY LANGUAGE.—

(1) IN GENERAL.—Section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) is amended by striking ''section 2905A'' both places it appears and inserting ''section 2906A''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 28, 2008, as if included in the enactment of section 2704 of the Military Construction Authorization Act for Fiscal Year 2008.

(b) CORRECTION OF SCOPE OR WORK VARIATION LIMITATION.—Section 2906A(f) of 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), as added by section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) and amended by subsection (a), is amended by striking ''20 percent or $2,000,000, whichever is greater'' and inserting ''20 percent or $2,000,000, whichever is less''.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN THRESHOLD FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

Section 2805(a)(1) of title 10, United States Code, is amended by striking ''$2,000,000'' in the first sentence and all that follows through the period at the end of the second sentence and inserting ''$3,000,000.''.

SEC. 2802. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), and section 2801 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 538), is further amended by striking ''2008'' and inserting ''2009''.

(b) EXCEPTION FOR PROJECTS IN AFGHANISTAN FROM LIMITATION ON AUTHORITY RELATED TO LONG-TERM UNITED STATES PRESENCE.—Such subsection, as so amended, is further amended by inserting before the period at the end of paragraph (2) the following: '', unless the military installation is located in Afghanistan, in which case the condition shall not apply''.

(c) QUARTERLY REPORTS.—Subsection (d)(1) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128) and section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), is further amended by striking ''30 days'' and inserting ''45 days''.

SEC. 2803. IMPROVED OVERSIGHT AND ACCOUNTABILITY FOR MILITARY HOUSING PRIVATIZATION INITIATIVE PROJECTS.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2885. Oversight and accountability for privatization projects

''(a) OVERSIGHT AND ACCOUNTABILITY MEASURES.—Each Secretary concerned shall prescribe regulations to effectively oversee and manage military housing privatization projects carried out under this subchapter. The regulations shall include the following requirements for each privatization project:

''(1) The installation asset manager shall conduct monthly site visits and provide reports on the progress of the construction or renovation of the housing units. The reports shall be endorsed by the commander at such installation and submitted quarterly to the assistant secretary for installations and environment of the respective military department and the Deputy Under Secretary of Defense (Installations and Environment).

''(2) The installation asset manager, and, as applicable, the resident construction manager, privatization asset manager, bondholder representative, project owner, developer, general contractor, and construction consultant for the project shall conduct monthly meetings to ensure that the construction or renovation of the units meets performance and schedule requirements and that appropriate operating and ground lease agreements are in place and adhered to.

''(3) If a project is 90 days or more behind schedule or otherwise appears to be substantially failing to adhere to the obligations or milestones under the contract, the assistant secretary for installations and environment of the respective military department shall submit a notice of deficiency to the Deputy Under Secretary of Defense (Installations and Environment), the Secretary concerned, the managing member, and the trustee for the project.

''(4)(A) Not later than 15 days after the submittal of a notice of deficiency under paragraph (3), the Secretary concerned shall submit to the project owner, developer, or general contractor responsible for the project a summary of deficiencies related to the project.

''(B) If the project owner, developer, or general contractor responsible for the project is unable, within 30 days after receiving a notice of deficiency under subparagraph (A), to make progress on the issues outlined in such notice, the Secretary concerned shall submit to the project owner, developer, or general contractor, the bondholder representative, and the trustee an official letter of concern addressing the deficiencies and detailing the corrective actions that should be taken to correct the deficiencies.

''(C) If the project owner, developer, or general contractor responsible for the privatization project is unable, within 60 days after receiving a notice of deficiency under subparagraph (A), to make progress on the issues outlined in such notice, the Deputy

Under Secretary of Defense (Installations and Environment) shall notify the congressional defense committees of the status of the project, and shall provide a recommended course of action to correct the problems.

''(b) COMMUNITY MEETINGS.—(1) Prior to the commencement of privatization project, the assistant secretary for installations and environment of the respective military department and the commanding officer of the local military installation shall hold a meeting with the local community to communicate the following information:

''(A) The nature of the project.

''(B) Any contractual arrangements.

''(C) Potential liabilities to local construction management companies and subcontractors.

''(2) The requirement under paragraph (1) may be met by publishing the information described in such paragraph on the Federal Business Opportunities (FedBizOpps) Internet website.

''(c) REQUIRED QUALIFICATIONS.—The Secretary concerned shall certify that the project owner, developer, or general contractor that is selected for each military housing privatization initiative project has construction experience commensurate with that required to complete the project.

''(d) BONDING LEVELS.—The Secretary concerned shall ensure that the project owner, developer, or general contractor responsible for a military housing privatization initiative project has sufficient payment and performance bonds or suitable instruments in place for each phase of a construction or renovation portion of the project to ensure successful completion of the work in amounts as agreed to in the project's legal documents, but in no case less than 50 percent of the total value of the active phases of the project, prior to the commencement of work for that phase.

''(e) CERTIFICATIONS REGRADING PREVIOUS BANKRUPTCY DECLARATIONS.—If a military department awards a contract or agreement for a military housing privatization initiative project to a project owner, developer, or general contractor that has previously declared bankruptcy, the Secretary concerned shall specify in the notification to Congress of the project award the extent to which the issues related to the previous bankruptcy are expected to impact the ability of the project owner, developer, or general contractor to complete the project.

''(f) COMMUNICATION REGARDING POOR PERFORMANCE.—The Deputy Under Secretary of Defense (Installations and Environment) shall prescribe policies to provide for regular and appropriate communication between representatives of the military departments and bondholders for military housing privatization initiative projects to ensure timely action to address inadequate performance in carrying out projects.

''(g) REPORTING OF EFFORTS TO SELECT SUCCESSOR IN EVENT OF DEFAULT.—In the event a military housing privatization initiative project enters into default, the assistant secretary for installations and environment of the respective military department shall submit a report to the congressional defense committees every 90 days detailing the status of negotiations to award the project to a new project owner, developer, or general contractor.

''(h) EFFECT OF UNSATISFACTORY PERFORMANCE RATING ON AFFILIATED ENTITIES.—In the event the project owner, developer, or general contractor for a military construction project receives an unsatisfactory performance rating due to poor performance, each parent, subsidiary, affiliate, or other controlling entity of such owner, developer, or contractor shall also receive an unsatisfactory performance rating.

''(i) EFFECT OF NOTICES OF DEFICIENCY ON CONTRACTORS AND AFFILIATED ENTITIES.—(1) The Deputy Under Secretary of Defense (Installations and Environment) shall keep a record of all plans of action or notices of deficiency issued to a project owner, developer, or general contractor under subsection (a)(4), including the identity of each parent, subsidiary, affiliate, or other controlling entity of such owner, developer, or contractor.

''(2) CONSULTATION.—Each military department shall consult the records maintained under paragraph (1) when reviewing the past performance of owners, developers, and contractors in the bidding process for a contract or other agreement for a military housing privatization initiative project.

''(j) PROCEDURES FOR IDENTIFYING AND COMMUNICATING BEST PRACTICES FOR TRANSACTIONS.—(1) The Secretary of Defense shall identify best practices for military housing privatization projects, including—

''(A) effective means to track and verify proper performance, schedule, and cash flow;

''(B) means of overseeing the actions of bondholders to properly monitor construction progress and construction draws;

''(C) effective structuring of transactions to ensure the United States Government has adequate abilities to oversee project owner performance; and

''(D) ensuring that notices to proceed on new work are not issued until proper bonding is in place.

''(2) The Secretary shall prescribe regulations to implement the best practices developed pursuant to paragraph (1).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2885. Oversight and accountability for privatization projects.''.

SEC. 2804. LEASING OF MILITARY FAMILY HOUSING TO SECRETARY OF DEFENSE.

(a) LEASING OF HOUSING.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2837 the following new section:

''§ 2838. Leasing of military family housing to Secretary of Defense

''(a) AUTHORITY.—(1) The Secretary of a military department may lease to the Secretary of Defense military family housing in the National Capital Region (as defined in section 2674(f) of this title).

''(2) In determining the military housing unit to lease under this section, the Secretary of Defense should first consider any available military housing units that are already substantially equipped for executive communications and security.

''(b) RENTAL RATE.—A lease under subsection (a) shall provide for the payment by the Secretary of Defense of consideration in an amount equal to 105 percent of the monthly rate of basic allowance for housing prescribed under section 403(b) of title 37 for a member of the uniformed services in the pay grade of O–10 with dependents assigned to duty at the military installation on which the leased housing unit is located. A rate so established shall be considered the fair market value of the lease interest.

''(c) TREATMENT OF PROCEEDS.—(1) The Secretary of a military department shall deposit all amounts received pursuant to leases entered into by the Secretary under this section into a special account in the Treasury established for such military department.

''(2) The proceeds deposited into the special account of a military department pursuant to paragraph (1) shall be available to the Secretary of that military department, without further appropriation, for the maintenance, protection, alteration, repair, improvement, or restoration of military housing on the military installation at which the housing leased pursuant to subsection (a) is located.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2838. Leasing of military family housing to Secretary of Defense.''.

SEC. 2805. COST-BENEFIT ANALYSIS OF DISSOLUTION OF PATRICK FAMILY HOUSING LLC.

(a) COST-BENEFIT ANALYSIS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a cost-benefit analysis of dissolving Patrick Family Housing LLC without exercising the full range of rights available to the United States Government to recover damages from the partnership.

(b) CONTENT.—The analysis required under subsection (a) shall include an evaluation of the best practices for executing military housing privatization projects as determined by the Department of Defense and the Secretaries concerned and the other options available to restore the financial health of nonperforming or defaulting projects.

(c) TEMPORARY MORATORIUM ON CERTAIN ACTIONS.—The Secretary of the Air Force may not, in carrying out a military housing privatization project initiated at Patrick Air Force Base, Florida, dissolve the Patrick Family Housing LLC until the Secretary of the Air Force submits the cost-benefit analysis required under subsection (a).

Subtitle B—Real Property and Facilities Administration

SEC. 2811. PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2694b the following new section:

''§ 2694c. Participation in conservation banking programs

''(a) AUTHORITY TO PARTICIPATE.—The Secretary of a military department, and the Secretary of Defense with respect to matters concerning a Defense Agency, when engaged or proposing to engage in an authorized activity that may or will result in an adverse impact on one or more species protected (or pending protection) under any applicable provision of law, or on a habitat for such species, may make payments to a conservation banking program or 'in-lieu-fee' mitigation sponsor approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605; November 28, 1995) or the Guidance for the Establishment, Use, and Operation of Conservation Banks (68 Fed. Reg. 24753; May 2, 2003), or any successor or related administrative guidance or regulation.

''(b) FACILITATION OF TESTING OR TRAINING ACTIVITIES OR MILITARY CONSTRUCTION.—Participation in conservation banking and 'in-lieu-fee' programs under subsection (a) shall be for the purposes of facilitating—

''(1) military testing or training activities; or

''(2) military construction.

''(c) TREATMENT OF PAYMENTS.—Payments made under subsection (a) to a conservation banking program or 'in-lieu-fee' mitigation sponsor for the purpose of facilitating military construction may be treated as eligible project costs for such military construction.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694b the following new item:

''2694c. Participation in conservation banking programs.''.

SEC. 2812. CLARIFICATION OF CONGRESSIONAL REPORTING REQUIREMENTS FOR CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2662(c) of title 10, United States Code, is amended by striking ''river and harbor projects or flood control projects'' and inserting ''water resource development projects of the Corps of Engineers''.

SEC. 2813. MODIFICATION OF LAND MANAGEMENT RESTRICTIONS APPLICABLE TO UTAH NATIONAL DEFENSE LANDS.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is amended—

(1) in subsection (a), by striking ''that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath'' and inserting ''that are beneath''; and

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

''(e) SUNSET DATE.—This section shall expire on October 1, 2013.''.

Subtitle C—Land Conveyances

SEC. 2821. TRANSFER OF PROCEEDS FROM PROPERTY CONVEYANCE, MARINE CORPS LOGISTICS BASE, ALBANY, GEORGIA.

(a) TRANSFER AUTHORIZED.—The Secretary of Defense may transfer any proceeds from the sale of approximately 120.375 acres of improved land located at the former Boyett Village Family Housing Complex at the Marine Corps Logistics Base, Albany, Georgia, into the Department of Defense Family Housing Improvement Fund established under section 2883(a)(1) of title 10, United States Code, for carrying out activities under subchapter IV of chapter 169 of that title with respect to military family housing.

(b) NOTIFICATION REQUIREMENT.—A transfer of proceeds under subsection (a) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of the transfer to the congressional defense committees.

Subtitle D—Energy Security

SEC. 2831. EXPANSION OF AUTHORITY OF THE MILITARY DEPARTMENTS TO DEVELOP ENERGY ON MILITARY LANDS.

(a) DEVELOPMENT OF ANY RENEWABLE ENERGY RESOURCE.—Section 2917 of title 10, United States Code, is amended—

(1) by inserting ''(a) DEVELOPMENT OF RENEWABLE ENERGY RESOURCES.—'' before ''The Secretary of a military department'';

(2) in subsection (a), as designated by paragraph (1), by striking ''geothermal energy resource'' and inserting ''renewable energy resource''; and

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

''(b) RENEWABLE ENERGY RESOURCE DEFINED.—In this section, the term 'renewable energy resource' has the meaning given the term 'renewable energy' in section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)).''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2917. Development of renewable energy resources on military lands''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 173 of such title is amended by striking the item relating to section 2917 and inserting the following new item:

''2917. Development of renewable energy resources on military lands.''.

Subtitle E—Other Matters

SEC. 2841. REPORT ON APPLICATION OF FORCE PROTECTION AND ANTI-TERRORISM STANDARDS TO GATES AND ENTRY POINTS ON MILITARY INSTALLATIONS.

(a) REPORT REQUIRED.—Not later than February 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of Department of Defense Anti-Terrorism/Force Protection standards at gates and entry points of military installations.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A description of the anti-terrorism/force protection standards for gates and entry points.

(2) An assessment, by installation, of whether the gates and entry points meet anti-terrorism/force protection standards.

(3) An assessment of whether the standards are met with either temporary or permanent measures, facilities, or equipment.

(4) A description and cost estimate of each action to be taken by the Secretary of Defense for each installation to ensure compliance with Department of Defense Anti-Terrorism/Force Protection standards using permanent measures and construction methods.

(5) An investment plan to complete all action required to ensure compliance with the standards described under paragraph (1).

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

Subtitle A—Fiscal Year 2008 Projects

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$17,000,000
California	Fort Irwin	$11,800,000
Colorado	Fort Carson	$8,400,000
Georgia	Fort Gordon	$7,800,000
Hawaii	Schofield Barracks	$12,500,000
Kentucky	Fort Campbell	$9,900,000
	Fort Knox	$7,400,000
North Carolina	Fort Bragg	$8,500,000
Oklahoma	Fort Sill	$9,000,000
Texas	Fort Bliss	$17,300,000
	Fort Hood	$7,200,000
	Fort Sam Houston	$7,000,000
Virginia	Fort Lee	$7,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Iraq	Camp Adder	$13,200,000
	Camp Ramadi	$6,200,000
	Fallujah	$5,500,000

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $162,100,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $131,200,000.

(2) For military construction projects outside the United States authorized by subsection (b), $24,900,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $6,000,000.

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	$9,270,000
	China Lake	$7,210,000
	Point Mugu	$7,250,000
	San Diego	$12,299,000
	Twentynine Palms	$11,250,000
Florida	Eglin Air Force Base	$780,000
Mississippi	Gulfport	$6,570,000
North Carolina	Camp Lejeune	$27,980,000
Virginia	Yorktown	$8,070,000

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2902(d) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 572), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $94,731,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $90,679,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $4,052,000.

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

Country	Installation or Location	Amount
California	Beale Air Force Base	$17,600,000
Florida	Eglin Air Force Base	$11,000,000
New Mexico	Cannon Air Force Base	$8,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Qatar	Al Udeid	$60,400,000

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2903(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 573), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $98,427,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $36,600,000.

(2) For military construction projects outside the United States authorized by subsection (b), $60,400,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $1,427,000.

SEC. 2904. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2008 ARMY PROJECTS.

(a) TERMINATION OF AUTHORITY.—The table in section 2901(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 570), is amended—

(1) in the item relating to Camp Adder, Iraq, by striking ''$80,650,000'' in the amount column and inserting ''$75,800,000'';

(2) in the item relating to Camp Anaconda, Iraq, by striking ''$53,500,000'' in the amount column and inserting ''$10,500,000'';

(3) in the item relating to Camp Victory, Iraq, by striking ''$65,400,000'' in the amount column and inserting ''$60,400,000'';

(4) by striking the item relating to Tikrit, Iraq; and

(5) in the item relating to Camp Speicher, Iraq, by striking ''$83,900,000'' in the amount column and inserting ''$74,100,000''.

(b) CONFORMING AMENDMENTS.—Section 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571) is amended—

(1) by striking ''$1,257,750,000'' and inserting ''$1,152,100,000''; and

(2) in paragraph (2), by striking ''$1,055,450,000'' and inserting ''$949,800,000''.

Subtitle B—Fiscal Year 2009 Projects

SEC. 2911. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Various	Various locations	$400,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $450,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $400,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2912. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Various	Various locations	$40,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $50,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $40,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $10,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2913. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,641,892,000, to be allocated as follows:

(1) For weapons activities, $6,610,701,000.

(2) For defense nuclear nonproliferation activities, including $538,782,000 for fissile materials disposition, $1,799,056,000.

(3) For naval reactors, $828,054,000.

(4) For the Office of the Administrator for Nuclear Security, $404,081,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 09–D–404, Test Capabilities Revitalization Phase 2, Sandia National Laboratory, Albuquerque, New Mexico, $3,200,000.

Project 08–D–806, Ion Beam Laboratory Project, Sandia National Laboratory, Albuquerque, New Mexico, $10,014,000.

(2) For naval reactors, the following new plant projects:

Project 09–D–902, Naval Reactors Facility Production Support Complex, Naval Reactors Facility, Idaho Falls, Idaho, $8,300,000.

Project 09–D–190, Project engineering and design, Knolls Atomic Power Laboratory infrastructure upgrades, Knolls Atomic Power Laboratory, Kesselring Site, Schenectady, New York, $1,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,297,256,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for other defense activities in carrying out programs necessary for national security in the amount of $826,453,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $197,371,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. MODIFICATION OF FUNCTIONS OF ADMINISTRATOR FOR NUCLEAR SECURITY TO INCLUDE ELIMINATION OF SURPLUS FISSILE MATERIALS USABLE FOR NUCLEAR WEAPONS.

Section 3212(b)(1) of the National Nuclear Security Administration Act (50 U.S.C. 2402(b)(1)) is amended—

(1) by redesignating paragraph (18) as paragraph (19); and

(2) by inserting after paragraph (17) the following new paragraph (18):

''(18) Eliminating inventories of surplus fissile materials usable for nuclear weapons.''.

SEC. 3112. REPORT ON COMPLIANCE WITH DESIGN BASIS THREAT ISSUED BY THE DEPARTMENT OF ENERGY IN 2005.

(a) IN GENERAL.—Not later than January 2, 2009, the Secretary of Energy shall submit to the congressional defense committees a report setting forth the status of the compliance of Department of Energy sites with the Design Basis Threat issued by the Department in November 2005 (in this section referred to as the ''2005 Design Basis Threat'').

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) For each Department of Energy site subject to the 2005 Design Basis Threat, an assessment of whether the site has achieved compliance with the 2005 Design Basis Threat.

(2) For each such site that has not achieved compliance with the 2005 Design Basis Threat—

(A) a description of the reasons for the failure to achieve compliance;

(B) a plan to achieve compliance;

(C) a description of the actions that will be taken to mitigate any security shortfalls until compliance is achieved; and

(D) an estimate of the annual funding requirements to achieve compliance.

(3) A list of such sites with Category I nuclear materials that the Secretary determines will not achieve compliance with the 2005 Design Basis Threat.

(4) For each site identified under paragraph (3), a plan to remove all Category I nuclear materials from such site, including—

(A) a schedule for the removal of such nuclear materials from such site;

(B) a clear description of the actions that will be taken to ensure the security of such nuclear materials; and

(C) an estimate of the annual funding requirements to remove such nuclear materials from such site.

(5) An assessment of the adequacy of the 2005 Design Basis Threat in addressing security threats at Department of Energy sites, and a description of any plans for updating, modifying, or otherwise revising the approach taken by the 2005 Design Basis Threat to establish enhanced security requirements for Department of Energy sites.

SEC. 3113. MODIFICATION OF SUBMITTAL OF REPORTS ON INADVERTENT RELEASES OF RESTRICTED DATA.

(a) IN GENERAL.—Section 4522 of the Atomic Energy Defense Act (50 U.S.C. 2672) is amended—

(1) in subsection (e), by striking ''on a periodic basis'' and inserting ''in each even-numbered year''; and

(2) in subsection (f), by striking paragraph (2) and inserting the following new paragraph (2):

''(2) The Secretary of Energy shall, in each even-numbered year beginning in 2010, submit to the committees and Assistant to the President specified in subsection (d) a report identifying any inadvertent releases of Restricted Data or Formerly Restricted Data under Executive Order No. 12958 discovered in the two-year period preceding the submittal of the report.''.

(b) TECHNICAL CORRECTION.—Subsection (e) of such section, as amended by subsection (a)(1) of this section, is further amended by striking ''subsection (b)(4)'' and inserting ''subsection (b)(5)''.

SEC. 3114. NONPROLIFERATION SCHOLARSHIP AND FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—The Administrator for Nuclear Security shall carry out a program to provide scholarships and fellowships for the purpose of enabling individuals to qualify for employment in the nonproliferation programs of the Department of Energy.

(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible for a scholarship or fellowship under the program established under this section if the individual—

(1) is a citizen or national of the United States or an alien lawfully admitted to the United States for permanent residence;

(2) has been accepted for enrollment or is currently enrolled as a full-time student at

an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

(3) is pursuing a program of education that leads to an appropriate higher education degree in a qualifying field of study, as determined by the Administrator;

(4) enters into an agreement described in subsection (c); and

(5) meets such other requirements as the Administrator prescribes.

(c) AGREEMENT.—An individual seeking a scholarship or fellowship under the program established under this section shall enter into an agreement, in writing, with the Administrator that includes the following:

(1) The agreement of the Administrator to provide such individual with a scholarship or fellowship in the form of educational assistance for a specified number of school years (not to exceed five school years) during which such individual is pursuing a program of education in a qualifying field of study, which educational assistance may include payment of tuition, fees, books, laboratory expenses, and a stipend.

(2) The agreement of such individual—

(A) to accept such educational assistance;

(B) to maintain enrollment and attendance in a program of education described in subsection (b)(2) until such individual completes such program;

(C) while enrolled in such program, to maintain satisfactory academic progress in such program, as determined by the institution of higher education in which such individual is enrolled; and

(D) after completion of such program, to serve as a full-time employee in a nonproliferation position in the Department of Energy or at a laboratory of the Department for a period of not less than 12 months for each school year or part of a school year for which such individual receives a scholarship or fellowship under the program established under this section.

(3) The agreement of such individual with respect to the repayment requirements specified in subsection (d).

(d) REPAYMENT.—

(1) IN GENERAL.—An individual receiving a scholarship or fellowship under the program established under this section shall agree to pay to the United States the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), if such individual—

(A) does not complete the program of education agreed to pursuant to subsection (c)(2)(B);

(B) completes such program of education but declines to serve in a position in the Department of Energy or at a laboratory of the Department as agreed to pursuant to subsection (c)(2)(D); or

(C) is voluntarily separated from service or involuntarily separated for cause from the Department of Energy or a laboratory of the Department before the end of the period for which such individual agreed to continue in the service of the Department pursuant to subsection (c)(2)(D).

(2) FAILURE TO REPAY.—If an individual who received a scholarship or fellowship under the program established under this section is required to repay, pursuant to an agreement under paragraph (1), the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), and fails repay such amount, a sum equal to such amount (plus such interest) is recoverable by the United States Government from such individual or the estate of such individual by—

(A) in the case of an individual who is an employee of the United States Government, setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; or

(B) such other method as is provided by law for the recovery of amounts owed to the Government.

(3) WAIVER OF REPAYMENT.—The Administrator may waive, in whole or in part, repayment by an individual under this subsection if the Administrator determines that seeking recovery under paragraph (2) would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) RATE OF INTEREST.—For purposes of repayment under this subsection, the total amount of educational assistance provided to an individual under the program established under this section shall bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(e) PREFERENCE FOR COOPERATIVE EDUCATION STUDENTS.—In evaluating individuals for the award of a scholarship or fellowship under the program established under this section, the Administrator may give a preference to an individual who is enrolled in, or accepted for enrollment in, an institution of higher education that has a cooperative education program with the Department of Energy.

(f) COORDINATION OF BENEFITS.—A scholarship or fellowship awarded under the program established under this section shall be taken into account in determining the eligibility of an individual receiving such scholarship or fellowship for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) REPORT TO CONGRESS.—Not later than January 1, 2010, the Administrator shall submit to the congressional defense committees a report on the activities carried out under the program established under this section, including any recommendations for future activities under such program.

(h) FUNDING.—Of the amounts authorized to be appropriated by section 3101(a)(2) for defense nuclear nonproliferation activities, $3,000,000 shall be available to carry out the program established under this section.

SEC. 3115. REVIEW OF AND REPORTS ON GLOBAL INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

(a) REVIEW OF PROGRAM.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall conduct a review of the Global Initiatives for Proliferation Prevention program.

(2) REPORT REQUIRED.—Not later than February 1, 2009, the Administrator shall submit to the congressional defense committees a report setting forth the results of the review required under paragraph (1). The report shall include the following:

(A) A description of the goals of the Global Initiatives for Proliferation Prevention program and the criteria for partnership projects under the program.

(B) Recommendations regarding the following:

(i) Whether to continue or bring to a close each of the partnership projects under the program in existence on the date of the enactment of this Act, and, if any such project is recommended to be continued, a description of how that project will meet the criteria under subparagraph (A).

(ii) Whether to enter into new partnership projects under the program with Russia or other countries of the former Soviet Union.

(iii) Whether to enter into new partnership projects under the program in countries other than countries of the former Soviet Union.

(C) A plan for completing partnership projects under the program with the countries of the former Soviet Union by 2012.

(b) REPORT ON FUNDING FOR PROJECTS UNDER PROGRAM.—

(1) IN GENERAL.—The Administrator shall submit to the congressional defense committees a report on—

(A) the purposes for which amounts made available for the Global Initiatives for Proliferation Prevention program for fiscal year 2009 will be obligated or expended; and

(B) the amount to be obligated or expended for each partnership project under the program in fiscal year 2009.

(2) LIMITATION ON FUNDING BEFORE SUBMITTAL OF REPORT.—None of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Proliferation Prevention program may be obligated or expended until the date that is 30 days after the date on which the Administrator submits to the congressional defense committees the report required under paragraph (1).

(c) LIMITATION ON FUNDING FOR GLOBAL NUCLEAR ENERGY PARTNERSHIP.—None of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Proliferation Prevention program may be used for projects related to energy security that could promote the Global Nuclear Energy Partnership.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2009, $28,968,574 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

On Wednesday, September 17, 2008, the Senate passed S. 3002, as amended, as follows:

S. 3002

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Defense Authorization Act for Fiscal Year 2009''.

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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Army as follows:

(1) For aircraft, $4,957,435,000.

(2) For missiles, $2,211,460,000.

(3) For weapons and tracked combat vehicles, $3,689,277,000.

(4) For ammunition, $2,303,791,000.

(5) For other procurement, $11,861,704,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Navy as follows:

(1) For aircraft, $14,729,274,000.

(2) For weapons, including missiles and torpedoes, $3,605,482,000.

(3) For shipbuilding and conversion, $13,037,218,000.

(4) For other procurement, $5,516,506,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Marine Corps in the amount of $1,495,665,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,131,712,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Air Force as follows:

(1) For aircraft, $13,235,286,000.

(2) For missiles, $5,556,728,000.

(3) For ammunition, $895,478,000.

(4) For other procurement, $16,115,496,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2009 for Defense-wide procurement as follows:

(1) For Defense-wide procurement, $3,466,928,000.

(2) For the Rapid Acquisition Fund, $102,045,000.

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SEC. 111. STRYKER MOBILE GUN SYSTEM.

(a) TESTING OF SYSTEM.—If the Secretary of the Army makes the certification described by subsection (a) of section 117 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–18; 122 Stat. 26) with respect to the Stryker Mobile Gun System, or the Secretary of Defense waives pursuant to subsection (b) of such section the limitations under subsection (a) of such section with respect to the Stryker Mobile Gun System, the Secretary of Defense shall, through the Director of Operational Test and Evaluation, ensure that the Stryker Mobile Gun System is subject to testing to confirm the efficacy of any actions necessary to mitigate operational effectiveness, suitability, and survivability deficiencies identified in Initial Operational Test and Evaluation and Live Fire Test and Evaluation.

(b) QUARTERLY REPORTS.—

(1) REPORTS REQUIRED.—The Secretary of the Army shall submit to the congressional defense committees on a quarterly basis a report setting forth the following:

(A) The status of any necessary mitigating actions taken by the Army to address deficiencies in the Stryker Mobile Gun System that are identified by the Director of Operational Test and Evaluation.

(B) An assessment of the efficacy of the actions described by subparagraph (A).

(C) A statement of additional actions needed to be taken, if any, to mitigate operational deficiencies in the Stryker Mobile Gun System.

(D) A compilation of all hostile fire engagements resulting in damage to the vehicle, resulting in a non-mission capable status of the Stryker Mobile Gun System.

(2) CONSULTATION.—The Secretary shall submit each report required by paragraph (1) in consultation with the Director of Operational Test and Evaluation.

(3) FORM.—Each report required by paragraph (1) may be submitted in unclassified or classified form.

(c) EXPANSION OF LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF SYSTEM.—Section 117(a) of the National Defense Authorization Act for Fiscal Year 2008 is amended by striking ''by sections 101(3) and 1501(3)'' and inserting ''by this Act or any other Act.''.

SEC. 112. PROCUREMENT OF SMALL ARMS.

(a) REPORT ON CAPABILITIES BASED ASSESSMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Capabilities Based Assessment of small arms by the Army Training and Doctrine Command.

(2) LIMITATION ON USE OF CERTAIN FUNDS PENDING REPORT.—Not more than 75 percent of the aggregate amount authorized to be appropriated for the Department of Defense for fiscal year 2009 and available for the Guardrail Common Sensor program may be obligated for that program until after the Secretary of the Army submits to the congressional defense committees a report required under paragraph (1).

(b) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small arms of the Army and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon through one or more contracts entered into after full and open competition described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and nondevelopmental item (NDI) solutions; and

(B) provides for the award of the contract or contracts concerned based on selection criteria that reflect the key performance parameters and attributes identified in an Army-approved service requirements document.

(c) REPORT ON PROCUREMENT OF CARBINE-TYPE RIFLES.—Not later than 120 days after the date of the enactment of this Act, Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of each of the following:

(1) The certification of a carbine-type rifle requirement that does not require commonality with existing technical data.

(2) A full and open competition leading to the award of contracts for carbine-type rifles in lieu of a developmental program intended to meet the proposed carbine-type rifle requirement.

(3) The reprogramming of funds for the procurement of small arms from the procurement of M4 Carbines to the procurement of carbine-type rifles authorized only as the result of competition.

(4) The use of rapid equipping authority to procure carbine-type rifles under $2,000 per

unit that meet service-approved requirements, which weapons may be nondevelopmental items selected through full and open competition.

Subtitle C—Navy Programs

SEC. 131. AUTHORITY FOR ADVANCED PROCUREMENT AND CONSTRUCTION OF COMPONENTS FOR THE VIRGINIA-CLASS SUBMARINE PROGRAM.

Section 121 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 26) is amended—

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

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

''(b) ADVANCE PROCUREMENT AND CONSTRUCTION OF COMPONENTS.—The Secretary may enter into one or more contracts for advance procurement and advance construction of those components for the Virginia-class submarine program for which authorization to enter into a multiyear procurement contract is granted under subsection (a) if the Secretary determines that cost savings or construction efficiencies may be achieved for Virginia-class submarines through the use of such contracts.''.

SEC. 132. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. THEODORE ROOSEVELT.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2009 by section 102(a)(3) for shipbuilding and conversion, Navy, $124,500,000 is available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt (CVN–71) during fiscal year 2009.

(2) FIRST INCREMENT.—The amount made available under paragraph (1) is the first increment of the three increments of funding planned to be available for the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Navy may enter into a contract during fiscal year 2009 for the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

(2) CONDITION ON OUT-YEAR CONTRACT PAYMENTS.—The contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2009 is subject to the availability of appropriations for that purpose for such fiscal year.

Subtitle D—Air Force Programs

SEC. 151. F–22A FIGHTER AIRCRAFT.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 103(1) for procurement of aircraft for the Air Force, $497,000,000 shall be available, at the election of the President, for either, but not both, of the following:

(1) Advance procurement of F–22A fighter aircraft in fiscal year 2010.

(2) Winding down of the production line for F–22A fighter aircraft.

(b) CERTIFICATION.—

(1) IN GENERAL.—The amount referred to in subsection (a) shall not be available for the purpose elected by the President under that subsection until the President certifies to the congressional defense committees the following (as applicable):

(A) That procurement of F–22A fighter aircraft is in the national interests of the United States.

(B) That the winding down of the production line for F–22A fighter aircraft is in the national interests of the United States.

(2) DATE OF SUBMITTAL.—Any certification submitted under this subsection may not be submitted before January 21, 2009.

Subtitle E—Joint and Multiservice Matters

SEC. 171. ANNUAL LONG-TERM PLAN FOR THE PROCUREMENT OF AIRCRAFT FOR THE NAVY AND THE AIR FORCE.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 231 the following new section:

''§ 231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification

''(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.—The Secretary of Defense shall include with the defense budget materials for each fiscal year—

''(1) a plan for the procurement of the aircraft specified in subsection (b) for the Department of the Navy and the Department of the Air Force developed in accordance with this section; and

''(2) a certification by the Secretary that both the budget for such fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.

''(b) COVERED AIRCRAFT.—The aircraft specified in this subsection are the aircraft as follows:

''(1) Fighter aircraft.

''(2) Attack aircraft.

''(3) Bomber aircraft.

''(4) Strategic lift aircraft.

''(5) Intratheater lift aircraft.

''(6) Intelligence, surveillance, and reconnaissance aircraft.

''(7) Tanker aircraft.

''(8) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

''(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the aviation force provided for under the plan is capable of supporting the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time the plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then the plan should be designed so that the aviation force provided for under the plan is capable of supporting the aviation force structure recommended in the report of the most recent Quadrennial Defense Review.

''(2) Each annual aircraft procurement plan shall include the following:

''(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Navy and the Department of the Air Force over the next 30 fiscal years.

''(B) A description of the necessary aviation force structure to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1).

''(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

''(D) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Navy and the Department of the Air Force meet the national security requirements of the United States.

''(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the procurement of aircraft for either the Department of the Navy or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

''(e) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

''(3) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every 4 years under section 118 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 231 the following new item:

''231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification.''.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,855,210,000.

(2) For the Navy, $19,442,192,000.

(3) For the Air Force, $28,322,477,000.

(4) For Defense-wide activities, $21,113,501,000, of which $188,772,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2009.—Of the amounts authorized to be appropriated by section 201, $11,895,180,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in programs elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. REQUIREMENT FOR PLAN ON OVERHEAD NONIMAGING INFRARED SYSTEMS.

(a) IN GENERAL.—The Secretary of the Air Force shall develop a comprehensive plan to conduct and support research, development, and demonstration of technologies that could evolve into the next generation of overhead nonimaging infrared systems.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) The research objectives to be achieved under the plan.

(2) An estimate of the duration of the research, development, and demonstration of technologies under the plan.

(3) The cost and duration of any flight or on-orbit demonstrations of the technologies being developed.

(4) A plan for implementing an acquisition program with respect to technologies determined to be successful under the plan.

(5) An identification of the date by which a decision must be made to begin a follow-on program and a justification for the date identified.

(6) A schedule for completion of a full analysis of the on-orbit performance characteristics of the Space-Based Infrared System and the Space Tracking and Surveillance System, and an assessment of how the performance characteristics of such systems will inform the decision to proceed to a next generation overhead nonimaging infrared system.

(c) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR THIRD GENERATION INFRARED SURVEILLANCE PROGRAM.—Not more than 50 percent of the amounts authorized to be appropriated for fiscal year 2009 by section 201(3) for research, development, test, and evaluation for the Air Force and available for the Third Generation Infrared Surveillance program may be obligated or expended until the date that is 30 days after the date on which the Secretary submits to the congressional defense committees the plan required by subsection (a).

SEC. 212. ADVANCED BATTERY MANUFACTURING AND TECHNOLOGY ROADMAP.

(a) ROADMAP REQUIRED.—The Secretary of Defense shall, in coordination with the Secretary of Energy, develop a multi-year roadmap to develop advanced battery technologies and sustain domestic advanced battery manufacturing capabilities and an assured supply chain necessary to ensure that the Department of Defense has assured access to advanced battery technologies to support current military requirements and emerging military needs.

(b) ELEMENTS.—The roadmap required by subsection (a) shall include, but not be limited to, the following:

(1) An identification of current and future capability gaps, performance enhancements, cost savings goals, and assured technology access goals that require advances in battery technology and manufacturing capabilities.

(2) Specific research, technology, and manufacturing goals and milestones, and timelines and estimates of funding necessary for achieving such goals and milestones.

(3) Specific mechanisms for coordinating the activities of Federal agencies, State and local governments, coalition partners, private industry, and academia covered by the roadmap.

(4) Such other matters as the Secretary of Defense and the Secretary of Energy consider appropriate for purposes of the roadmap.

(c) COORDINATION.—

(1) IN GENERAL.—The roadmap required by subsection (a) shall be developed in coordination with the military departments, appropriate Defense Agencies and other elements and organizations of the Department of Defense, other appropriate Federal, State, and local government organizations, and appropriate representatives of private industry and academia.

(2) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense shall ensure that appropriate elements and organizations of the Department of Defense provide such information and other support as is required for the development of the roadmap.

(d) SUBMITTAL TO CONGRESS.—The Secretary of Defense shall submit to the congressional defense committees the roadmap required by subsection (a) not later than one year after the date of the enactment of this Act.

SEC. 213. AVAILABILITY OF FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

(a) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish mechanisms under which the director of a defense laboratory may utilize an amount equal to not more than three percent of all funds available to the defense laboratory for the following purposes:

(A) To fund innovative basic and applied research at the defense laboratory in support of military missions.

(B) To fund development programs that support the transition of technologies developed by the defense laboratory into operational use.

(C) To fund workforce development activities that improve the capacity of the defense laboratory to recruit and retain personnel with scientific and engineering expertise required by the defense laboratory.

(2) CONSULTATION REQUIRED.—The mechanisms established under paragraph (1) shall provide that funding shall be utilized under paragraph (1) at the discretion of the director of a defense laboratory in consultation with the science and technology executive of the military department concerned.

(b) ANNUAL REPORT ON USE OF AUTHORITY.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under subsection (a) during the preceding year.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the year covered by such report, the following:

(A) A current description of the mechanisms under subsection (a).

(B) A statement of the amount of funding made available by each defense laboratory for research and development described in subsection (a)(1).

(C) A description of the investments made by each defense laboratory utilizing funds under subsection (a).

(D) A description and assessment of any improvements in the performance of the defense laboratories as a result of investments described under subparagraph (C).

(E) A description and assessment of the contributions of the research and development conducted by the defense laboratories utilizing funds under subsection (a) to the development of needed military capabilities.

(F) A description of any modification to the mechanisms under subsection (a) that are required or proposed to be taken to enhance the efficacy of the authority under subsection (a) to support military missions.

SEC. 214. ASSURED FUNDING FOR CERTAIN INFORMATION SECURITY AND INFORMATION ASSURANCE PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Of the amount authorized to be appropriated for each fiscal year after fiscal year 2008 for a program specified in subsection (b), not less than the amount equal to one percent of such amount shall be available in such fiscal year for the establishment or conduct under such program of a program or activities to—

(1) anticipate advances in information technology that will create information security challenges for the Department of Defense when fielded; and

(2) identify and develop solutions to such challenges.

(b) COVERED PROGRAMS.—The programs specified in this subsection are the programs described in the budget justification documents submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted pursuant to section 1105(a) of title 31, United States Code) as follows:

(1) The Information Systems Security Program of the Department of Defense.

(2) Each other Department of Defense information assurance program.

(3) Any program of the Department of Defense under the Comprehensive National Cybersecurity Initiative that is not funded by the National Intelligence Program.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts available under subsection (a) for a fiscal year for the programs and activities described in that subsection are in addition to any other amounts available for such fiscal year for the programs specified in subsection (b) for research and development relating to new information assurance technologies.

SEC. 215. REQUIREMENTS FOR CERTAIN AIRBORNE INTELLIGENCE COLLECTION SYSTEMS.

(a) IN GENERAL.—Except as provided pursuant to subsection (b), effective as of October 1, 2012, each airborne intelligence collection system of the Department of Defense that is connected to the Distributed Common Ground/Surface System shall have the capability to operate with the Network-Centric Collaborative Targeting System.

(b) EXCEPTIONS.—The requirement in subsection (a) with respect to a particular airborne intelligence collection system may be waived by the Chairman of the Joint Requirements Oversight Council under section 181 of title 10, United States Code. Waivers under this subsection shall be made on a case-by-case basis.

Subtitle C—Missile Defense Programs

SEC. 231. REVIEW OF THE BALLISTIC MISSILE DEFENSE POLICY AND STRATEGY OF THE UNITED STATES.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the ballistic missile defense policy and strategy of the United States.

(b) ELEMENTS.—The matters addressed by the review required by subsection (a) shall include, but not be limited to, the following:

(1) The ballistic missile defense policy of the United States in relation to the overall national security policy of the United States.

(2) The ballistic missile defense strategy and objectives of the United States in relation to the national security strategy of the United States and the military strategy of the United States.

(3) The organization, discharge, and oversight of acquisition for the ballistic missile defense programs of the United States.

(4) The roles and responsibilities of the military departments in the ballistic missile defense programs of the United States.

(5) The process for determining requirements for missile defense capabilities under the ballistic missile defense programs of the United States, including input from the joint military requirements process.

(6) The process for determining the force structure and inventory objectives for the ballistic missile defense programs of the United States.

(7) Standards for the military utility, operational effectiveness, suitability, and survivability of the ballistic missile defense systems of the United States.

(8) The affordability and cost-effectiveness of particular capabilities under the ballistic

missile defense programs of the United States.

(9) The objectives, requirements, and standards for test and evaluation with respect to the ballistic missile defense programs of the United States.

(10) Accountability, transparency, and oversight with respect to the ballistic missile defense programs of the United States.

(11) The role of international cooperation on missile defense in the ballistic missile defense policy and strategy of the United States.

(c) REPORT.—

(1) IN GENERAL.—Not later than January 31, 2010, the Secretary shall submit to Congress a report setting forth the results of the review required by subsection (a).

(2) FORM.—The report required by this subsection shall be in unclassified form, but may include a classified annex.

SEC. 232. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

(a) IN GENERAL.—No funds authorized to be appropriated by this Act may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of major components of a long-range missile defense system in a European country until each of the following conditions have been met:

(1) The government of the country in which such major components of such missile defense system (including interceptors and associated radars) are proposed to be deployed has given final approval (including parliamentary ratification) to any missile defense agreements negotiated between such government and the United States Government concerning the proposed deployment of such components in such country.

(2) 45 days have elapsed following the receipt by Congress of the report required by section 226(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 42).

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act may be obligated or expended for the acquisition (other than initial long-lead procurement) or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to Congress a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of accomplishing its mission in an operationally effective manner.

(c) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise limited by subsection (a) or (b), including, but not limited to, site surveys, studies, analysis, and planning and design for the proposed missile defense deployment in Europe.

SEC. 233. AIRBORNE LASER SYSTEM.

(a) REPORT ON DIRECTOR OF OPERATIONAL TEST AND EVALUATION ASSESSMENT OF TESTING.—Not later than January 15, 2010, the Director of Operational Test and Evaluation shall—

(1) review and evaluate the testing conducted on the first Airborne Laser system aircraft, including the planned shootdown demonstration testing; and

(2) submit to the Secretary of Defense and to Congress an assessment by the Director of the operational effectiveness, suitability, and survivability of the Airborne Laser system.

(b) LIMITATION ON AVAILABILITY OF FUNDS FOR LATER AIRBORNE LASER SYSTEM AIRCRAFT.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the procurement of a second or subsequent aircraft for the Airborne Laser system program until the Secretary of Defense, after receiving the assessment of the Director of Operational Test and Evaluation under subsection (a)(2), submits to Congress a certification that the Airborne Laser system has demonstrated, through successful testing and operational and cost analysis, a high probability of being operationally effective, suitable, survivable, and affordable.

SEC. 234. ANNUAL DIRECTOR OF OPERATIONAL TEST AND EVALUATION CHARACTERIZATION OF OPERATIONAL EFFECTIVENESS, SUITABILITY, AND SURVIVABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) ANNUAL CHARACTERIZATION.—Section 232(h) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

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

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Director of Operational Test and Evaluation shall also each year characterize the operational effectiveness, suitability, and survivability of the ballistic missile defense system, and its elements, that have been fielded or tested before the end of the preceding fiscal year.''; and

(3) in paragraph (3), as redesignated by paragraph (1) of this subsection, by inserting ''and the characterization under paragraph (2)'' after ''the assessment under paragraph (1)''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows: ''ANNUAL OT&E ASSESSMENT AND CHARACTERIZATION OF CERTAIN BALLISTIC MISSILE DEFENSE MATTERS.—''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 235. INDEPENDENT ASSESSMENT OF BOOST-PHASE MISSILE DEFENSE PROGRAMS.

(a) INDEPENDENT ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with the National Academy of Sciences under which the Academy shall conduct an independent assessment of the boost-phase ballistic missile defense programs of the United States.

(b) ELEMENTS.—The assessment required by subsection (a) shall consider the following:

(1) The extent to which boost-phase missile defense is feasible, practical, and affordable.

(2) Whether any of the existing boost-phase missile defense technology demonstration efforts of the Department of Defense (particularly the Airborne Laser and the Kinetic Energy Interceptor) have a high probability of performing a boost-phase missile defense mission in an operationally effective, suitable, survivable, and affordable manner.

(c) FACTORS TO BE CONSIDERED.—In conducting the assessment required by subsection (a), the factors considered by the National Academy of Sciences shall include, but not be limited to, the following:

(1) Operational considerations, including the need and ability to be deployed in a particular operational position at a particular time to be effective.

(2) Geographic considerations, including limitations on the ability to deploy systems within operational range of potential targets.

(3) Command and control considerations, including short timelines for detection, decision-making, and engagement.

(4) Concepts of operations.

(5) Whether there is a potential for an engaged threat missile or warhead to land on an unintended target outside of the launching nation.

(6) Effectiveness against countermeasures, and mission effectiveness in destroying threat missiles and their warheads.

(7) Reliability, availability, and maintainability.

(8) Cost and cost-effectiveness.

(9) Force structure requirements.

(d) REPORT.—

(1) IN GENERAL.—Upon the completion of the assessment required by subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the assessment. The report shall include such recommendations regarding the future direction of the boost-phase ballistic missile defense programs of the United States as the Academy considers appropriate.

(2) FORM.—The report under paragraph (1) shall be submitted to the congressional defense committees in unclassified form, but may include a classified annex.

(e) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2009 by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, $3,500,000 is available for the assessment required by subsection (a).

SEC. 236. STUDY ON SPACE-BASED INTERCEPTOR ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.

(a) IN GENERAL.—Not later than 75 days after the date of the enactment of this Act, the Secretary of Defense shall, after consultation with the chair and ranking member of the Committee on Armed Services of the Senate and of the Committee on Armed Services of the House of Representatives, enter into a contract with one or more independent entities under which the entity or entities shall conduct an independent assessment of the feasibility and advisability of developing a space-based interceptor element to the ballistic missile defense system.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) An assessment of the need for a space-based interceptor element to the ballistic missile defense system, including an assessment of—

(A) the extent to which there is a ballistic missile threat that—

(i) such a space-based interceptor element would address; and

(ii) other elements of the ballistic missile defense system would not address;

(B) whether other elements of the ballistic missile defense system could be modified to meet the threat described in subparagraph (A) and the modifications necessary for such elements to meet that threat; and

(C) any other alternatives to the development of such a space-based interceptor element.

(2) An assessment of the components and capabilities and the maturity of critical technologies necessary to make such a space-based interceptor element operational.

(3) An estimate of the total cost for the life cycle of such a space-based interceptor element, including the costs of research, development, demonstration, procurement, deployment, and launching of the element.

(4) An assessment of the effectiveness of such a space-based interceptor element in intercepting ballistic missiles and the survivability of the element in case of attack.

(5) An assessment of possible debris generated from the use or testing of such a

space-based interceptor element and any effects of such use or testing on other space systems.

(6) An assessment of any treaty or policy implications of the development or deployment of such a space-based interceptor element.

(7) An assessment of any command, control, or battle management considerations of using such a space-based interceptor element, including estimated timelines for the detection of ballistic missiles, decision-making with respect to the use of the element, and interception of the missile by the element.

(c) REPORT.—

(1) SUBMITTAL.—Upon completion of the independent assessment required under subsection (a), the entity or entities conducting the assessment shall submit contemporaneously to the Secretary of Defense, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report setting forth the results of the assessment.

(2) COMMENTS.—Not later than 60 days after the date on which the Secretary of Defense receives the report required under paragraph (1), the Secretary may submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives any comments on the report or any recommendations of the Secretary resulting from the report.

(3) FORM.—The report required under paragraph (1) and any comments and recommendations submitted under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2009 by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, $5,000,000 shall be available to carry out the study required under subsection (a).

SEC. 237. ACTIVATION AND DEPLOYMENT OF AN/TPY–2 FORWARD-BASED X-BAND RADAR.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, up to $89,000,000 may be available for Ballistic Missile Defense Sensors for the activation and deployment of the AN/TPY–2 forward-based X-band radar to a classified location.

(b) LIMITATION.—

(1) IN GENERAL.—Funds may not be available under subsection (a) for the purpose specified in that subsection until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the deployment of the AN/TPY–2 forward-based X-band radar as described in that subsection, including:

(A) The location of deployment of the radar.

(B) A description of the operational parameters of the deployment of the radar, including planning for force protection.

(C) A description of any recurring and nonrecurring expenses associated with the deployment of the radar.

(D) A description of the cost-sharing arrangements between the United States and the country in which the radar will be deployed regarding the expenses described in subparagraph (C).

(E) A description of the other terms and conditions of the agreement between the United States and such country regarding the deployment of the radar.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Subtitle D—Other Matters

SEC. 251. MODIFICATION OF SYSTEMS SUBJECT TO SURVIVABILITY TESTING BY THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

(a) AUTHORITY TO DESIGNATE ADDITIONAL SYSTEMS AS MAJOR SYSTEMS AND PROGRAMS SUBJECT TO TESTING.—Section 2366(e)(1) of title 10, United States Code, is amended by striking ''or conventional weapon system'' and inserting ''conventional weapon system, or other system or program designated by the Director of Operational Test and Evaluation for purposes of this section''.

(b) FORCE PROTECTION EQUIPMENT.—Section 139(b) of such title is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

SEC. 252. BIENNIAL REPORTS ON JOINT AND SERVICE CONCEPT DEVELOPMENT AND EXPERIMENTATION.

(a) IN GENERAL.—Section 485 of title 10, United States Code, is amended to read as follows:

''§ 485. Joint and service concept development and experimentation

''(a) BIENNIAL REPORTS REQUIRED.—Not later than January 1 of each even numbered-year, the Commander of the United States Joint Forces Command shall submit to the congressional defense committees a report on the conduct and outcomes of joint and service concept development and experimentation.

''(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall include the following:

''(1) A description of any changes since the latest report submitted under this section to each of the following:

''(A) The authority and responsibilities of the Commander of the United States Joint Forces Command with respect to joint concept development and experimentation.

''(B) The organization of the Department of Defense responsible for executing the mission of joint concept development and experimentation.

''(C) The process for tasking forces (including forces designated as joint experimentation forces) to participate in joint concept development and experimentation and the specific authority of the Commander over those forces.

''(D) The resources provided for initial implementation of joint concept development and experimentation, the process for providing such resources to the Commander, the categories of funding for joint concept development and experimentation, and the authority of the Commander for budget execution for joint concept development and experimentation activities.

''(E) The process for the development and acquisition of materiel, supplies, services, and equipment necessary for the conduct of joint concept development and experimentation.

''(F) The process for designing, preparing, and conducting joint concept development and experimentation.

''(G) The assigned role of the Commander for—

''(i) integrating and testing in joint concept development and experimentation the systems that emerge from warfighting experimentation by the armed forces and the Defense Agencies;

''(ii) assessing the effectiveness of organizational structures, operational concepts, and technologies relating to joint concept development and experimentation; and

''(iii) assisting the Secretary of Defense and the Chairman of the Joint Chiefs of Staff in setting priorities for requirements or acquisition programs in light of joint concept development and experimentation.

''(2) A description of the conduct of joint concept development and experimentation activities during the two-year period ending on the date of such report, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the national and homeland security challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions under such activities with commanders of other combatant commands and with other organizations and entities inside and outside the Department.

''(3) A description of the conduct of concept development and experimentation activities of the military departments during the two-year period ending on the date of such report, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the national and homeland security challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions under such activities with commanders of the combatant commands and with other organizations and entities inside and outside the Department.

''(4) A description of the conduct of joint concept development and experimentation, and of concept development and experimentation of the military departments, during the two-year period ending on the date of such report with respect to the development of warfighting concepts for operational scenarios more than 10 years in the future, including—

''(A) the funding involved;

''(B) the number of activities engaged in;

''(C) the forces involved;

''(D) the challenges addressed;

''(E) the operational concepts assessed;

''(F) the technologies assessed;

''(G) the scenarios and measures of effectiveness utilized; and

''(H) specific interactions with commanders of other combatant commands and with other organizations and entities inside and outside the Department.

''(5) A description of the mechanisms used to coordinate joint, service, interagency, Coalition, and other appropriate concept development and experimentation activities.

''(6) An assessment of the return on investment in concept development and experimentation activities, including a description of the following:

''(A) Specific outcomes and impacts within the Department of the results of past joint and service concept development and experimentation in terms of new doctrine, operational concepts, organization, training, materiel, leadership, personnel, or the allocation of resources, or in activities that terminated support for legacy concepts, programs, or systems.

''(B) Specific actions taken by the Secretary of Defense to implement the recommendations of the Commander based on concept development and experimentation activities.

''(7) Such recommendations (based primarily based on the results of joint and service concept development and experimentation) as the Commander considers appropriate for enhancing the development of joint warfighting capabilities by modifying

activities throughout the Department relating to—

''(A) the development or acquisition of specific advanced technologies, systems, or weapons or systems platforms;

''(B) key systems attributes and key performance parameters for the development or acquisition of advanced technologies and systems;

''(C) joint or service doctrine, organization, training, materiel, leadership development, personnel, or facilities;

''(D) the reduction or elimination of redundant equipment and forces, including the synchronization of the development and fielding of advanced technologies among the armed forces to enable the development and execution of joint operational concepts; and

''(E) the development or modification of initial capabilities documents, operational requirements, and relative priorities for acquisition programs to meet joint requirements.

''(8) With respect to improving the effectiveness of joint concept development and experimentation capabilities, such recommendations (based primarily on the results of joint warfighting experimentation) as the Commander considers appropriate regarding—

''(A) the conduct of, adequacy of resources for, or development of technologies to support such capabilities; and

''(B) changes in authority for acquisition of materiel, supplies, services, equipment, and support from other elements of the Department of Defense for concept development and experimentation by joint or service organizations.

''(9) The coordination of the concept development and experimentation activities of the Commander of the United States Joint Forces Command with the activities of the Commander of the North Atlantic Treaty Organization Supreme Allied Command Transformation.

''(10) Any other matters that the Commander consider appropriate.

''(c) COORDINATION AND SUPPORT.—The Secretary of Defense shall ensure that the Secretaries of the military departments and the heads of other appropriate elements of the Department of Defense provide the Commander of the United States Joint Forces Command such information and support as is required to enable the Commander to prepare the reports required by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 485 and inserting the following new item:

''485. Joint and service concept development and experimentation.''.

SEC. 253. REPEAL OF ANNUAL REPORTING REQUIREMENT RELATING TO THE TECHNOLOGY TRANSITION INITIATIVE.

Section 2359a of title 10, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

SEC. 254. EXECUTIVE AGENT FOR PRINTED CIRCUIT BOARD TECHNOLOGY.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the Executive Agent of the Department of Defense for printed circuit board technology.

(b) SPECIFICATION OF ROLES, RESPONSIBILITIES, AND AUTHORITIES.—The roles, responsibilities, and authorities of the Executive Agent designated under subsection (a) shall be as described in a directive issued by the Secretary of Defense for purposes of this section not later than one year after the date of the enactment of this Act.

(c) PARTICULAR ROLES AND RESPONSIBILITIES.—The roles and responsibilities described under subsection (b) for the Executive Agent designated under subsection (a) shall include the following:

(1) To develop and maintain a printed circuit board and interconnect technology roadmap that assures that the Department of Defense has access to manufacturing capabilities and expertise and technological capabilities necessary to meet future military requirements.

(2) To develop and recommend to the Secretary of Defense funding strategies that meet the recapitalization and investment requirements of the Department for printed circuit board and interconnect technology, which strategies shall be consistent with the roadmap developed under paragraph (1).

(3) To assure that continuing expertise in printed circuit board technical is available to the Department.

(4) To assess the vulnerabilities, trustworthiness, and diversity of the printed circuit board supply chain, including the development of trustworthiness requirements for printed circuit boards used in defense systems, and to develop strategies to address matters in that supply chain that are identified as a result of such assessment.

(5) To support technical assessments and analyses, especially with respect to acquisition decisions and planning, relating to printed circuit boards

(6) Such other roles and responsibilities as the Secretary considers appropriate.

(d) RESOURCES AND AUTHORITIES.—The Secretary of Defense shall ensure that the Executive Agent designated under subsection (a) has the appropriate resources and authorities to perform the roles and responsibilities of the Executive Agent under this section.

(e) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that the Executive Agent designated under subsection (a) has such support from the military departments, Defense Agencies, and other components of the Department of Defense as is required for the Executive Agent to perform the roles and responsibilities of the Executive Agent under this section.

SEC. 255. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO FINDINGS AND RECOMMENDATIONS OF THE DEFENSE SCIENCE BOARD TASK FORCE ON DIRECTED ENERGY WEAPONS.

(a) REPORT REQUIRED.—Not later than January 1, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of each of the findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(2) A detailed description of the response of the Department of Defense to each finding and recommendation of the Task Force, including—

(A) for each recommendation that is being implemented or that the Secretary plans to implement—

(i) a summary of actions that have been taken to implement such recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of such recommendation; and

(B) for each recommendation that the Secretary does not plan to implement—

(i) the reasons for the decision not to implement such recommendation; and

(ii) a summary of the alternative actions, if any, the Secretary plans to take to address the purposes underlying such recommendation, if any.

(3) A summary of any additional actions, if any, the Secretary plans to take to address concerns raised by the Task Force, if any.

SEC. 256. ASSESSMENT OF STANDARDS FOR MISSION CRITICAL SEMICONDUCTORS PROCURED BY THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT OF METHODS FOR VERIFICATION OF TRUST OF SEMICONDUCTORS PROCURED FROM COMMERCIAL SOURCES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct an assessment of various methods for verification of trust of the semiconductors procured by the Department of Defense from commercial sources for utilization in mission critical components of potentially vulnerable defense systems.

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) An identification of various existing methods for verification of trust of semiconductors that are suitable for Department of Defense purposes as described in subsection (a).

(2) An identification of various methods for verification of trust of semiconductors that are currently under development and have promise for suitability for Department of Defense purposes as described in subsection (a), including methods under development at the Defense Agencies, the national laboratories, and institutions of higher education, and in the private sector.

(3) A determination of the most suitable methods identified under paragraphs (1) and (2) for Department of Defense purposes as described in subsection (a).

(4) An assessment of additional research and technology development efforts necessary to develop methods for verification of trust of semiconductors to meet the needs of the Department of Defense.

(5) Any other matters that the Under Secretary considers appropriate for the verification of trust of semiconductors from commercial sources for utilization in mission critical components of any category or categories of vulnerable defense systems.

(c) CONSULTATION.—The Under Secretary shall conduct the assessment required by subsection (a) in consultation with appropriate elements of the Department of Defense, the intelligence community, private industry, and academia.

(d) EFFECTIVE DATE.—The assessment required by subsection (a) shall be completed not later than December 31, 2009.

(e) UPDATE.—The Under Secretary shall from time to time update the assessment required by subsection (a) to take into account advances in technology.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $31,282,460,000.

(2) For the Navy, $34,811,598,000.

(3) For the Marine Corps, $5,607,354,000.

(4) For the Air Force, $35,244,587,000.

(5) For Defense-wide activities, $25,926,564,000.

(6) For the Army Reserve, $2,642,641,000.

(7) For the Navy Reserve, $1,311,085,000.
(8) For the Marine Corps Reserve, $213,131,000.
(9) For the Air Force Reserve, $3,142,892,000.
(10) For the Army National Guard, $5,909,846,000.
(11) For the Air National Guard, $5,883,926,000.
(12) For the United States Court of Appeals for the Armed Forces, $13,254,000.
(13) For Environmental Restoration, Army, $447,776,000.
(14) For Environmental Restoration, Navy, $290,819,000.
(15) For Environmental Restoration, Air Force, $496,277,000.
(16) For Environmental Restoration, Defense-wide, $13,175,000.
(17) For Environmental Restoration, Formerly Used Defense Sites, $257,796,000.
(18) For Overseas Humanitarian, Disaster and Civic Aid programs, $83,273,000.
(19) For Cooperative Threat Reduction programs, $434,135,000.
(20) For Overseas Contingency Operations Transfer Fund, $9,101,000.

Subtitle B—Environmental Provisions

SEC. 311. EXPANSION OF COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF NATURAL RESOURCES TO INCLUDE OFF-INSTALLATION MITIGATION.

Section 103a(a) of the Sikes Act (16 U.S.C. 670c–1(a)) is amended by striking ''to provide for the maintenance and improvement'' and all that follows through the period at the end and inserting the following: ''to provide for one or both of the following:

''(1) The maintenance and improvement of natural resources on, or to benefit natural and historic research on, Department of Defense installations.

''(2) The maintenance and improvement of natural resources outside of Department of Defense installations if the purpose of the cooperative agreement is to relieve or eliminate current or anticipated challenges that could restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military activities.''.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of Defense may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $64,049.40 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

SEC. 313. COMPREHENSIVE PROGRAM FOR THE ERADICATION OF THE BROWN TREE SNAKE POPULATION FROM MILITARY FACILITIES IN GUAM.

The Secretary of Defense shall establish a comprehensive program to control and, to the extent practicable, eradicate the brown tree snake population from military facilities in Guam and to ensure that military activities, including the transport of civilian and military personnel and equipment to and from Guam, do not contribute to the spread of brown tree snakes.

Subtitle C—Workplace and Depot Issues

SEC. 321. AUTHORITY TO CONSIDER DEPOT-LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.

Section 2474 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) CONSIDERATION OF DEPOT LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.—Depot-level maintenance and repair work performed at a Center of Industrial and Technical Excellence by Federal Government employees using equipment furnished by contractors or by Federal Government employees utilizing facilities leased by the Government may be considered as workload necessary to maintain core logistics capability for purposes of section 2464 of this title if the depot-level maintenance and repair workload is the subject of a public-private partnership entered into pursuant to subsection (b).''.

SEC. 322. MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.

(a) ADDITIONAL ARMY DEPOTS.—Subsection (e)(1) of section 2476 of title 10, United States Code, is amended by adding at the end the following new subparagraphs:

''(F) Watervliet Arsenal, New York.
''(G) Rock Island Arsenal, Illinois.
''(H) Pine Bluff Arsenal, Arkansas.''.

(b) SEPARATE CONSIDERATION AND REPORTING OF NAVY DEPOTS AND MARINE CORPS DEPOTS.—Such section is further amended—

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

''(D) Separate consideration and reporting of Navy Depots and Marine Corps depots.''; and

(2) in subsection (e)(2)—

(A) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin;

(B) by inserting after ''Department of the Navy:'' the following:

''(A) The following Navy depots:'';

(C) by inserting after clause (vii), as redesignated by subparagraph (A), the following:

''(B) The following Marine Corps depots:''; and

(D) by redesignating subparagraphs (H) and (I) as clauses (i) and (ii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin.

Subtitle D—Reports

SEC. 331. ADDITIONAL INFORMATION UNDER ANNUAL SUBMISSIONS OF INFORMATION REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS.

Section 351 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2516; 10 U.S.C. 221 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''$30,000,000 and an estimated total life cycle cost'' and inserting ''$30,000,000 or an estimated total life cycle cost''; and

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

''(3) Information technology capital assets not covered by paragraphs (1) and (2) that have been determined by the Chief Information Officer of the Department of Defense to be significant investments.'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

''(d) REQUIRED INFORMATION FOR SIGNIFICANT INVESTMENTS.—With respect to each information technology capital asset not covered by paragraph (1) or (2) of subsection (a), but covered by paragraph (3) of that subsection, the Secretary of Defense shall include such information in a format that is appropriate to the current status of such asset.''.

Subtitle E—Other Matters

SEC. 341. MITIGATION OF POWER OUTAGE RISKS FOR DEPARTMENT OF DEFENSE FACILITIES AND ACTIVITIES.

(a) RISK ASSESSMENT.—The Secretary of Defense shall conduct a comprehensive technical and operational risk assessment of the risks posed to mission critical installations, facilities, and activities of the Department of Defense by extended power outages resulting from failure of the commercial electricity grid and related infrastructure.

(b) RISK MITIGATION PLANS.—

(1) IN GENERAL.—The Secretary of Defense shall develop integrated prioritized plans to eliminate, reduce, or mitigate significant risks identified in the risk assessment under subsection (a).

(2) MITIGATION GOALS.—In developing the risk mitigation plans under paragraph (1), the Secretary of Defense shall prioritize the mission critical installations, facilities, and activities that are subject to the greatest and most urgent risks.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit a report on the efforts of the Department of Defense to mitigate the risks described in subsection (a) as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

(2) CONTENT.—Each report submitted under paragraph (1) shall describe the integrated prioritized plans developed under subsection (b) and the progress made toward achieving the goals established under such subsection.

SEC. 342. INCREASED AUTHORITY TO ACCEPT FINANCIAL AND OTHER INCENTIVES RELATED TO ENERGY SAVINGS AND NEW AUTHORITY RELATED TO ENERGY SYSTEMS.

(a) ENERGY SAVINGS.—Section 2913(c) of title 10, United States Code, is amended by inserting ''or a State or local government'' after ''gas or electric utility''.

(b) ENERGY SYSTEMS.—Section 2915 of such title is amended by adding at the end the following new subsection:

''(f) ACCEPTANCE OF FINANCIAL INCENTIVES, FINANCIAL ASSISTANCE, AND SERVICES.—The Secretary of Defense may authorize any military installation to accept any financial incentive, financial assistance, or services generally available from a gas or electric utility or State or local government to use or construct an energy system using solar energy or other renewable form of energy if the use or construction of the system is consistent with the energy performance goals and energy performance plan for the Department of Defense developed under section 2911 of this title.''.

SEC. 343. RECOVERY OF IMPROPERLY DISPOSED OF DEPARTMENT OF DEFENSE PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2790. Recovery of improperly disposed of Department of Defense property

''(a) PROHIBITION.—No member of the armed forces, civilian employee of the United States Government, contractor personnel, or other person may sell, lend, pledge, barter, or give any clothing, arms, articles, equipment, or other military or Department of Defense property except in accordance with the statutes and regulations governing Government property.

''(b) TRANSFER OF TITLE OR INTEREST INEFFECTIVE.—If property has been disposed of in violation of subsection (a), the person holding the property has no right or title to, or interest in, the property.

''(c) AUTHORITY FOR SEIZURE OF IMPROPERLY DISPOSED OF PROPERTY.—If any person is in the possession of military or Department of Defense property without right or title to, or interest in, the property because it has been disposed of in violation of subsection (a), any Federal, State, or local law enforcement official may seize the property wherever found.

''(d) INAPPLICABILITY TO CERTAIN PROPERTY.—Subsections (b) and (c) shall not apply to property on public display by public or private collectors or museums in secured exhibits.

''(e) DETERMINATIONS OF VIOLATIONS.—(1) The appropriate district court of the United States shall have jurisdiction, regardless of the current approximated or estimated value of the property, to determine whether property was disposed of in violation of subsection (a). Any such determination shall be by a preponderance of the evidence.

''(2) In the case of property, the possession of which could undermine national security or create a hazard to public health or safety, the determination under paragraph (1) may be made after the seizure of the property. If the person from whom the property is seized is found to have been lawfully in possession of the property and the return of the property could undermine national security or create a hazard to public health or safety, the Secretary of Defense shall reimburse the person for the fair value for the property.

''(f) DELIVERY OF SEIZED PROPERTY.—Any law enforcement official who seizes property under subsection (c) and is not authorized to retain it for the United States shall deliver the property to an authorized member of the armed forces or other authorized official of the Department of Defense or the Department of Justice.

''(g) RETROACTIVE ENFORCEMENT AUTHORIZED.—This section shall apply to any military or Department of Defense property that is disposed of on or after January 1, 2002, in a manner that is not in accordance with statutes and regulations governing Government property in effect at the time of the disposal of the property.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of such title is amended by inserting the following new item:

''2790. Recovery of improperly disposed of Department of Defense property.''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2009, as follows:

(1) The Army, 532,400.
(2) The Navy, 325,300.
(3) The Marine Corps, 194,000.
(4) The Air Force, 316,771.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2009, as follows:

(1) The Army National Guard of the United States, 352,600.
(2) The Army Reserve, 205,000.
(3) The Navy Reserve, 66,700.
(4) The Marine Corps Reserve, 39,600.
(5) The Air National Guard of the United States, 106,756.
(6) The Air Force Reserve, 67,400.
(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2009, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 29,950.
(2) The Army Reserve, 16,170.
(3) The Navy Reserve, 11,099.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 14,360.
(6) The Air Force Reserve, 2,733.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2009 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.
(2) For the Army National Guard of the United States, 27,210.
(3) For the Air Force Reserve, 10,003.
(4) For the Air National Guard of the United States, 22,459.

SEC. 414. FISCAL YEAR 2009 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2009, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.
(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2009, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2009, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2009, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.
(2) The Army Reserve, 13,000.
(3) The Navy Reserve, 6,200.
(4) The Marine Corps Reserve, 3,000.
(5) The Air National Guard of the United States, 16,000.
(6) The Air Force Reserve, 14,000.

SEC. 416. INCREASED END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE ARMY NATIONAL GUARD AND ARMY RESERVE AND MILITARY TECHNICIANS (DUAL STATUS) OF THE ARMY NATIONAL GUARD.

(a) RESERVES ON ACTIVE DUTY IN SUPPORT OF ARMY NATIONAL GUARD AND ARMY RESERVE.—Notwithstanding the limitations specified in section 412 and subject to the provisions of this section, the number of Reserves authorized as of September 30, 2009, to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for purposes of organizing, administering, recruiting, instructing, or training the reserve components shall be the number as follows:

(1) In the case of the Army National Guard of the United States, the number authorized by section 412(1), plus an additional 2,110 Reserves.

(2) In the case of the Army Reserve, the number authorized by section 412(2), plus an additional 91 Reserves.

(b) MILITARY TECHNICIANS (DUAL STATUS) OF ARMY NATIONAL GUARD.—Notwithstanding the limitation specified in section 413(2) and subject to the provisions of this section, the minimum number of military technicians (dual status) as of September 30, 2009, for the Army National Guard of the United States (notwithstanding section 129 of title 10, United States Code) shall be the number otherwise specified in section 413(2), plus such additional number, not to exceed 1,170, military technicians (dual status) as the Secretary of the Army considers appropriate.

(c) ASSIGNMENT OF PERSONNEL UNDER ADDITIONAL END STRENGTHS.—Any personnel on duty or service under the additional end strengths authorized by subsection (a) or (b) may only be assigned to units of company size or below.

(d) FUNDING.—The costs of any personnel under the additional end strengths authorized by subsection (a) or (b) shall be paid from funds authorized to be appropriated for fiscal year 2009 by titles XV and XVI.

SEC. 417. MODIFICATION OF AUTHORIZED STRENGTHS FOR MARINE CORPS RESERVE OFFICERS ON ACTIVE DUTY IN THE GRADES OF MAJOR AND LIEUTENANT COLONEL TO MEET NEW FORCE STRUCTURE REQUIREMENTS.

(a) AUTHORIZED STRENGTHS FOR MAJORS.—The table in section 12011(a)(1) of title 10, United States Code, is amended by striking the numbers in the column relating to ''Major'' in the items relating to the Marine Corps Reserve and inserting the following new numbers:

''99
''103
''107
''111
''114
''117
''120
''123
''126
''129
''132
''134
''136
''138
''140
''142''.

(b) AUTHORIZED STRENGTHS FOR LIEUTENANT COLONELS.—The table in section 12011(a)(1) of such title is further amended by striking the numbers in the column relating to ''Lieutenant Colonel'' in the items relating to the Marine Corps Reserve and inserting the following new numbers:

''63
''67
''70
''73
''76
''79
''82
''85
''88
''91
''94
''97
''100
''103
''106
''109''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel amounts as follows:

(1) For military personnel, $114,152,040,000.

(2) For contributions to the Medicare-Eligible Retiree Health Fund, $10,350,593,000.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2009.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. MODIFICATION OF DISTRIBUTION REQUIREMENTS FOR COMMISSIONED OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.

(a) INCREASE IN NUMBER OF OFFICERS SERVING IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—Subsection (b) of section 525 of title 10, United States Code, is amended by striking ''16.3 percent'' each place it appears in paragraphs (1) and (2)(A) and inserting ''16.4 percent''.

(b) EXCLUSION OF CERTAIN RESERVE OFFICERS.—Such section is further amended by adding at the end the following new subsection:

''(g) The limitations of this section do not apply to a reserve general or flag officer who is on active duty under a call or order to active duty specifying a period of active duty of not longer than three years.''.

SEC. 502. MODIFICATION OF LIMITATIONS ON AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) GENERAL LIMITATIONS.—Subsection (a) of section 526 of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) For the Army, 222.
''(2) For the Navy, 159.
''(3) For the Air Force, 206.
''(4) For the Marine Corps, 59.''.

(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—(1) The Secretary of Defense may designate up to 324 general officer and flag officer positions that are joint duty assignments for the purposes of chapter 38 of this title for exclusion from the limitations in subsection (a). Officers in positions so designated shall not be counted for the purposes of those limitations.

''(2) Unless the Secretary of Defense determines that a lower number is in the best interests of the nation, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

''(A) For the Army, 85.
''(B) For the Navy, 61.
''(C) For the Air Force, 76.
''(D) For the Marine Corps, 21.''.

(c) TEMPORARY EXCLUSION FOR CERTAIN TEMPORARY BILLETS.—Such section is further amended by inserting after subsection (b), as amended by subsection (b) of this section, the following new subsection:

''(c) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—(1) The limitations in subsection (a) do not apply to a general or flag officer assigned to a temporary joint duty assignment billet designated by the Secretary of Defense for purposes of this section.

''(2) A general or flag officer assigned to a temporary joint duty assignment as described in paragraph (1) may not be excluded under this subsection from the limitations in subsection (a) for a period longer than one year.''.

(d) CONFORMING REPEAL OF LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS WHO MAY SERVE IN POSITIONS OUTSIDE THEIR OWN SERVICE.—

(1) REPEAL.—Section 721 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 721.

(e) ACQUISITION AND CONTRACTING BILLETS.—The Secretary of Defense, the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the chiefs of staff of the Armed Forces shall take appropriate actions to ensure that—

(1) not less than 12 percent of all general officers and flag officers in the Armed Forces generally, and in each Armed Force (as applicable), serve in an acquisition position; and

(2) not less than 10 percent of all general officers and flag officers in the Armed Forces generally, and in each Armed Force (as applicable), who serve in an acquisition position have significant contracting experience.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 2010.

SEC. 503. CLARIFICATION OF JOINT DUTY REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG GRADES.

(a) IN GENERAL.—Subsection (a) of section 619a of title 10, United States Code, is amended by striking ''unless—'' and all that follows and inserting ''unless the officer has been designated as a joint qualified officer in accordance with section 661 of this title.''.

(b) EXCEPTIONS.—Subsection (b) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a),'' and inserting ''subsection (a)''; and

(2) in paragraph (4), by striking ''if the officer's'' and all that follows and inserting ''if—

''(A) the officer's total consecutive years in joint duty assignments is not less than two years; and

''(B) the officer has successfully completed a program of education meeting the requirements for Phase II joint professional military education under subsections (b) and (c) of section 2155 of this title''.

(c) REPEAL OF SPECIAL RULE FOR NUCLEAR PROPULSION OFFICERS.—Such section is further amended by striking subsection (h).

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 619a. Eligibility for consideration for promotion: joint qualified officer designation required for promotion to general or flag grade; exceptions''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking the item relating to section 619a and inserting the following new item:

''619a. Eligibility for consideration for promotion: joint qualified officer designation required for promotion to general or flag grade; exceptions.''.

SEC. 504. MODIFICATION OF AUTHORITIES ON LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) SERVICE EXCLUDABLE FROM TOUR LENGTH REQUIREMENTS.—Subsection (d) of section 664 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking subparagraph (D) and inserting the following new subparagraph (D):

''(D) a qualifying reassignment from a joint duty assignment—

''(i) for unusual personal reasons (including extreme hardship and medical conditions) beyond the control of the officer or the armed forces; or

''(ii) to another joint duty assignment immediately after—

''(I) the officer was promoted to a higher grade, if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or

''(II) the officer's position was eliminated in a reorganization.''; and

(2) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) Service in a joint duty assignment in a case in which the officer's tour of duty in that assignment brings the officer's accrued service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a).''.

(b) EXCLUSIONS OF SERVICE FROM COMPUTING AVERAGE TOUR LENGTHS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraph (2):

''(2) In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

''(A) Service described in subsection (c).

''(B) Service described in subsection (d).

''(C) Service described in subsection (f)(6).''.

(c) SERVICE CONTRIBUTING TOWARD FULL TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

''(3) Accrued joint experience in joint duty assignments as described in subsection (g).'';

(2) in paragraph (4), by striking ''(except that'' and all that follows through ''at any time)''; and

(3) by striking paragraph (6) and inserting the following new paragraph (6):

''(6) Any subsequent joint duty assignment that is less than the period required under subsection (a), but not less than two years.''.

(d) ACCRUAL OF JOINT EXPERIENCE.—Subsection (g) of such section is amended to read as follows:

''(g) ACCRUED JOINT EXPERIENCE.—Accrued joint experience that may be aggregated to equal a full tour of duty for purposes of subsection (f)(3) shall include such temporary duty in joint assignments, joint individual training, and participation in joint exercises, and for such periods, as shall be prescribed in regulations by the Secretary of Defense in consultation with the advice of the Chairman of the Joint Chiefs of Staff.''.

(e) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''accord'' and inserting ''award''; and

(B) by striking ''(f)(4), or (g)(2)'' and inserting ''or (f)(4)''; and

(2) by striking paragraph (3).

(f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—Such section is further amended by striking subsection (i).

SEC. 505. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO MODIFICATION OF JOINT SPECIALTY REQUIREMENTS.

(a) JOINT DUTY ASSIGNMENTS AFTER COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION.—Section 663 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the heading, by striking ''JOINT SPECIALTY OFFICERS.—'' and inserting ''JOINT QUALIFIED OFFICERS.—''; and

(B) by striking ''officer with the joint specialty'' and inserting ''designated as a joint qualified officer''; and

(2) in subsection (b)(1), by striking ''do not have the joint specialty'' and inserting ''are not designated as joint qualified officers''.

(b) PROCEDURES FOR MONITORING CAREERS OF JOINT OFFICERS.—Section 665 of such title is amended—

(1) in subsection (a)(l)(A), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(2) in subsection (b)(1), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''.

(c) ANNUAL REPORTS.—Section 667 of such title is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as joint qualified officers''; and

(B) in subparagraph (B), by striking ''selection for the joint specialty but were not selected'' and inserting ''designation as joint qualified officers but were not designated'';

(2) in paragraph (2), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers'';

(3) in paragraph (3), by striking ''selected for the joint specialty'' each place it appears and inserting ''designated as joint qualified officers'';

(4) in paragraph (4)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as joint qualified officers''; and

(B) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) a comparison of—

''(i) the number of officers designated as joint qualified officers who had served in a joint duty assignment list billet and completed Phase II joint professional military education; with

''(ii) the number of officers designated as joint qualified officers based on their aggregated joint experiences and completion of Phase II joint professional military education.'';

(5) by striking paragraph (16);

(6) by redesignating paragraphs (5) through (15) as paragraphs (6) through (16), respectively;

(7) by inserting after paragraph (4) the following new paragraph (5):

''(5) The promotion rate for officers from within the promotion zone who are designated as joint qualified officers compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the armed force and for officers of the armed force concerned designated as joint qualified officers.'';

(8) in paragraph (7), as redesignated by paragraph (6) of this subsection—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(9) in paragraph (8), as so redesignated, by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(10) in paragraph (9), as so redesignated—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(11) in paragraph (10), as so redesignated—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(12) in paragraph (11), as so redesignated, by striking ''selection for the joint specialty'' and inserting ''designation as joint qualified officers'';

(13) in paragraph (14), as so redesignated—

(A) by striking ''paragraphs (5) through (9)'' and inserting ''paragraphs (6) through (10)''; and

(B) by striking ''having the joint specialty'' and inserting ''designated as joint qualified officers'';

(14) by redesignating paragraph (18) as paragraph (19); and

(15) by inserting after paragraph (17) the following new paragraph (18):

''(18) The number of officers in the grade of captain or above, or in the case of the Navy, lieutenant or above, certified at each level of joint qualification, with such numbers to be set forth separated for each armed force and for each covered grade of officer within each armed force.''.

SEC. 506. ELIGIBILITY OF RESERVE OFFICERS TO SERVE ON BOARDS OF INQUIRY FOR SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE AND OTHER REASONS.

(a) ELIGIBILITY.—Section 1187 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(2) in subsection (b), by striking ''on active duty'' in the matter preceding paragraph (1).

(b) CONFORMING AMENDMENT.—The heading of subsection (a) of such section is amended by striking ''ACTIVE DUTY OFFICERS'' and inserting ''IN GENERAL''.

SEC. 507. MODIFICATION OF AUTHORITY ON STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

(a) GRADE OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.—Section 5046(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentence: ''The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.''.

(b) EXCLUSION FROM GENERAL OFFICER DISTRIBUTION LIMITATIONS.—Section 525(a) of such title is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2) An officer while serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps under section 5046 of this title is in addition to the number that would otherwise be permitted for the Marine Corps for officers in grades above the brigadier general under the first sentence of paragraph (1).''.

SEC. 508. INCREASE IN NUMBER OF PERMANENT PROFESSORS AT THE UNITED STATES AIR FORCE ACADEMY.

Section 9331(b)(4) of title 10, United States Code, is amended by striking ''21 permanent professors'' and inserting ''25 permanent professors''.

SEC. 509. SERVICE CREDITABLE TOWARD RETIREMENT FOR THIRTY YEARS OR MORE OF SERVICE OF REGULAR WARRANT OFFICERS OTHER THAN REGULAR ARMY WARRANT OFFICERS.

Section 1305 of title 10, United States Code, is amended—

(1) in subsection (a), ''A regular warrant officer'' and inserting ''A regular Army warrant officer'';

(2) by redesignating subsections (b) and (c) as subsections (c), and (d), respectively;

(3) by inserting after subsection (a) the following new subsection (b);

''(b) A regular warrant officer (other than a regular Army warrant officer) who has at least 30 years of active service that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended, may be retired 60 days after the date on which he completes that service, except as provided by section 8301 of title 5.''; and

(4) in subsections (c) and (d), as redesignated by paragraph (2), by inserting ''or (b)'' after ''subsection (a)''.

SEC. 510. MODIFICATION OF REQUIREMENTS FOR QUALIFICATION FOR ISSUANCE OF POSTHUMOUS COMMISSIONS AND WARRANTS.

(a) POSTHUMOUS COMMISSIONS.—Section 1521 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''in line of duty'' each place it appears; and

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

''(c) A commission issued under subsection (a) shall require a certification by the Secretary of the military department concerned

that at the time of death the member was qualified for appointment to the next higher grade.''.

(b) POSTHUMOUS WARRANTS.—Section 1522 of such title is amended—

(1) in subsection (a), by striking ''in line of duty''; and

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

''(c) A warrant issued under subsection (a) shall require a finding by the Secretary of the military department concerned that at the time of death the member was qualified for appointment to the next higher grade.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

Subtitle B—Enlisted Personnel Policy

SEC. 521. INCREASE IN MAXIMUM PERIOD OF REENLISTMENT OF REGULAR MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM PERIOD.—Section 505(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''six years'' and inserting ''eight years''; and

(2) in paragraph (3)(A), by striking ''six years'' and inserting ''eight years''.

(b) CONFORMING AMENDMENT RELATING TO PAYMENT OF REENLISTMENT BONUS.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking ''six'' and inserting ''eight''.

Subtitle C—Reserve Component Management

SEC. 531. MODIFICATION OF LIMITATIONS ON AUTHORIZED STRENGTHS OF RESERVE GENERAL AND FLAG OFFICERS IN ACTIVE STATUS.

(a) EXCLUSION OF ARMY AND AIR FORCE OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (b) of section 12004 of title 10, United States Code, is amended by adding at the end the following new paragraph;

''(4) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the armed force concerned by subsection (a).''.

(b) EXCLUSION OF NAVY OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (c) of such section is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by striking the matter in paragraph (1) before the matter relating to line corps and inserting the following:

''(1) The following Navy reserve officers shall not be counted for purposes of this section:

''(A) Those counted under section 526 of this title.

''(B) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the Navy in subsection (a).

''(2) Of the number of Navy reserve officers authorized by subsection (a), 40 are distributed among the line and staff corps as follows:''.

SEC. 532. EXTENSION TO OTHER RESERVE COMPONENTS OF ARMY AUTHORITY FOR DEFERRAL OF MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS) UNTIL AGE 60.

Section 10216(f) of title 10, United States Code, is amended by inserting ''and the Secretary of the Air Force'' after ''Secretary of the Army''.

SEC. 533. INCREASE IN MANDATORY RETIREMENT AGE FOR CERTAIN RESERVE OFFICERS TO AGE 62.

(a) SELECTIVE SERVICE AND UNITED STATES PROPERTY AND FISCAL OFFICERS.—Section 12647 of title 10, United States Code, is amended by striking ''60 years'' and inserting ''62 years''.

(b) HEADQUARTERS AND RESERVE TECHNICIAN OFFICER PERSONNEL.—

(1) IN GENERAL.—Subsection (b) of section 14702 of such title is amended—

(A) in the subsection caption, by striking ''AGE 60'' and inserting ''AGE 62''; and

(B) by striking ''60 years'' and inserting ''62 years''.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 14702. Retention on reserve active-status list of certain officers until age 62''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1409 of such title is amended by striking the item relating to section 14702 and inserting the following new item:

''14702. Retention on reserve active-status list of certain officers until age 62.''.

SEC. 534. AUTHORITY FOR VACANCY PROMOTION OF NATIONAL GUARD AND RESERVE OFFICERS ORDERED TO ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

Section 14317 of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by inserting ''(1)'' before ''Except as provided in subsection (e)''; and

(B) by striking ''unless'' in the first sentence and all that follows through the end of the subsection and inserting ''unless the officer—

''(A) is ordered to active duty as a member of the unit in which the vacancy exists when that unit is ordered to active duty; or

''(B) has been ordered to or is serving on active duty in support of a contingency operation.

''(2) If the name of an officer is removed under paragraph (1) from a list of officers recommended for promotion, the officer shall be treated as if the officer had not been considered for promotion or examined for Federal recognition.''; and

(2) in subsection (e)(1)(B), by inserting ''or by examination for Federal recognition under title 32'' after ''this title''.

SEC. 535. AUTHORITY FOR RETENTION OF RESERVE COMPONENT CHAPLAINS AND MEDICAL OFFICERS UNTIL AGE 68.

(a) RESERVE CHAPLAINS AND MEDICAL OFFICERS.—Section 14703(b) of title 10, United States Code, is amended by striking ''67 years'' and inserting ''68 years''.

(b) NATIONAL GUARD CHAPLAINS AND MEDICAL OFFICERS.—Section 324(a) of title 32, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

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

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) in the case of a chaplain or medical officer, he becomes 68 years of age; or''.

SEC. 536. MODIFICATION OF AUTHORITIES ON DUAL DUTY STATUS OF NATIONAL GUARD OFFICERS.

(a) DUAL DUTY STATUS AUTHORIZED FOR ANY OFFICER ON ACTIVE DUTY.—Subsection (a)(2) of section 325 of title 32, United States Code, is amended by striking ''in command of a National Guard unit''.

(b) ADVANCE AUTHORIZATION AND CONSENT TO DUAL DUTY STATUS.—Such section is further amended—

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

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

''(b) ADVANCE AUTHORIZATION AND CONSENT.—The President and the Governor of a State or Territory, or of the Commonwealth of Puerto Rico, or the commanding general of the District of Columbia National Guard, as applicable, may give the authorization or consent required by subsection (a)(2) with respect to an officer in advance for the purpose of establishing the succession of command of a unit.''.

SEC. 537. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) IN GENERAL.—Subsection (d) of section 509 of title 32, United States Code, is amended to read as follows:

''(d) MATCHING FUNDS REQUIRED.—(1) The amount of assistance provided by the Secretary of Defense to a State program of the Program for a fiscal year under this section may not exceed 60 percent of the costs of operating the State program during that fiscal year.

''(2) The limitation in paragraph (1) may not be construed as a limitation on the amount of assistance that may be provided to a State program of the Program for a fiscal year from sources other than the Department of Defense.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 538. REPORT ON COLLECTION OF INFORMATION ON CIVILIAN SKILLS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability, utility, and cost effectiveness of the following:

(1) The collection by the Department of Defense of information on the civilian skills, qualifications, and professional certifications of members of the reserve components of the Armed Forces that are relevant to military manpower requirements.

(2) The establishment by each military department, and by the Department of Defense generally, of a system that would match billets and personnel requirements with members of the reserve components of the Armed Forces who have skills, qualifications, and certifications relevant to such billets and requirements.

(3) The establishment by the Department of Defense of one or more systems accessible by private employers who employ individuals with skills, qualifications, and certifications possessed by members of the reserve components of the Armed Forces to assist such employers in hiring and employing such members.

(4) Actions to ensure that employment information collected for and maintained in the Civilian Employment Information database of the Department of Defense is current and accurate.

(5) Actions to incorporate any matter determined feasible and advisable under paragraphs (1) through (4) into the Defense Integrated Military Human Resources System.

Subtitle D—Education and Training

SEC. 551. AUTHORITY TO PRESCRIBE THE AUTHORIZED STRENGTH OF THE UNITED STATES NAVAL ACADEMY.

(a) IN GENERAL.—Section 6954 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''4,000 or such higher number'' and inserting ''4,400 or such lower number''; and

(B) by striking ''under subsection (h)''; and

(2) by striking subsection (h).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to academic years at the United States Naval Academy after the 2007–2008 academic year.

SEC. 552. TUITION FOR ATTENDANCE OF CERTAIN INDIVIDUALS AT THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

Section 9314(c) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4)(A) The Institute shall charge tuition for the cost of instruction at the Institute for individuals described in subparagraph (B).

''(B) The individuals described in this subparagraph are any individuals, including civilian employees of the military departments other than the Air Force, of other components of the Department of Defense, and of other Federal agencies, receiving instruction at the Institute.

''(C) The cost of any tuition charged an individual under this paragraph shall be borne by the department, agency, or component sending the individual for instruction at the Institute.

''(5) Amounts received by the Institute for the instruction of students under this subsection shall be retained by the Institute and available to the Institute to cover the costs of such instruction. The source and disposition of such amounts shall be specifically identified in the records of the Institute.''.

SEC. 553. INCREASE IN STIPEND FOR BACCALAUREATE STUDENTS IN NURSING OR OTHER HEALTH PROFESSIONS UNDER HEALTH PROFESSIONS STIPEND PROGRAM.

Section 16201 of title 10, United States Code, is amended—

(1) in subsection (e)(2)(A), by striking ''of $100 per month'' and inserting '', in an amount determined under subsection (f),''; and

(2) in subsection (f), by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (e)''.

SEC. 554. CLARIFICATION OF DISCHARGE OR RELEASE TRIGGERING DELIMITING PERIOD FOR USE OF EDUCATIONAL ASSISTANCE BENEFIT FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

Section 16164(a)(2) of title 10, United States Code, is amended by striking ''other than dishonorable conditions'' and inserting ''honorable conditions''.

SEC. 555. PAYMENT BY THE SERVICE ACADEMIES OF CERTAIN EXPENSES ASSOCIATED WITH PARTICIPATION IN ACTIVITIES FOSTERING INTERNATIONAL COOPERATION.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding the following new section:

''§ 2016. Service academies: payment of expenses of foreign visitors for international cooperation; expenses of cadets and midshipmen in certain travel or study abroad

''(a) PAYMENT OF EXPENSES OF CERTAIN FOREIGN VISITORS.—The Superintendent of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy may, if such Superintendent considers it necessary in the interests of international cooperation, pay the following:

''(1) Travel, subsistence, and special compensation of officers, students, and representatives of foreign countries visiting the service academy concerned.

''(2) Other hosting and entertainment expenses in connection with foreign visitors to the service academy concerned.

''(b) PER DIEM FOR CADETS AND MIDSHIPMEN TRAVELING OR STUDYING ABROAD.—A cadet at the United States Military Academy or the United States Air Force Academy, and a midshipman at the United States Naval Academy, who travels or studies abroad in a program to enhance language skills or cultural understanding may be paid per diem in connection with such travel or study at a rate lower than the rate authorized by the Joint Federal Travel Regulations if the Superintendent of the service academy concerned determines that payment of per diem at such lower rate is in the best interest of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

''2016. Service academies: payment of costs of foreign visitors for international cooperation; expenses of cadets and midshipmen in certain travel or study abroad.''.

Subtitle E—Defense Dependents' Education Matters

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 563. TRANSITION OF MILITARY DEPENDENT STUDENTS AMONG LOCAL EDUCATIONAL AGENCIES.

Subsection (d) of section 574 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2227; 20 U.S.C. 7703b note) is amended to read as follows:

''(d) TRANSITION OF MILITARY DEPENDENTS AMONG LOCAL EDUCATIONAL AGENCIES.—(1) The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transitions of military dependent students from Department of Defense dependent schools to other schools and among schools of local educational agencies.

''(2) The Secretary of Defense may use funds of the Department of Defense Education Activity for purposes as follows:

''(A) To share expertise and experience of the Activity with local educational agencies as military dependent students make the transitions described in paragraph (1), including transitions resulting from the closure or realignment of military installations under a base closure law, global rebasing, and force restructuring.

''(B) To provide programs for local educational agencies with military dependent students undergoing the transitions described in paragraph (1), including programs for training for teachers and access to distance learning courses for military dependent students who attend public schools in the United States.''.

Subtitle F—Military Family Readiness

SEC. 571. AUTHORITY FOR EDUCATION AND TRAINING FOR MILITARY SPOUSES PURSUING PORTABLE CAREERS.

Section 1784 of title 10, United States Code, is amended by inserting at the end the following new subsection:

''(h) EDUCATION AND TRAINING FOR MILITARY SPOUSES PURSUING PORTABLE CAREERS.—(1) The Secretary of Defense may carry out programs to provide or make available to eligible spouses of members of the armed forces education and training to facilitate the pursuit by such eligible spouses of a portable career.

''(2) In carrying out programs under this subsection, the Secretary may provide assistance utilizing funds available to carry out this section in accordance with such regulations as the Secretary shall prescribe for purposes of this subsection.

''(3) In this subsection:

''(A)(i) The term 'eligible spouse' means any person married to a member of the armed forces on active duty.

''(ii) The term does not include the following:

''(I) Any person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or possession of the United States.

''(II) Any person who is a member of the armed forces.

''(B) The term 'portable career' includes an occupation identified by the Secretary of Defense, in consultation with the Secretary of Labor, as requiring education and training that results in a credential that is recognized nationwide by industry or specific businesses.''.

Subtitle G—Other Matters

SEC. 581. DEPARTMENT OF DEFENSE POLICY ON THE PREVENTION OF SUICIDES BY MEMBERS OF THE ARMED FORCES.

(a) POLICY REQUIRED.—Not later than August 1, 2009, the Secretary of Defense shall develop a comprehensive policy designed to prevent suicide by members of the Armed Forces.

(b) PURPOSES.—The purposes of the policy required by this section shall be as follows:

(1) To ensure that investigations, analyses, and appropriate data collection can be conducted, across the military departments, on the causes and factors surrounding suicides by members of the Armed Forces.

(2) To develop effective strategies and policies for the education of members of the Armed Forces to assist in preventing suicides and suicide attempts by members of the Armed Forces.

(c) ELEMENTS.—The policy required by this section shall include, but not be limited to, the following:

(1) Requirements for investigations and data collection in connection with suicides by members of the Armed Forces.

(2) A requirement for the appointment by the appropriate military authority of a separate investigating officer to conduct an administrative investigation into each suicide by a member of the Armed Forces in accordance with the requirements specified under paragraph (1).

(3) Requirements for minimum information to be determined under each investigation pursuant to paragraph (2), including, but not limited to, the following:

(A) Any mental illness or other mental health condition, including Post Traumatic Stress Disorder (PTSD), of the member of the Armed Forces concerned at the time of the completion of suicide.

(B) Any other illness or injury of the member at the time of the completion of suicide.

(C) Any receipt of health care services, including mental health care services, by the member before the completion of suicide.

(D) Any utilization of prescription drugs by the member before the completion of suicide.

(E) The number, frequency, and dates of deployment of the member.

(F) The military duty assignment of the member at the time of the completion of suicide.

(G) Any observations by family members, health care providers, medical care managers, and other members of the Armed Forces of any symptoms of depression, anxiety, alcohol or drug abuse, or other relevant behavior in the member before the completion of suicide.

(H) The results of a psychological autopsy of the member, if conducted.

(4) A requirement for a report from each administrative investigation conducted pursuant to paragraph (2) which shall set forth the findings and recommendations resulting from such investigation.

(5) Procedures for the protection of the confidentiality of information contained in each report on an investigation pursuant to paragraph (4).

(6) A requirement that the Deputy Chief of Staff for Personnel of the military department concerned receive and analyze each report on an investigation pursuant to paragraph (4).

(7) The appointment by the Secretary of Defense of an appropriate official or executive agent within the Department of Defense to receive and analyze each report on an investigation pursuant to paragraph (4) in order to—

(A) identify trends or common causal factors in suicides by members of the Armed Forces; and

(B) advise the Secretary on means by which the suicide education and prevention strategies and programs of the military departments can respond appropriately and effectively to such trends and causal factors.

(8) A requirement for an annual report to the Secretary of Defense by each Secretary of a military department on the following:

(A) The results of investigations into suicide by members of the Armed Forces pursuant to paragraph (2) for each calendar year beginning with 2010.

(B) Actions taken to improve the suicide education and prevention strategies and programs of the military departments.

(d) CONSTRUCTION OF INVESTIGATION WITH OTHER INVESTIGATION REQUIREMENTS.—The investigation of the suicide by a member of the Armed Forces under the policy required by this section shall be in addition to any other investigation of the suicide required by law, including any investigation for criminal purposes.

(e) REPORT.—Not later than August 1, 2009, the Secretary of the Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy required by this section. The report shall include—

(1) a description of the policy; and

(2) a plan for the implementation of the policy throughout the Department of Defense.

SEC. 582. RELIEF FOR LOSSES INCURRED AS A RESULT OF CERTAIN INJUSTICES OR ERRORS OF THE DEPARTMENT OF DEFENSE.

(a) RELIEF AUTHORIZED.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127c, as added by section 1201 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2410), the following new section:

''§ 127e. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense

''(a) RELIEF AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary of Defense or the Secretary of the military department concerned may, upon a determination that a member or former member of the armed forces has suffered imprisonment as a result of an injustice or error of the Department of Defense or any of its employees acting in an official capacity following conviction by a court-martial, provide such relief on account of such error as such Secretary determines equitable and fair, including the payment of moneys to any person whom such Secretary determines is entitled to such moneys.

''(b) PAYMENT AS A MATTER OF SOLE DISCRETION.—The payment of any moneys under this section is within the sole discretion of the Secretary of Defense and the Secretaries of the military departments.

''(c) PAYMENT OF INTEREST.—The authority to pay moneys under this section includes the authority to pay interest on such moneys in amounts calculated in accordance with the regulations required under subsection (a).

''(d) FUNDS.—Amounts for the payment of moneys and interest under this section shall be derived from amounts available to the Secretary of Defense or the Secretary of the military department concerned for the payment of emergency and extraordinary expenses under section 127 of this title.

''(e) ANNUAL REPORTS.—Each annual report of the Secretary of Defense under section 127(d) of this title shall include a description of the disposition of each request for relief under this section during the fiscal year covered by such report, including a statement of the amount paid with respect to each finding of injustice or error warranting payment under this section during such fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting after the item relating to section 127c, as so added, the following new item:

''127e. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense.''.

SEC. 583. PATERNITY LEAVE FOR MEMBERS OF THE ARMED FORCES.

(a) LEAVE AUTHORIZED.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces on active duty who is the husband of a woman who gives birth to a child may be given up to 21 days of leave to be used in connection with the birth of the child.

''(2) Leave under paragraph (1) is in addition to other leave authorized under the provisions of this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply only with respect to children born on or after that date.

SEC. 584. ENHANCEMENT OF AUTHORITIES ON PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN INTERNATIONAL SPORTS COMPETITIONS.

(a) IN GENERAL.—Section 717 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''and the Olympic Games'' and inserting ''the Olympic Games, and the Military World Games'';

(2) in subsection (b), by striking ''subsections (c) and (d)'' and inserting ''subsections (c) and (e)'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''$3,000,000'' and inserting ''$6,000,000''; and

(ii) by striking ''October 1, 1980'' and inserting ''October 1, 2008''; and

(B) in paragraph (2)—

(i) by striking ''$100,00'' and inserting ''$200,000''; and

(ii) by striking ''October 1, 1980'' and inserting ''October 1, 2008'';

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following new subsection (d):

''(d)(1) The Secretary of Defense may plan for the following:

''(A) The participation by military personnel in international sports activities and competitions as authorized by subsection (a).

''(B) The hosting of military international sports activities, competitions, and events such as the Military World Games.

''(2) Planning and other activities associated with hosting of international sports activities, competitions, and events under this subsection shall, to the maximum extent possible, be funded using appropriations available to the Department of Defense .''.

(b) REPORT ON PLANNING FOR INTERNATIONAL SPORTS ACTIVITIES, COMPETITIONS, AND EVENTS.—

(1) REPORT REQUIRED.—Not later than October 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan for the following:

(A) The participation by personnel of the Department of Defense in international sports activities, competitions, and events (including the Pan American Games, the Olympic Games, the Paralympic Games, the Military World Games, other activities of the International Military Sports Council (CISM), and the Interallied Confederation of Reserve Officers (CIOR)) through fiscal year 2015.

(B) The hosting by the Department of Defense of military international sports activities, competitions, and events through fiscal year 2015.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A discussion of the military international sports activities, competitions, and events that the Department of Defense intends to seek to host, an estimate of the costs of hosting such activities, competitions, and events that the Department intends to seek to host, and a description of the sources of funding for such costs.

(B) A discussion of the use and replenishment of funds in the account in the Treasury for the Support for International Sporting Competitions for the hosting of such activities, competitions, and events that the Department intends to seek to host.

(C) A discussion of the support that may be obtained from other departments and agencies of the Federal Government, State and local governments, and private entities in

encouraging participation of members of the Armed Forces in international sports activities, competitions, and events or in hosting of military international sports activities, competitions, and events.

(D) Such recommendations for legislative or administrative action as the Secretary considers appropriate to implement or enhance planning for the matters described in paragraph (1).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2008.

SEC. 585. PILOT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Each Secretary of a military department may carry out a pilot program under which officers and enlisted members of the regular components of the Armed Forces under the jurisdiction of such Secretary may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

(2) PURPOSE.—The purpose of the pilot programs under this section shall be to evaluate whether permitting inactivation from active duty and greater flexibility in career paths for members of the Armed Forces will provide an effective means to enhance retention of members of the Armed Forces and the capacity of the Department of Defense to respond to the personal and professional needs of individual members of the Armed Forces.

(b) LIMITATION ON ELIGIBLE MEMBERS.—A member of the Armed Forces is not eligible to participate in a pilot program under this section during any period of service required of the member due to receipt of the following:

(1) An accession bonus for medical officers in critically short wartime specialties under section 302k of title 37, United States Code.

(2) An accession bonus for dental specialists in critically short wartime specialties under section 302l of title 37, United States Code.

(3) A retention bonus for members qualified in critical military skills or assigned to high priority units under section 355 of title 37, United States Code.

(c) LIMITATION ON NUMBER OF MEMBERS.—Not more than 20 officers and 20 enlisted members of an Armed Force may participate in a pilot program under this section at any one time.

(d) LIMITATION ON PERIOD OF INACTIVATION FROM ACTIVE DUTY.—The period of inactivation from active duty under the pilot program under this section of a member participating in the pilot program shall be such period as the Secretary concerned shall specify in the agreement of the member under subsection (e), except that such period may not exceed three years.

(e) AGREEMENT.—Each member of the Armed Forces who participates in a pilot program under this section shall enter into a written agreement with the Secretary of the military department concerned under which agreement that member shall agree as follows:

(1) To accept an appointment or enlist, as applicable, and serve in the Ready Reserve of the Armed Force concerned during the period of the member's inactivation from active duty under the pilot program.

(2) To undergo during the period of the inactivation of the member from active duty under the pilot program such inactive duty training as the Secretary concerned shall require in order to ensure that the member retains appropriate proficiency in the member's military skills, professional qualifications, and physical readiness during the inactivation of the member from active duty.

(3) Following completion of the period of the inactivation of the member from active duty under the pilot program, to serve two months as a member of the Armed Forces on active duty for each month of the period of the inactivation of the member from active duty under the pilot program.

(f) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary of the military department concerned, a member of the Armed Forces participating in a pilot program under this section may, in the discretion of such Secretary, be required to terminate participation in the pilot program and be ordered to active duty.

(g) PAY AND ALLOWANCES.—

(1) BASIC PAY.—During each month of participation in a pilot program under this section, a member who participates in the pilot program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the member would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the member when the member commences participation in the pilot program.

(2) SPECIAL AND INCENTIVE PAYS.—

(A) PROHIBITION ON RECEIPT DURING PARTICIPATION.—A member who participates in a pilot program shall not, while participating in the pilot program, be paid any special or incentive pay or bonus to which the member is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(B) TREATMENT OF REQUIRED SERVICE.—The inactivation from active duty of a member participating in a pilot program shall not be treated as a failure of the member to perform any period of service required of the member in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(C) REVIVAL OF SPECIAL PAYS UPON RETURN TO ACTIVE DUTY.—Subject to subparagraph (D), upon the return of a member to active duty after completion by the member of participation in a pilot program—

(i) any agreement entered into by the member under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the member commenced participation in the pilot program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the member commenced participation in the pilot program; and

(ii) any special or incentive pay or bonus shall be payable to the member in accordance with the terms of the agreement concerned for the term specified in clause (i).

(D) LIMITATIONS.—

(i) LIMITATION AT TIME OF RETURN TO ACTIVE DUTY.—Subparagraph (C) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, at the time of the return of the member to active duty as described in that subparagraph—

(I) such pay or bonus is no longer authorized by law; or

(II) the member does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the member to active duty.

(ii) CESSATION DURING LATER SERVICE.—Subparagraph (C) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (C)(i), such pay or bonus ceases being authorized by law.

(E) REPAYMENT.—A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (D)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37, United States Code.

(F) CONSTRUCTION OF REQUIRED SERVICE.—Any service required of a member under an agreement covered by this paragraph after the member returns to active duty as described in subparagraph (C) shall be in addition to any service required of the member under an agreement under subsection (e).

(3) CERTAIN TRAVEL AND TRANSPORTATION ALLOWANCES.—

(A) IN GENERAL.—Subject to subparagraph (B), a member who participates in a pilot program is entitled, while participating in the pilot program, to the travel and transportation allowances authorized by section 404 of title 37, United States Code, for—

(i) travel performed from the member's residence, at the time of release from active duty to participate in the pilot program, to the location in the United States designated by the member as his residence during the period of participation in the pilot program; and

(ii) travel performed to the member's residence upon return to active duty at the end of the member's participation in the pilot program.

(B) LIMITATION.—An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

(h) PROMOTION.—

(1) OFFICERS.—

(A) LIMITATION ON PROMOTION.—An officer participating in a pilot program under this section shall not, while participating in the pilot program, be eligible for consideration for promotion under chapter 36 or 1405 of title 10, United States Code.

(B) PROMOTION AND RANK UPON RETURN TO ACTIVE DUTY.—Upon the return of an officer to active duty after completion by the officer of participation in a pilot program—

(i) the Secretary concerned shall adjust the officer's date of rank in such manner as the Secretary of Defense shall prescribe in regulations for purposes of this section; and

(ii) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

(2) ENLISTED MEMBERS.—An enlisted member participating in a pilot program shall not be eligible for consideration for promotion during the period that—

(A) begins on the date of the member's inactivation from active duty under the pilot program; and

(B) ends at such time after the return of the member to active duty under the pilot program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Secretary of the military department concerned shall prescribe in regulations for purposes of the pilot program.

(i) MEDICAL AND DENTAL CARE.—A member participating in a pilot program under this section shall, while participating in the pilot program, be treated as a member of the Armed Forces on active duty for a period of more than 30 days for purposes of the entitlement of the member and the member's dependents to medical and dental care under the provisions of chapter 55 of title 10, United States Code.

(j) TREATMENT OF PERIOD OF PARTICIPATION FOR PURPOSES OF RETIREMENT AND RELATED PURPOSES.—Any period of participation of a member in a pilot program under this section shall not count toward—

(1) eligibility for retirement or transfer to the Ready Reserve under either chapter 571 or 1223 of title 10, United States Code;

(2) computation of retired or retainer pay under chapter 71 or 1223 of title 10, United States Code; or

(3) computation of total years of commissioned service under section 14706 of title 10, United States Code.

(k) REPORTS.—

(1) INTERIM REPORTS.—Not later than June 1 of each of 2010 and 2012, each Secretary of a military department shall submit to the congressional defense committees a report on the implementation and current status of the pilot programs conducted by such Secretary under this section.

(2) FINAL REPORT.—Not later than March 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot programs conducted under this section.

(3) ELEMENTS OF REPORT.—Each interim report and the final report under this subsection shall include the following:

(A) A description of each pilot program conducted under this section, including a description of the number of applicants for such pilot program and the criteria used to select individuals for participation in such pilot program.

(B) An assessment by the Secretary concerned of the pilot programs, including an evaluation of whether—

(i) the authorities of the pilot programs provided an effective means to enhance the retention of members of the Armed Forces possessing critical skills, talents, and leadership abilities;

(ii) the career progression in the Armed Forces of individuals who participate in the pilot program has been or will be adversely affected; and

(iii) the usefulness of the pilot program in responding to the personal and professional needs of individual members of the Armed Forces.

(C) Such recommendations for legislative or administrative action as the Secretary concerned considers appropriate for the modification or continuation of the pilot programs.

(l) DURATION OF PROGRAM AUTHORITY.—The authority to conduct a pilot program authorized by this section shall commence on January 1, 2009 and expire on December 31, 2014. No member of the Armed Forces may be in a period of inactivation from active duty under the pilot program after December 31, 2014.

SEC. 586. PROHIBITION ON INTERFERENCE IN INDEPENDENT LEGAL ADVICE BY THE LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

Section 156(d) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Legal Counsel''; and

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

''(2) No officer or employee of the Department of Defense may interfere with the ability of the Legal Counsel to give independent legal advice to the Chairman of the Joint Chiefs of Staff and to the Joint Chiefs of Staff.''.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during the fiscal year 2009 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2009, the rates of monthly basic pay for members of the uniformed services are increased by 3.9 percent.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 355(i) of such title, as redesignated by section 661(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) INCOME REPLACEMENT FOR RESERVE MEMBERS EXPERIENCING EXTENDED AND FREQUENT MOBILIZATIONS.—Section 910(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

(a) HEALTH PROFESSIONS REFERRAL BONUS.—Subsection (i) of section 1030 of title 10, United States Code, as added by section 671(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ARMY REFERRAL BONUS.—Subsection (h) of section 3252 of title 10, United States Code, as added by section 671(a) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 616. PERMANENT EXTENSION OF PROHIBITION ON CHARGES FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES BY MEMBERS RECEIVING CONTINUOUS CARE.

Section 402(h) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''during any month covered by paragraph (3)''; and

(2) by striking paragraph (3).

SEC. 617. ACCESSION AND RETENTION BONUSES FOR THE RECRUITMENT AND RETENTION OF PSYCHOLOGISTS FOR THE ARMED FORCES.

(a) MULTIYEAR RETENTION BONUS FOR PSYCHOLOGISTS.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 301e the following new section:

''§ 301f. Multiyear retention bonus: psychologists of the armed forces

''(a) BONUS AUTHORIZED.—An officer described in subsection (c) who executes a written agreement to remain on active duty for up to four years after completion of any other active-duty service commitment may, upon acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

''(b) MAXIMUM AMOUNT OF BONUS.—The amount of a retention bonus under subsection (a) may not exceed $25,000 for each year of the agreement of the officer concerned.

''(c) ELIGIBLE OFFICERS.—An officer described in this subsection is an officer of the armed forces who—

''(1) is a psychologist of the armed forces;

''(2) is in a pay grade below pay grade O–7;

''(3) has at least eight years of creditable service (computed as described in section 302b(f) of this title) or has completed any active-duty service commitment incurred for psychology education and training;

''(4) has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into an agreement under subsection (a)); and

''(5) holds a valid State license to practice as a doctoral level psychologist.

''(d) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 301e the following new item:

''301f. Multiyear retention bonus: psychologists of the armed forces.''.

(b) ACCESSION BONUS FOR PSYCHOLOGISTS.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302l the following new section:

''§ 302m. Special pay: accession bonus for psychologists

''(a) ACCESSION BONUS AUTHORIZED.—A person described in subsection (b) who executes a written agreement described in subsection (e) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four consecutive years may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

''(b) ELIGIBLE PERSONS.—A person described in this section is any person who—

''(1) is a graduate of an accredited school of psychology; and

''(2) holds a valid State license to practice as a doctoral level psychologist.

''(c) MAXIMUM AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $400,000.

''(d) LIMITATION ON ELIGIBILITY.—A person may not be paid a bonus under subsection (a) if—

''(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in psychology; or

''(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a psychologist.

''(e) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed force concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of such armed force as a psychologist.

''(f) REPAYMENT.—A person who, after signing an agreement under subsection (a), is not commissioned as an officer of the armed forces, does not become licensed as a psychologist, or does not complete the period of active duty specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

''(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2009.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 302l the following new item:

''302m. Special pay: accession bonus for psychologists.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 618. AUTHORITY FOR EXTENSION OF MAXIMUM LENGTH OF SERVICE AGREEMENTS FOR SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.

Section 312(a)(3) of section 312 of title 37, United States Code, is amended by striking ''three, four, or five years'' and inserting ''not less than three years''.

SEC. 619. INCENTIVE PAY FOR MEMBERS OF PRECOMMISSIONING PROGRAMS PURSUING FOREIGN LANGUAGE PROFICIENCY.

(a) INCENTIVE PAY AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 316 the following new section:

''§ 316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency

''(a) INCENTIVE PAY.—The Secretary of Defense may pay incentive pay under this section to an individual who—

''(1) is enrolled as a member of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as determined in accordance with regulations prescribed by the Secretary of Defense under subsection (e); and

''(2) participates in a language immersion program approved for purposes of the Senior Reserve Officers' Training Corps, or in study abroad, or is enrolled in an academic course that involves instruction in a foreign language of strategic interest to the Department of Defense as designated by the Secretary of Defense for purposes of this section.

''(b) PERIOD OF PAYMENT.—Incentive pay is payable under this section to an individual described in subsection (a) for the period of the individual's participation in the language program or study described in paragraph (2) of that subsection.

''(c) AMOUNT.—The amount of incentive pay payable to an individual under this section may not exceed $3,000 per year.

''(d) REPAYMENT.—An individual who is paid incentive pay under this section but who does not satisfactorily complete participation in the individual's language program or study as described in subsection (a)(2), or who does not complete the requirements of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as applicable, shall be subject to the repayment provisions of section 303a(e) of this title.

''(e) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

''(f) REPORTS.—Not later than January 1, 2010, and annually thereafter through 2014, the Secretary of Defense shall submit to the Director of the Office of Management and Budget, and to Congress, a report on the payment of incentive pay under this section during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

''(1) The number of individuals paid incentive pay under this section, the number of individuals commencing receipt of incentive pay under this section, and the number of individuals ceasing receipt of incentive pay under this section.

''(2) The amount of incentive pay paid to individuals under this section.

''(3) The aggregate amount recouped under section 303a(e) of this title in connection with receipt of incentive pay under this section.

''(4) The languages for which incentive pay was paid under this section, including the total amount paid for each such language.

''(5) The effectiveness of incentive pay under this section in assisting the Department of Defense in securing proficiency in foreign languages of strategic interest to the Department of Defense, including a description of how recipients of pay under this section are assigned and utilized following completion of the program of study.

''(g) TERMINATION OF AUTHORITY.—No incentive pay may be paid under this section after December 31, 2013.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 316 the following new item:

''316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

Subtitle C—Travel and Transportation Allowances

SEC. 631. SHIPMENT OF FAMILY PETS DURING EVACUATION OF PERSONNEL.

Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

''(H)(i) Except as provided in paragraph (2) and subject to clause (iii), in connection with an evacuation from a permanent station located in a foreign area, a member is entitled to transportation (including shipment and payment of any quarantine costs) of not more than two family household pets.

''(ii) A member entitled to transportation under clause (i) may be paid reimbursement or, at the member's request, a monetary allowance in accordance with the provisions of subparagraph (F) if the member secures by commercial means shipment and any quarantining of the pets otherwise subject to transportation under clause (i).

''(iii) The provision of transportation under clause (i) and the payment of reimbursement under clause (ii) shall be subject to such regulations as the Secretary of Defense shall prescribe with respect to members of the armed forces for purposes of this subparagraph. Such regulations may specify limitations on the types or size of pets for

which transportation may be so provided or reimbursement so paid.''.

SEC. 632. SPECIAL WEIGHT ALLOWANCE FOR TRANSPORTATION OF PROFESSIONAL BOOKS AND EQUIPMENT FOR SPOUSES.

(a) SPECIAL WEIGHT ALLOWANCE.—Section 406(b)(1)(D) of title 37, United States Code, is amended—

(1) by inserting ''(i)'' after ''(D)'';

(2) in the second sentence of clause (i), as so redesignated, by striking ''this subparagraph'' and inserting ''this clause'';

(3) by redesignating the last sentence as clause (iii) and indenting the margin of such clause, as so designated, two ems from the left margin; and

(4) by inserting after clause (i), as redesignated by paragraph (2), the following new clause:

''(ii) In addition to the weight allowance authorized for such member with dependents under paragraph (C), the Secretary concerned may authorize up to an additional 500 pounds in weight allowance for shipment of professional books and equipment belonging to the spouse of such member.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to shipment provided on or after that date.

SEC. 633. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES ON LEAVE FOR SUSPENSION OF TRAINING.

(a) ALLOWANCES AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

''§ 411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training

''(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may reimburse or provide transportation to a member of a reserve component of the armed forces on active duty for a period of more than 30 days who is performing duty at a temporary duty station for travel between the member's temporary duty station and the member's permanent duty station in connection with authorized leave pursuant to a suspension of training.

''(b) MINIMUM DISTANCE BETWEEN STATIONS.—A member may be paid for or provided transportation under subsection (a) only as follows:

''(1) In the case of a member who travels between a temporary duty station and permanent duty station by air transportation, if the distance between such stations is not less than 300 miles.

''(2) In the case of a member who travels between a temporary duty station and permanent duty station by ground transportation, if the distance between such stations is more than the normal commuting distance from the permanent duty station (as determined under the regulations prescribed under subsection (e)).

''(c) MINIMUM PERIOD OF SUSPENSION OF TRAINING.—A member may be paid for or provided transportation under subsection (a) only in connection with a suspension of training covered by that subsection that is five days or more in duration.

''(d) LIMITATION ON REIMBURSEMENT.—The amount a member may be paid under subsection (a) for travel may not exceed the amount that would be paid by the government (as determined under the regulations prescribed under subsection (e)) for the least expensive means of travel between the duty stations concerned.

''(e) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411j the following new item:

''411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to travel that occurs on or after that date.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. PRESENTATION OF BURIAL FLAG TO THE SURVIVING SPOUSE AND CHILDREN OF MEMBERS OF THE ARMED FORCES WHO DIE IN SERVICE.

Section 1482(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(12) Presentation of a flag of equal size to the flag presented under paragraph (10) to the surviving spouse (regardless of whether the surviving spouse remarries after the decedent's death), if the person to be presented the flag under paragraph (10) is other than the surviving spouse.

''(13) Presentation of a flag of equal size to the flag presented under paragraph (10) to each child, regardless of whether the person to be presented a flag under paragraph (10) is a child of the decedent. For purposes of this paragraph, the term 'child' has the meaning prescribed by section 1477(d) of this title''.

SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

Subtitle E—Other Matters

SEC. 651. SEPARATION PAY, TRANSITIONAL HEALTH CARE, AND TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS FOR MEMBERS OF THE ARMED FORCES SEPARATED UNDER SURVIVING SON OR DAUGHTER POLICY.

(a) AVAILABILITY OF SEPARATION PAY OTHERWISE AVAILABLE FOR INVOLUNTARY SEPARATION.—

(1) IN GENERAL.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense before the member completes twenty years of service in the Armed Force shall be entitled to separation pay payable under section 1174 of title 10, United States Code.

(2) NO MINIMUM SERVICE BEFORE SEPARATION.—A member of the Armed Forces described in paragraph (1) who is separated from the Armed Forces as described in that paragraph is entitled to separation pay under that paragraph without regard to section 1174(c) of title 10, United States Code.

(3) INAPPLICABILITY OF REQUIREMENT FOR SERVICE IN READY RESERVE.—Section 1174(e) of title 10, United States Code, shall not apply to a member of the Armed Forces described in paragraph (1) who is separated from the Armed Forces as described in that paragraph.

(4) AMOUNT OF PAY.—The amount of the separation pay to be paid to a member pursuant to this subsection shall be based on the years of active service actually completed by the member before the member's separation

from the Armed Forces as described in paragraph (1).

(b) TRANSITIONAL HEALTH CARE.—

(1) IN GENERAL.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense is entitled to health care benefits under section 1145 of title 10, United States Code, as if such member were an individual described by subsection (a)(2) of such section.

(2) DEPENDENTS.—The dependents of a member entitled to health care benefits under paragraph (1) are entitled to health care benefits in the same manner with respect to such member as dependents of members of the Armed Forces are entitled to such benefits with respect to such members under section 1145 of title 10, United States Code.

(c) TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense is entitled to continue to use commissary and exchange stores and morale, welfare, and recreational facilities in the same manner as a member on active duty in the Armed Forces during the two-year period beginning on the later of the following dates:

(1) The date of the separation of the member.

(2) The date on which the member is first notified of the members entitlement to benefits under this subsection.

(d) SURVIVING SON OR DAUGHTER POLICY OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''Surviving Son or Daughter policy of the Department of Defense'' means the policy of the Department of Defense for the separation from the Armed Forces of a member of the Armed Forces who is a son or daughter in a family in which the father, mother, or another son or daughter—

(1) has been killed in action or died while serving in the Armed Forces from a wound, accident, or disease;

(2) is a member of the Armed Forces in a captured or missing-in-action status; or

(3) has a service-connected disability rated 100 percent disabling (including a disability of 100 percent mental disability), as determined by the Secretary of Veterans Affairs or the Secretary of the military department concerned, and is not gainfully employed because of such disability.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

SEC. 701. CALCULATION OF MONTHLY PREMIUMS FOR COVERAGE UNDER TRICARE RESERVE SELECT AFTER 2008.

(a) IN GENERAL.—Section 1076d(d)(3) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) in subparagraph (A), as so designated, by striking the second sentence; and

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

''(B) The appropriate actuarial basis for purposes of subparagraph (A) shall be determined as follows:

''(i) For calendar year 2009, by utilizing the reported cost of providing benefits under this section to members and their dependents during calendar years 2006 and 2007.

''(ii) For each calendar year after calendar year 2009, by utilizing the actual cost of providing benefits under this section to members and their dependents during the calendar years preceding such calendar year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

Subtitle B—Other Health Care Authorities

SEC. 711. ENHANCEMENT OF MEDICAL AND DENTAL READINESS OF MEMBERS OF THE ARMED FORCES.

(a) EXPANSION OF AVAILABILITY OF MEDICAL AND DENTAL SERVICES FOR RESERVES.—

(1) EXPANSION OF AVAILABILITY FOR RESERVES ASSIGNED TO UNITS SCHEDULED FOR DEPLOYMENT WITHIN 75 DAYS OF MOBILIZATION.—Subsection (d)(1) of section 1074a of title 10, United States Code, is amended by striking ''The Secretary of the Army shall provide to members of the Selected Reserve of the Army'' and inserting ''The Secretary concerned shall provide to members of the Selected Reserve''.

(2) AVAILABILITY FOR CERTAIN OTHER RESERVES.—Such section is further amended by adding at the end the following new subsection:

''(g)(1) The Secretary concerned may provide to any member of the Selected Reserve not described in subsection (d)(1) or (f), and to any member of the Individual Ready Reserve with a specially designated deployment responsibility, the medical and dental services specified in subsection (d)(1) if the Secretary determines that the receipt of such services by such member is necessary to ensure that the member meets applicable standards of medical and dental readiness.

''(2) Services may not be provided to a member under this subsection for a condition that is the result of the member's own misconduct.

''(3) The services provided under this subsection shall be provided at no cost to the member.''.

(3) FUNDING.—Such section is further amended by adding at the end the following new subsection:

''(h) Amounts available for operation and maintenance of a reserve component of the armed forces may be available for purposes of this section to ensure the medical and dental readiness of members of such reserve component.''.

(b) WAIVER OF CERTAIN COPAYMENTS FOR DENTAL CARE FOR RESERVES FOR READINESS PURPOSES.—Section 1076a(e) of such title is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by striking ''A member or dependent'' and inserting ''(1) Except as provided pursuant to paragraph (2), a member or dependent''; and

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

''(2) During a national emergency declared by the President or Congress, the Secretary of Defense may waive, whether in whole or in part, the charges otherwise payable by a member of the Selected Reserve of the Ready Reserve or a member of the Individual Ready Reserve under paragraph (1) for the coverage of the member alone under the dental insurance plan established under subsection (a)(1) if the Secretary determines that such waiver of the charges would facilitate or ensure the readiness of a unit or individual for a scheduled deployment.''.

(c) REPORT ON POLICIES AND PROCEDURES IN SUPPORT OF MEDICAL AND DENTAL READINESS.—

(1) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the policies and procedures of the Department of Defense to ensure the medical and dental readiness of members of the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the current standards of each military department with respect to the medical and dental readiness of individual members of the Armed Forces (including members of the regular components and members of the reserve components), and with respect to the medical and dental readiness of units of the Armed Forces (including units of the regular components and units of the reserve components), under the jurisdiction of such military department.

(B) A description of the manner in which each military department applies the standards described under subparagraph (A) with respect to each of the following:

(i) Performance evaluation.

(ii) Promotion.

(iii) In the case of the members of the reserve components, eligibility to attend annual training.

(iv) Continued retention in service in the Armed Forces.

(v) Such other matters as the Secretary considers appropriate.

(C) A statement of the number of members of the Armed Forces (including members of the regular components and members of the reserve components) who were determined to be not ready for deployment at any time during the period beginning on October 1, 2001, and ending on September 30, 2008, due to failure to meet applicable medical or dental standards, and an assessment of whether the unreadiness of such members for deployment could reasonably have been mitigated by actions of the members concerned to maintain individual medical or dental readiness.

(D) A description of any actual or perceived barriers to the achievement of full medical and dental readiness in the Armed Forces (including among the regular components and the reserve components), including, but not limited to, barriers associated with the following:

(i) Quality or cost of, or access to, medical and dental care.

(ii) Availability of programs and incentives intended to prevent medical or dental problems.

(E) Such recommendations for legislative or administrative action as the Secretary considers appropriate to ensure the medical and dental readiness of individual members of the Armed Forces and units of the Armed Forces, including, but not limited to, recommendations regarding the following:

(i) The advisability of requiring that fitness reports of members of the Armed Forces include—

(I) a statement of whether or not a member meets medical and dental readiness standards for deployment; and

(II) in cases in which a member does not meet such standard, a statement of actions being taken to ensure that the member meets such standards and the anticipated schedule for meeting such standards.

(ii) The advisability of establishing a mandatory promotion standard relating to individual medical and dental readiness and, in the case of a unit commander, unit medical and dental readiness.

SEC. 712. ADDITIONAL AUTHORITY FOR STUDIES AND DEMONSTRATION PROJECTS RELATING TO DELIVERY OF HEALTH AND MEDICAL CARE.

Section 1092(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(3) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards and incentives to members of the armed forces and covered beneficiaries who obtain health promotion and disease prevention health care services in accordance with terms and schedules prescribed by the Secretary. Such awards and incentives may include, but are not limited to, cash awards

and, in the case of members of the armed forces, personnel incentives.

''(4)(A) The Secretary of Defense may, in consultation with the other administering Secretaries, include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards or incentives to individual health care professionals under the authority of such Secretaries, including members of the uniformed services, Federal civilian employees, and contractor personnel, to encourage and reward effective implementation of innovative health care programs designed to improve quality, cost-effectiveness, health promotion, medical readiness, and other priority objectives. Such awards and incentives may include, but are not limited to, cash awards and, in the case of members of the armed forces, personnel incentives.

''(B) Amounts available for the pay of members of the uniformed services shall be available for awards and incentives under this paragraph with respect to members of the uniformed services.

''(5) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the medical and dental readiness of members of reserve components of the armed forces, including the provision of health care services to such members for which they are not otherwise entitled or eligible under this chapter.

''(6) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the continuity of health care services for family members of mobilized members of the reserve components of the armed forces who are eligible for such services under this chapter, including payment of a stipend for continuation of employer-provided health coverage during extended periods of active duty.''.

SEC. 713. TRAVEL FOR ANESTHESIA SERVICES FOR CHILDBIRTH FOR DEPENDENTS OF MEMBERS ASSIGNED TO VERY REMOTE LOCATIONS OUTSIDE THE CONTINENTAL UNITED STATES.

Section 1040(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2)(A) For purposes of paragraph (1), required medical attention of a dependent shall include anesthesia services for childbirth for the dependent equivalent to the anesthesia services for childbirth that would be available to the dependent in military treatment facilities located in the United States.

''(B) In the case of a dependent in a remote location outside the continental United States who elects services authorized by subparagraph (A), the transportation authorized in paragraph (1) may consist of transportation to a military treatment facility providing such services that is located in the continental United States nearest to the closest port of entry into the continental United States from such remote location.

''(C) The second through sixth sentences of paragraph (1) shall apply to a dependent provided transportation under this paragraph.

''(D) Notwithstanding any other provision of this paragraph, the total cost incurred by the United States for the provision of transportation and expenses (including per diem) with respect to a dependent under this paragraph may not exceed the cost the United States would otherwise incur for the provision of transportation and expenses with respect to the dependent under paragraph (1) if the transportation and expenses were provided to the dependent under paragraph (1) rather than this paragraph.''.

Subtitle C—Other Health Care Matters

SEC. 721. REPEAL OF PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) REPEAL.—Subsection (a) of section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c note) is repealed.

(b) REVIVAL OF CERTIFICATION AND REPORT REQUIREMENTS ON CONVERSION OF POSITIONS.—

(1) IN GENERAL.—The provisions of subsections (a) and (b) of section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2306), as in effect on January 27, 2008 (the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008), are hereby revived.

(2) APPLICABLE DEFINITIONS.—In the discharge of subsections (a) and (b) of section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as revived by paragraph (1), the following definitions shall apply:

(A) The definitions in paragraphs (1) through (4) of section 742(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007, as in effect on January 27, 2008.

(B) The definition in section 721(d)(4) of the National Defense Authorization Act for Fiscal Year 2008.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR DEFENSE ACQUISITION PROGRAMS UNDER ACQUISITION REPORTING REQUIREMENTS.

(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2430 following new section:

''§ 2430a. Major subprograms

''(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—(1) If the Secretary of Defense determines that a major defense acquisition program requires the delivery of two or more categories of end items which differ significantly from each other in form and function, the Secretary may designate each such category of end items as a major subprogram for the purposes of acquisition reporting under this chapter.

''(2) The Secretary shall notify the congressional defense committees in writing of any proposed designation pursuant to paragraph (1) not less than 30 days before the date such designation takes effect.

''(b) REPORTING REQUIREMENTS.—If the Secretary designates a major subprogram of a major defense acquisition program in accordance with subsection (a), Selected Acquisition Reports, unit cost reports, and program baselines under this chapter shall reflect cost, schedule, and performance information—

''(1) for the major defense acquisition program as a whole; and

''(2) for each major subprogram of the major defense acquisition program so designated.

''(c) UNIT COSTS.—Notwithstanding paragraphs (1) and (2) of section 2432(a) of this title, in the case of a major defense acquisition program for which the Secretary has designated one or more major subprograms under this section for the purposes of this chapter—

''(1) the term 'program acquisition unit cost' means the total cost for the development and procurement of, and specific military construction for, the major defense acquisition program that is reasonably allocable to each such major subprogram, divided by the relevant number of fully-configured end items to be produced under such major subprogram; and

''(2) the term 'procurement unit cost' means the total of all funds programmed to be available for obligation for procurement for each such major subprogram, divided by the number of fully-configured end items to be procured under such major subprogram.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2430 the following new item:

''2430a. Major subprograms.''.

(b) CONFORMING AMENDMENTS.—Chapter 144 of such title is further amended as follows:

(1) In section 2432—

(A) in subsection (c)—

(i) in paragraph (1)(B)—

(I) by inserting ''or designated major subprogram'' after ''for each major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'';

(ii) in paragraph (3)(A), by inserting ''or designated major subprogram'' after ''for each major defense acquisition program''; and

(B) in subsection (e)—

(i) in paragraph (3), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)''; and

(ii) in paragraph (5), by inserting before the period the following: ''(or for each designated major subprogram under the program)''.

(2) In section 2433—

(A) in subsection (a)—

(i) by striking ''The terms'' and inserting ''Except as provided in section 2430a(c) of this title, the terms'';

(ii) in paragraph (4)—

(I) in subparagraphs (A) and (B), by inserting ''or designated major defense subprogram'' after ''major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'' each place it appears; and

(iii) in paragraph (5)—

(I) in subparagraphs (A) and (B), by inserting ''or designated major defense subprogram'' after ''major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'' each place it appears;

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting ''(and for each designated major subprogram under the program'' after ''unit costs of the program'';

(ii) in paragraph (1), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)'';

(iii) in paragraph (2), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)''; and

(iv) in paragraph (5), by inserting ''or subprogram'' after ''the program'' each place it appears (other than the last place it appears);

(C) in subsection (c)—

(i) by striking ''the program acquisition unit cost for the program or the procurement unit cost for the program'' and inserting ''the program acquisition unit cost for the program (or for a designated major subprogram under the program) or the procurement unit cost for the program (or for such a subprogram)''; and

(ii) by striking ''for the program'' after ''significant cost growth threshold'';

(D) in subsection (d)—

(i) in paragraph (1)—

(I) by inserting ''or any designated major subprogram under the program'' after ''for the program'' the first place it appears; and

(II) by inserting ''or subprogram'' after ''the program'' the second place it appears;

(ii) in paragraph (2)—

(I) by inserting ''or any designated major subprogram under the program'' after ''the program'' the first place it appears; and

(II) by inserting ''or subprogram'' after ''the program'' the second place it appears; and

(iii) in paragraph (3), by striking ''such program'' and inserting ''the program or subprogram concerned'';

(E) in subsection (e)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''the program''; and

(II) in subparagraph (B)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''that program'';

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''the program'';

(II) in subparagraph (A), by inserting ''or subprogram'' after ''program'' each place it appears;

(III) in subparagraph (B), by inserting ''or subprogram'' after ''such acquisition program'' each place it appears; and

(IV) in subparagraph (C), by inserting ''or subprogram'' after ''such program''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A)—

(aa) by inserting ''or subprogram concerned'' after ''the program''; and

(bb) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(II) in subparagraphs (A) and (B), by inserting ''or subprogram'' after ''that program'' each place it appears; and

(F) in subsection (g)—

(i) in paragraph (1)—

(I) in subparagraph (D), by inserting ''(and for each designated major subprogram under the program)'' after ''the program'';

(II) in subparagraph (E), by inserting ''for the program (and for each designated major subprogram under the program)'' after ''program acquisition cost'';

(III) in subparagraph (F), by inserting before the period the following: ''for the program (or for any designated major subprogram under the program)'';

(IV) in subparagraph (J), by inserting ''for the program (or for each designated major subprogram under the program)'' after ''program acquisition unit cost'';

(V) in subparagraph (K), by inserting ''for the program (or for each designated major subprogram under the program)'' after ''procurement unit cost''; and

(VI) in subparagraph (O), by inserting before the period the following: ''for the program (or for any designated major subprogram under the program)''; and

(ii) in paragraph (2)—

(I) by inserting ''or designated major subprogram'' after ''major defense acquisition program'';

(II) by inserting ''or subprogram'' after ''the entire program''; and

(III) by inserting ''or subprogram'' after ''a program''.

SEC. 802. INCLUSION OF CERTAIN MAJOR INFORMATION TECHNOLOGY INVESTMENTS IN ACQUISITION OVERSIGHT AUTHORITIES FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 2445a of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''IN GENERAL'' and inserting ''MAJOR AUTOMATED INFORMATION SYSTEM PROGRAM''; and

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

''(d) OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAM.—In this chapter, the term 'other major information technology investment program' means the following:

''(1) An investment that is designated by the Secretary of Defense, or a designee of the Secretary, as a 'pre-Major Automated Information System' or 'pre-MAIS' program.

''(2) Any other investment in automated information system products or services that is expected to exceed the thresholds established in subsection (a), as adjusted under subsection (b), but is not considered to be a major automated information system program because a formal acquisition decision has not yet been made with respect to such investment.''.

(2) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2445a. Definitions''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144A of such title is amended by striking the item relating to section 2445a and inserting the following new item:

''2445a. Definitions.''.

(b) COST, SCHEDULE, AND PERFORMANCE INFORMATION.—Section 2445b of such title is amended—

(1) in subsection (a), by inserting ''and each other major information technology investment program'' after ''each major automated information system program'';

(2) in subsection (b), by inserting ''REGARDING MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS'' after ''ELEMENTS''; and

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

''(d) ELEMENTS REGARDING OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAMS.—With respect to each other major information technology investment program, the information required by subsection (a) may be provided in the format that is most appropriate to the current status of the program.''.

(c) QUARTERLY REPORTS.—Section 2445c of such title is amended—

(1) in subsection (a)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' the first place it appears; and

(B) by inserting ''or major information technology'' after ''major automated information system'' the second place it appears;

(2) in subsection (b)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' in the matter preceding paragraph (1); and

(B) by inserting ''or information technology'' after ''automated information system'' each place it appears in paragraphs (1) and (2);

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''or other major information technology investment'' after ''major automated information system''; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(ii) by striking subparagraph (A) and inserting the following new subparagraphs:

''(A) no Milestone B decision has been made after more than two years of investment in the program;

''(B) the system failed to achieve initial operational capability within three years after milestone B approval;'';

(iii) in subparagraph (C), as redesignated by clause (i) of this subparagraph, by inserting before the semicolon the following: ''or section 2445b(d) of this title, as applicable'';

(iv) in subparagraph (D), as so redesignated, by inserting before the semicolon the following: ''or section 2445b(d) of this title, as applicable''; and

(v) in subparagraph (E), as so redesignated—

(I) by inserting ''or major information technology'' after ''major automated information system''; and

(II) by inserting before the period the following: ''or section 2445b(d) of this title, as applicable'';

(4) in subsection (e), by inserting ''or other major information technology investment'' after ''major automated information system''; and

(5) in subsection (f)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' in the matter preceding paragraph (1);

(B) in paragraph (1), by inserting ''or information technology'' after ''automated information system'';

(C) in paragraph (2), by inserting ''or technology'' after ''the system''; and

(D) in paragraph (3), by inserting ''or technology, as applicable,'' after ''the program and system''.

SEC. 803. CONFIGURATION STEERING BOARDS FOR COST CONTROL UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) CONFIGURATION STEERING BOARDS.—Each Secretary of a military department shall establish one or more boards (to be known as a ''Configuration Steering Board'') for the major defense acquisition programs of such department.

(b) COMPOSITION.—

(1) CHAIR.—Each Configuration Steering Board under this section shall be chaired by the service acquisition executive of the military department concerned.

(2) PARTICULAR MEMBERS.—Each Configuration Steering Board under this section shall include a representative of the following:

(A) The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(B) The Chief of Staff of the Armed Force concerned.

(C) The Joint Staff.

(D) The Comptroller of the military department concerned.

(E) The military deputy to the service acquisition executive concerned.

(F) The program executive officer for the major defense acquisition program concerned.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Configuration Steering Board for a major defense acquisition program under this section shall be responsible for the following:

(A) Preventing unnecessary changes to program requirements and system configuration that could have an adverse impact on program cost or schedule.

(B) Mitigating the adverse cost and schedule impact of any changes to program requirements that may be required.

(C) Ensuring that the program delivers as much planned capability as possible, consistent with the program baseline.

(2) DISCHARGE OF RESPONSIBILITIES.—In discharging its responsibilities under this section with respect to a major defense acquisition program, a Configuration Steering Board shall—

(A) review and approve or disapprove any proposed changes to program requirements or system configuration that have the potential to adversely impact program cost or schedule; and

(B) review and recommend proposals to reduce program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives.

(3) PRESENTATION RECOMMENDATIONS ON REDUCTION IN REQUIREMENTS.—Any recommendation for a proposed reduction in requirements that is made by a Configuration Steering Board under paragraph (2)(B) shall be presented to appropriate organizations of the Joint Staff and the military departments responsible for such requirements for review and approval in accordance with applicable procedures.

(4) ANNUAL CONSIDERATION OF EACH MAJOR DEFENSE ACQUISITION PROGRAM.—The Secretary of the military department concerned shall ensure that a Configuration Steering Board under this section meets to consider each major defense acquisition program of such military department at least once each year.

(d) APPLICABILITY.—

(1) IN GENERAL.—The requirements of this section shall apply with respect to any major defense acquisition program that is commenced before, on, or after the date of the enactment of this Act.

(2) CURRENT PROGRAMS.—In the case of any major defense acquisition program that is ongoing as of the date of the enactment of this Act, a Configuration Steering Board under this section shall be established for such program not later than 60 days after the date of the enactment of this Act.

(e) GUIDANCE ON AUTHORITIES OF PROGRAM MANAGERS AFTER MILESTONE B.—

(1) MODIFICATION OF GUIDANCE ON AUTHORITIES.—Paragraph (2) of section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2343) is amended to read as follows:

''(2) authorities available to the program manager, including—

''(A) the authority to object to the addition of new program requirements that would be inconsistent with the parameters established at Milestone B (or Key Decision Point B in the case of a space program) and reflected in the performance agreement, unless such requirements are approved by the appropriate Configuration Steering Board; and

''(B) the authority to recommend to the appropriate Configuration Steering Board reduced program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives; and''.

(2) APPLICABILITY.—The Secretary of Defense shall modify the guidance described in section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 in order to take into account the amendment made by paragraph (1) not later than 60 days after the date of the enactment of this Act.

(f) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term ''major defense acquisition program'' has the meaning given that term in section 2430(a) of title 10, United States Code.

Subtitle B—Acquisition Policy and Management

SEC. 811. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) INSPECTOR GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than March 15, 2009, jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of those policies, procedures, and internal controls; and

(B) determine in writing whether—

(i) such non-defense agency is compliant with defense procurement requirements;

(ii) such non-defense agency is not compliant with defense procurement requirements, but has a program or initiative to significantly improve compliance with defense procurement requirements;

(iii) neither of the conclusions stated in clauses (i) and (ii) is correct in the case of such non-defense agency; or

(iv) such non-defense agency is not compliant with defense procurement requirements to such an extent that the interests of the Department of Defense are at risk in procurements conducted by such non-defense agency.

(2) ACTIONS FOLLOWING CERTAIN DETERMINATIONS.—If the Inspectors General determine under paragraph (1) that the conclusion stated in clause (ii), (iii), or (iv) of subparagraph (B) of that paragraph is correct in the case of a covered non-defense agency, such Inspectors General shall, not later than June 15, 2010, jointly—

(A) conduct a second review, as described in subparagraph (A) of that paragraph, regarding such non-defense agency's procurement of property or services on behalf of the Department of Defense in fiscal year 2009; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(b) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a covered non-defense agency is compliant with defense procurement requirements if such non-defense agency's procurement policies, procedures, and internal controls applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure such non-defense agency's compliance with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) MEMORANDA OF UNDERSTANDING BETWEEN INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of each covered non-defense agency shall enter into a memorandum of understanding with each other to carry out the reviews and make the determinations required by this section.

(2) SCOPE OF MEMORANDA.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by mutual agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate governmentwide acquisition contracts, of such non-defense agency. In any case where such separate reviews are conducted, the Inspectors General shall make separate determinations under paragraph (1) or (2) of subsection (a), as applicable, with respect to each such separate review.

(d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—

(1) LIMITATION DURING REVIEW PERIOD.—After March 15, 2009, and before June 16, 2010, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency for which a determination described in clause (iii) or (iv) of paragraph (1)(B) of subsection (a) has been made under subsection (a).

(2) LIMITATION AFTER REVIEW PERIOD.—After June 15, 2010, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(3) LIMITATION FOLLOWING FAILURE TO REACH MOU.—Commencing on the date that is 60 days after the date of the enactment of this Act, if a memorandum of understanding between the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency cannot be attained causing the review required by this section to not be performed, no official of the Department of Defense, except as provided in subsection (e) or (f), may order, purchase or otherwise procure property or services in an amount in excess of $100,000 through such non-defense agency.

(e) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—

(1) EXCEPTION.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a covered non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a covered non-defense agency under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(f) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (d) shall cease to apply to a covered non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of such non-defense agency jointly—

(1) determine that such non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(g) IDENTIFICATION OF PROCUREMENTS MADE DURING A PARTICULAR FISCAL YEAR.—For the purposes of subsection (a), a procurement

shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for that procurement in that fiscal year.

(h) RESOLUTION OF DISAGREEMENTS.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under subsection (a) or (f), a determination by the Inspector General of the Department of Defense under such subsection shall be conclusive for the purposes of this section.

(i) DEFINITIONS.—In this section:

(1) The term ''covered non-defense agency'' means each of the following:

(A) The Department of Commerce.

(B) The Department of Energy.

(2) The term ''governmentwide acquisition contract'', with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

(j) MODIFICATION OF CERTAIN ADDITIONAL AUTHORITIES ON INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF DOD.—Section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 202; 10 U.S.C. 2304 note) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''each of the Department of the Treasury, the Department of the Interior, and the National Aeronautics and Space Administration'' and inserting ''the Department of the Interior''; and

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

''(D) In the case of each of the Department of Commerce and the Department of Energy, by not later than March 15, 2015.''; and

(2) in subsection (f)(2)—

(A) by striking subparagraphs (B) and (D);

(B) by redesignating subparagraphs (C), (E), and (F) as subparagraphs (B), (C), and (D), respectively; and

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

''(E) The Department of Commerce.

''(F) The Department of Energy.''.

SEC. 812. CONTINGENCY CONTRACTING CORPS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2334. Contingency Contracting Corps

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Department of Defense a Contingency Contracting Corps (in this section, referred to as the 'Corps') to ensure the Department has the capability, when needed, to support contingency contracting actions in a deployed environment. The members of the Corps shall be available for deployment in connection with contingency operations both within and outside the continental United States, including reconstruction efforts relating thereto.

''(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all employees of the Department of Defense, including uniformed members of the Armed Forces, who are members of the defense acquisition workforce, as designated under section 1721 of this title.

''(c) EDUCATION AND TRAINING.—The Secretary of Defense may establish additional educational and training requirements for members of the Corps.

''(d) CLOTHING AND EQUIPMENT.—The Secretary of Defense may identify any necessary clothing and equipment requirements for members of the Corps.

''(e) SALARY.—The salaries for members of the Corps shall be paid by the Department of Defense out of existing appropriations.

''(f) AUTHORITY TO DEPLOY THE CORPS.—The Secretary of Defense, or the Secretary's designee, shall have the authority to determine when members of the Corps shall be deployed.

''(g) ANNUAL REPORT.—(1) The Secretary of Defense shall provide to the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

''(2) At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

''2334. Contingency Contracting Corps.''.

SEC. 813. EXPEDITED REVIEW AND VALIDATION OF URGENT REQUIREMENTS DOCUMENTS.

(a) GUIDANCE FOR EXPEDITED PRESENTATION TO APPROPRIATE AUTHORITIES FOR REVIEW AND VALIDATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to the Secretaries of the military departments and the Chiefs of Staff of the Armed Forces to ensure that each urgent requirements document submitted by an operational field commander is presented to the appropriate authority for review and validation not later than 60 days after date on which such document is so submitted.

(b) DEFINITIONS.—In this section:

(1) The term ''urgent requirements document'' means the following:

(A) A Joint Urgent Operational Needs (JUON) document.

(B) An Army operational need statement (ONS).

(C) A Navy rapid deployment capability (RDC) document or Navy urgent operational need (UON) statement.

(D) An Air Force combat capability document (CCD).

(E) A Marine Corps urgent universal need statement (UUNS).

(F) A combat-mission need statement (CMNS) of the United States Special Operations Command.

(2) The term ''appropriate authority'' means the following:

(A) In the case of a Joint Urgent Operational Needs document, a Functional Capabilities Board or Joint Capabilities Board.

(B) In the case of an Army operational need statement, the Deputy Chief of Staff of the Army for Operations and Plans.

(C) In the case of a Navy rapid deployment capability document or Navy urgent operational need statement, the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(D) In the case of an Air Force combat capability document, the commander of the lead major command of the Air Force.

(E) In the case of a Marine Corps urgent universal need statement, the Marine Requirements Oversight Council.

(F) In the case of a combat-mission need statement of the United States Special Operations Command, the Requirements Directorate of the United States Special Operations Command.

SEC. 814. INCORPORATION OF ENERGY EFFICIENCY REQUIREMENTS INTO KEY PERFORMANCE PARAMETERS FOR FUEL CONSUMING SYSTEMS.

(a) IMPLEMENTATION PLAN.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop an implementation plan for the incorporation of energy efficiency requirements into key performance parameters for the modification of existing fuel consuming systems of the Department of Defense and the development of new fuel consuming systems. The implementation plan shall include—

(1) policies, regulations, and directives to ensure that appropriate officials incorporate such energy efficiency requirements into such performance parameters; and

(2) a plan for implementing such requirements.

(b) REPORT.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit a report on the plan required under subsection (a), including an assessment of progress made in implementing requirements to incorporate energy efficiency requirements into key performance parameters for fuel consuming systems of the Department of Defense, as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 and each fiscal year thereafter for five years (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

SEC. 821. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PURCHASE OF ALTERNATIVE AND SYNTHETIC FUELS.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels

''(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsections (b) and (c), the head of an agency may enter into contracts for a period not to exceed 10 years for the purchase of alternative fuels or synthetic fuels.

''(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The head of an agency may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the head of the agency determines in writing, on the basis of a business case analysis prepared by the agency, that—

''(1) the proposed purchase of fuels under such contract is cost effective for the agency;

''(2) it would not be possible to purchase fuels from the source in an economical manner without the use of a contract for a period in excess of five years; and

''(3) the contract will comply with the requirements of subsection (c) and section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

''(c) LIMITATION ON LIFECYCLE GREENHOUSE GAS EMISSIONS.—The head of an agency may not purchase alternative fuels or synthetic fuels under the authority in subsection (a) unless the contract specifies that lifecycle greenhouse gas emissions associated with the production and combustion of the fuels to be provided under the contract are not greater than such emissions from conventional petroleum-based fuels that are used in the same application.

''(d) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

''(2) The term 'alternative fuel' has the meaning given that term in section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

''(3) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

''(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

''(B) is produced by chemical or physical transformation of domestic sources of energy.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

''2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations providing that the head of an agency may initiate a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), only if the head of the agency has determined in writing that—

(A) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(B) there is a stable design for all related technologies to the purchase of alternative and synthetic fuels as so authorized;

(C) the technical risks associated with such technologies are not excessive;

(D) the multiyear contract will contain appropriate pricing mechanisms to minimize risk to the government from significant changes in market prices for energy;

(E) there is in place a regulatory regime adequate to ensure compliance with the requirements of section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1663; 42 U.S.C. 17142) and other applicable environmental laws; and

(F) the contractor has received all regulatory approvals necessary for the production of the alternative and synthetic fuels to be supplied under the contract.

(2) MINIMUM ANTICIPATED SAVINGS.—The regulations required by paragraph (1) shall provide that, in any case in which the estimated total expenditure under a multiyear contract (or several multiyear contracts with the same prime contractor) under section 2410r of title 10, United States Code (as so added), are anticipated to be more than (or, in the case of several contracts, the aggregate of which is anticipated to be more than) $540,000,000 (in fiscal year 1990 constant dollars), the head of an agency may initiate such contract under such section only upon a finding that use of such contract will result in savings exceeding 10 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means. If such estimated savings will exceed 5 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means, but not exceed 10 percent of such costs, the head of the agency may initiate such contract under such section only upon a finding in writing that an exceptionally strong case has been made with regard to findings required in paragraph (1).

(3) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in section 2410r of title 10, United States Code (as so added), until the regulations required by paragraph (1) are prescribed.

(c) RELATIONSHIP TO OTHER MULTIYEAR CONTRACTING AUTHORITY.—Nothing in this section or the amendments made by this section shall be construed to preclude the Department of Defense from using other applicable multiyear contracting authority of the Department of Defense to purchase energy, including renewable energy.

SEC. 822. MODIFICATION AND EXTENSION OF PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACTS UNDER AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) EXPANSION OF SCOPE OF PILOT PROGRAM.—Paragraph (1) of section 845(e) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking ''under prototype projects carried out under this section'' and inserting ''developed under prototype projects carried out under this section or research projects carried out pursuant to section 2371 of title 10, United States Code''.

(b) FOUR-YEAR EXTENSION OF AUTHORITY.—Paragraph (4) of such section is amended by striking ''September 30, 2008'' and inserting ''September 30, 2012''.

SEC. 823. EXCLUSION OF CERTAIN FACTORS IN CONSIDERATION OF COST ADVANTAGES OF OFFERS FOR CERTAIN DEPARTMENT OF DEFENSE CONTRACTS.

Not later than 90 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to ensure that, in any competition for a contract with a value in excess of $10,000,000, an offeror does not receive an advantage for a proposal that would reduce costs for the Department of Defense as a consequence of any corporate structure a principal purpose of which is to enable the offeror to avoid the payment of taxes to the Federal Government or any State government, including taxes imposed under subtitle C of the Internal Revenue Code of 1986 and any similar taxes imposed by a State government, for or on behalf of employees of the offeror or any subsidiary or affiliate of the offeror.

Subtitle D—Department of Defense Contractor Matters

SEC. 831. DATABASE FOR DEPARTMENT OF DEFENSE CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall establish and maintain a database of information regarding integrity and performance of certain persons awarded Department of Defense contracts for use by Department of Defense officials having authority over contracts.

(b) PERSONS COVERED.—The database shall cover any person awarded a Department of Defense contract in excess of $500,000 if any information described in subsection (c) exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a person awarded a Department of Defense contract, the database shall include information (in the form of a brief description) for at least the most recent 5-year period regarding the following:

(1) Each civil or criminal proceeding, or any administrative proceeding, in connection with the award or performance of a contract with the Federal Government or, to the maximum extent practicable, a State government with respect to the person during the period to the extent that such proceeding results in the following dispositions:

(A) In a criminal proceeding, a conviction.

(B) In a civil proceeding, a finding of liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(C) In an administrative proceeding, a finding of liability that results in—

(i) the payment of a monetary fine or penalty of $5,000 or more; or

(ii) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(D) In a civil or administrative proceeding, a disposition of the matter by consent or compromise if the proceeding could have led to any of the outcomes specified in subparagraph (A), (B), or (C).

(2) Each Federal contract and grant awarded to the person that was terminated in such period due to default.

(3) Each Federal suspension and debarment of the person in that period.

(4) Each Federal administrative agreement entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding and, to the maximum extent practicable, each agreement involving a suspension or debarment proceeding entered into by the person and a State government in that period.

(5) Each final finding by a Federal official in that period that the person has been determined not to be a responsible source under either subparagraph (C) or (D) of section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Under Secretary shall design and maintain the database in a manner that allows the appropriate officials of the Department of Defense to directly input and update in the information in the database relating to actions such officials have taken with regard to contractors.

(2) TIMELINESS AND ACCURACY.—The Under Secretary shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to submit comments pertaining to information about such person in the database.

(e) USE OF DATABASE.—

(1) AVAILABILITY TO GOVERNMENT OFFICIALS.—The Under Secretary shall ensure that the database is available to all acquisition professionals of the Department of Defense and to Congress. This subsection does not limit the availability of the database to other Department of Defense officials or to government officials outside the Department of Defense that the Under Secretary determines warrant access.

(2) REVIEW AND ASSESSMENT OF DATA.—

(A) IN GENERAL.—Before awarding a contract in excess of $500,000, the Department of Defense official responsible for awarding the contract shall review the database and shall consider information in the database with regard to any offer, along with other past performance information available with respect to that offeror, in making any responsibility determination or past performance evaluation for such offeror.

(B) DOCUMENTATION IN CONTRACT FILE.—The contract file for each contract of the Department of Defense in excess of $500,000 shall document the manner in which the material in the database was considered in any responsibility determination or past performance evaluation.

(f) DISCLOSURE IN APPLICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Defense Supplement to the Federal Acquisition Regulation shall be amended to require that persons with Department of Defense contracts valued in total greater than $10,000,000 must semiannually submit to the Under Secretary a report that includes the information subject to inclusion in the database as listed in paragraphs (1) through (5) of subsection (c).

SEC. 832. ETHICS SAFEGUARDS FOR EMPLOYEES UNDER CERTAIN CONTRACTS FOR THE PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) CONTRACT CLAUSE REQUIRED.—Each contract (or task or delivery order) in excess of $500,000 that calls for the performance of acquisition functions closely associated with inherently governmental functions for or on behalf of the Department of Defense shall include a contract clause addressing financial conflicts of interests of contractor employees who will be responsible for the performance of such functions.

(b) CONTENTS OF CONTRACT CLAUSE.—The contract clause required by subsection (a) shall, at a minimum—

(1) require the contractor to prohibit any employee of the contractor from performing any functions described in subsection (a) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter in which the employee (or a member of the employee's immediate family) has a financial interest without the express written approval of the contracting officer;

(2) require the contractor to obtain, review, update, and maintain as part of its personnel records a financial disclosure statement from each employee assigned to perform functions described in paragraph (1) under such a contract (or task or delivery order) that is sufficient to enable the contractor to ensure compliance with the requirements of paragraph (1);

(3) require the contractor to prohibit any employee of the contractor who is responsible for performing functions described in paragraph (1) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter from accepting a gift from the affected company or from an individual or entity that has a financial interest in the program, contract, or other matter;

(4) require the contractor to prohibit contractor personnel who have access to nonpublic government information obtained while performing work on such a contract (or task or delivery order) from using such information for personal gain;

(5) require the contractor to take appropriate disciplinary action in the case of employees who fail to comply with prohibitions established pursuant to this section;

(6) require the contractor to promptly report any failure to comply with the prohibitions established pursuant to this section to the contracting officer for the applicable contract or contracts;

(7) include appropriate definitions of the terms ''financial interest'' and ''gift'' that are similar to the definitions in statutes and regulations applicable to Federal employees;

(8) establish appropriate contractual penalties for failures to comply with the requirements of paragraphs (1) through (6); and

(9) provide such additional safeguards, definitions, and exceptions as may be necessary to safeguard the public interest.

(c) FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS DEFINED.—In this section, the term ''functions closely associated with inherently governmental functions'' has the meaning given that term in section 2383(b)(3) of title 10, United States Code.

(d) EFFECTIVE DATE.—This section shall take effect 30 days after the date of the enactment of this Act, and shall apply to—

(1) contracts entered on or after that effective date; and

(2) task or delivery orders awarded on or after that effective date, regardless of whether the contracts pursuant to which such task or delivery orders are awarded are entered before, on, or after the date of the enactment of this Act.

SEC. 833. INFORMATION FOR DEPARTMENT OF DEFENSE CONTRACTOR EMPLOYEES ON THEIR WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations a policy for informing employees of a contractor of the Department of Defense of their whistleblower rights and protections under section 2409 of title 10, United States Code, as implemented by subpart 3.9 of part I of title 48, Code of Federal Regulations.

(b) ELEMENTS.—The regulations required by subsection (a) shall include requirements as follows:

(1) Employees of Department of Defense contractors shall be notified in writing of the provisions of section 2409 of title 10, United States Code.

(2) Notice to employees of Department of Defense contractors under paragraph (1) shall state that the restrictions imposed by any employee agreement or nondisclosure agreement shall not supersede, conflict with, or otherwise alter the employee rights created by section 2409 of title 10, United States Code, or the regulations implementing such section.

(c) CONTRACTOR DEFINED.—In this section, the term ''contractor'' has the meaning given that term in section 2409(e)(4) of title 10, United States Code.

Subtitle E—Matters Relating to Iraq and Afghanistan

SEC. 841. PERFORMANCE BY PRIVATE SECURITY CONTRACTORS OF INHERENTLY GOVERNMENTAL FUNCTIONS IN AN AREA OF COMBAT OPERATIONS.

(a) MODIFICATION OF REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the regulations issued by the Secretary of Defense pursuant to section 862(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 254; 10 U.S.C. 2302 note) shall be modified to ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations.

(b) ELEMENTS.—The modification of regulations pursuant to subsection (a) shall provide, at a minimum, each of the following:

(1) That security operations for the protection of resources (including people, information, equipment, and supplies) in uncontrolled or unpredictable high threat environments are inherently governmental functions if such security operations—

(A) will be performed in highly hazardous public areas where the risks are uncertain and could reasonably be expected to require deadly force that is more likely to be initiated by personnel performing such security operations than by others; or

(B) could reasonably be expected to require immediate discretionary decisions on the appropriate course of action or the acceptable level of risk (such as judgments on the appropriate level of force, acceptable level of collateral damage, and whether the target is friend or foe), the outcome of which could significantly affect the life, liberty, or property of private persons or the international relations of the United States.

(2) That the agency awarding the contract has appropriate mechanisms in place to ensure that private security contractors operate in a manner consistent with the regulations issued by the Secretary of Defense pursuant to such section 862(a), as modified pursuant to this section.

(c) PERIODIC REVIEW OF PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the heads of other appropriate agencies, periodically review the performance of private security functions in areas of combat operations to ensure that such functions are authorized and performed in a manner consistent with the requirements of this section.

(2) REPORTS.—Not later than June 1 of each of 2009, 2010, and 2011, the Secretary shall submit to the congressional defense committees a report on the results of the most recent review conducted under paragraph (1).

SEC. 842. ADDITIONAL CONTRACTOR REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN.

(a) IN GENERAL.—Section 861(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 253; 10 U.S.C. 2302 note) is amended by adding the following new paragraphs:

''(7) Mechanisms for ensuring that contractors are required to report offenses described in paragraph (6) that are alleged to have been committed by or against contractor personnel to appropriate investigative authorities.

''(8) Responsibility for providing victim and witness protection and assistance to contractor employees and other persons supporting the mission of the United States Government in Iraq or Afghanistan in connection with alleged offenses described in paragraph (6).''.

(b) IMPLEMENTATION.—The memorandum of understanding required by section 861(a) of the National Defense Authorization Act for Fiscal Year 2008 shall be modified to address the requirements under the amendment made by subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 843. CLARIFICATION AND MODIFICATION OF AUTHORITIES RELATING TO THE COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) NATURE OF COMMISSION.—Subsection (a) of section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) is amended by inserting ''in the legislative branch'' after ''There is hereby established''.

(b) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—Subsection (e) of such is amended by adding at the end the following new paragraph:

''(8) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—If warranted by circumstances described in subparagraph (A) or (B) of section 8344(i)(1) of title 5, United States Code, or by circumstances described in subparagraph (A) or (B) of section 8468(f)(1) of such title, as applicable, a co-chairman of the Commission may exercise, with respect to the members and staff of the Commission, the same waiver authority as would be available to the Director of the Office of Personnel Management under such section.''.

(c) EFFECTIVE DATE.—

(1) NATURE OF COMMISSION.—The amendment made by subsection (a) shall take effect as of January 28, 2008, as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2008.

(2) PAY AND ANNUITIES.—The amendment made by subsection (b) shall apply to members and staff of the Commission on Wartime

Contracting in Iraq and Afghanistan appointed or employed, as the case may be, on or after that date.

SEC. 844. COMPREHENSIVE AUDIT OF SPARE PARTS PURCHASES AND DEPOT OVERHAUL AND MAINTENANCE OF EQUIPMENT FOR OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUDITS REQUIRED.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit Agency shall each conduct thorough audits to identify potential waste, fraud, and abuse in the performance of the following:

(1) Department of Defense contracts, subcontracts, and task and delivery orders for—

(A) depot overhaul and maintenance of equipment for the military in Iraq and Afghanistan; and

(B) spare parts for military equipment used in Iraq and Afghanistan; and

(2) Department of Defense in-house overhaul and maintenance of military equipment used in Iraq and Afghanistan.

(b) COMPREHENSIVE AUDIT PLAN.—

(1) PLANS.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit Agency shall, in coordination with the Inspector General of the Department of Defense, develop a comprehensive plan for a series of audits to discharge the requirements of subsection (a).

(2) INCORPORATION INTO REQUIRED AUDIT PLAN.—The plan developed under paragraph (1) shall be submitted to the Inspector General of the Department of Defense for incorporation into the audit plan required by section 842(b)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 234; 10 U.S.C. 2302 note).

(c) INDEPENDENT CONDUCT OF AUDIT FUNCTIONS.—All audit functions performed under this section, including audit planning and coordination, shall be performed in an independent manner.

(d) AVAILABILITY OF RESULTS.—All audit reports resulting from audits under this section shall be made available to the Commission on Wartime Contracting in Iraq and Afghanistan established pursuant to section 841 of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 230).

Subtitle F—Other Matters

SEC. 851. EXPEDITED HIRING AUTHORITY FOR THE DEFENSE ACQUISITION WORKFORCE.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(1) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

(2) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) TERMINATION OF AUTHORITY.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2012.

SEC. 852. SPECIFICATION OF SECRETARY OF DEFENSE AS "SECRETARY CONCERNED" FOR PURPOSES OF LICENSING OF INTELLECTUAL PROPERTY FOR THE DEFENSE AGENCIES AND DEFENSE FIELD ACTIVITIES.

Subsection (e) of section 2260 of title 10, United States Code, is amended to read as follows:

''(e) DEFINITIONS.—In this section:

''(1) The terms 'trademark', 'service mark', 'certification mark', and 'collective mark' have the meanings given such terms in section 45 of the Act of July 5, 1946 (commonly referred to as the Trademark Act of 1946; 15 U.S.C. 1127).

''(2) The term 'Secretary concerned' includes the Secretary of Defense, with respect to matters concerning the Defense Agencies and the defense field activities.''.

SEC. 853. REPEAL OF REQUIREMENTS RELATING TO THE MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. MODIFICATION OF STATUS OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.

Section 142 of title 10, United States Code, is amended by adding at the end the following:

''(c) The Assistant to the Secretary shall be considered an Assistant Secretary of Defense for purposes of section 138(d) of this title.''.

SEC. 902. PARTICIPATION OF DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE ON DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.

(a) PARTICIPATION.—Subsection (a) of section 186 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Deputy Chief Management Officer of the Department of Defense.''.

(b) SERVICE AS VICE CHAIRMAN.—The second sentence of subsection (b) of such section is amended to read as follows: ''The Deputy Chief Management Officer of the Department of Defense shall serve as vice chairman of the Committee, and shall act as chairman in the absence of the Deputy Secretary of Defense.''.

SEC. 903. REPEAL OF OBSOLETE LIMITATIONS ON MANAGEMENT HEADQUARTERS PERSONNEL.

(a) REPEAL.—The following provisions of title 10, United States Code, are repealed:

(1) Section 143.

(2) Section 194.

(3) Subsection (f) of section 3014.

(4) Subsection (f) of section 5014.

(5) Subsection (f) of section 8014.

(b) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 143.

(2) The table of sections at the beginning of chapter 8 of such title is amended by striking the item relating to section 194.

SEC. 904. GENERAL COUNSEL TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 8 of the Inspector General Act of 1978 (50 U.S.C. App. 8) is amended by adding at the end the following new subsection:

''(h)(1) There is a General Counsel to the Inspector General of the Department of Defense, who shall be appointed by the Inspector General of the Department of Defense.

''(2)(A) Notwithstanding section 140(b) of title 10, United States Code, the General Counsel is the chief legal officer of the Office of the Inspector General.

''(B) The Inspector General is the exclusive legal client of the General Counsel.

''(C) The General Counsel shall perform such functions as the Inspector General may prescribe.

''(D) The General Counsel shall serve at the discretion of the Inspector General.

''(3) There is an Office of the General Counsel to the Inspector General of the Department of Defense. The Inspector General may appoint to the Office to serve as staff of the General Counsel such legal counsel as the Inspector General considers appropriate.''.

SEC. 905. ASSIGNMENT OF FORCES TO THE UNITED STATES NORTHERN COMMAND WITH PRIMARY MISSION OF MANAGEMENT OF THE CONSEQUENCES OF AN INCIDENT IN THE UNITED STATES HOMELAND INVOLVING A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR DEVICE, OR HIGH-YIELD EXPLOSIVES.

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

(1) As noted in the June 2005 Department of Defense Strategy for Homeland Defense and Civil Support, protecting the United States homeland from attack is the highest priority of the Department of Defense.

(2) As further noted in the June 2005 Department of Defense Strategy for Homeland Defense and Civil Support, ''[i]n the next ten years, terrorist groups, poised to attack the United States and actively seeking to inflict mass casualties or disrupt U.S. military operations, represent the most immediate challenge to the nation's security''.

(3) The Department of Defense established the United States Northern Command in October 2002 to provide command and control of the homeland defense efforts of the Department of Defense and to coordinate defense support of civil authorities, including defense support for Federal consequence management of chemical, biological, radiological, nuclear, or high-yield explosive incidents.

(4) The Commission on the National Guard and Reserves and the Government Accountability Office have criticized the capacity of the Department of Defense to respond to an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives due to a lack of capabilities to handle simultaneous weapons of mass destruction events and a lack of coordination and planning with the Department of Homeland Security and State and local governments.

(5) According to testimony to Congress by the Commander of United States Northern Command, the Secretary of Defense has directed that a full-time, dedicated force be trained and equipped by the end of fiscal year 2008 to provide defense support to civil authorities in the case of a chemical, biological, radiological, nuclear, or high-yield explosive incident within the United States. This force is to be assigned to the Commander of the United States Northern Command, and is to be followed by two additional such forces, comprised of units of the regular components of the Armed Forces and units and personnel of the National Guard, and Reserve, to be established over the course of fiscal years 2009 and 2010.

(6) The Department of Defense and United States Northern Command have begun the process of identifying, training, equipping, and assigning forces for the mission of managing the consequences of chemical, biological, radiological, nuclear, or high-yield explosive incidents in the United States.

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

(1) the Department of Defense should, as part of a Government-wide effort, make every effort to help protect the citizens of this Nation from the threat of an attack on the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives by terrorists or other aggressors;

(2) efforts to establish forces for the mission of managing the consequences of chemical, biological, radiological, nuclear, or high-yield explosive incidents in the United States should receive the highest level of attention within the Department of Defense; and

(3) the additional forces necessary for that mission should be identified, trained,

equipped, and assigned to United States Northern Command as soon as possible.

(c) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and one year and two years thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made as of the date of such report in assigning to the United States Northern Command forces having the primary mission of managing the consequences of an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the force structure, size, composition, and location of the units and personnel of the regular components of the Armed Forces, and the units and personnel of the reserve components of the Armed Forces, assigned to the United States Northern Command that have the primary mission of managing the consequences of an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(B) A description of the progress made in developing procedures to mobilize and demobilize units and personnel of the reserve components of the Armed Forces that are assigned to the United States Northern Command as described in subparagraph (A).

(C) A description of the progress being made in the training and certification of units and personnel that are assigned to United States Northern Command as described in subparagraph (A).

(D) An assessment of the need to establish a national training center for training units and personnel of the Armed Forces in the management of the consequences of an incident in the United States homeland as described in subparagraph (A).

(E) A description of the progress made in addressing the shortfalls in the management of the consequences of an incident in the United States homeland as described in subparagraph (A) that are identified in—

(i) the reports of the Comptroller General of the United States numbered GAO–08–251 and GAO–08–252; and

(ii) the report of the Commission on the National Guard and Reserve.

SEC. 906. BUSINESS TRANSFORMATION INITIATIVES FOR THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—The Secretary of each military department shall, acting through the Chief Management Officer of such military department, carry out an initiative for the business transformation of such military department.

(b) OBJECTIVES.—The objectives of the business transformation initiative of a military department under this section shall include, at a minimum, the following:

(1) The development of a comprehensive business transformation plan, with measurable performance goals and objectives, to achieve an integrated management system for the business operations of the military department.

(2) The development of a well-defined enterprise-wide business systems architecture and transition plan encompassing end-to-end business processes and capable of providing accurately and timely information in support of business decisions of the military department.

(3) The implementation of the business transformation plan developed pursuant to paragraph (1) and the business systems architecture and transition plan developed pursuant to paragraph (2).

(c) BUSINESS TRANSFORMATION OFFICES.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of each military department shall establish within such military department an office (to be known as the ''Office of Business Transformation'' of such military department) to assist the Chief Management Officer of such military department in carrying out the initiative required by this section for such military department.

(2) HEAD.—The Office of Business Transformation of a military department under this subsection shall be headed by a Director of Business Transformation, who shall be appointed by the Chief Management Officer of the military department, in consultation with the Director of the Business Transformation Agency of the Department of Defense, from among individuals with significant experience managing large-scale organizations or business transformation efforts.

(3) SUPERVISION.—The Director of Business Transformation of a military department under paragraph (2) shall report directly to the Chief Management Officer of the military department, subject to policy guidance from the Director of the Business Transformation Agency of the Department of Defense.

(4) AUTHORITY.—In carrying out the initiative required by this section for a military department, the Director of Business Transformation of the military department under paragraph (2) shall have the authority to require elements of the military department to carry out actions that are within the purpose and scope of the initiative.

(d) RESPONSIBILITIES OF BUSINESS TRANSFORMATION OFFICES.—The Office of Business Transformation of a military department established pursuant to subsection (b) shall be responsible for the following:

(1) Transforming the budget, finance, and accounting operations of the military department in a manner that is consistent with the business transformation plan developed pursuant to subsection (b)(1).

(2) Eliminating or replacing financial management systems of the military department that are inconsistent with the business systems architecture and transition plan developed pursuant to subsection (b)(2).

(3) Ensuring that the business transformation plan and the business systems architecture and transition plan are implemented in a manner that is aggressive, realistic, and accurately measured.

(e) REQUIRED ELEMENTS.—In carrying out the initiative required by this section for a military department, the Chief Management Officer and the Director of Business Transformation of the military department shall ensure that each element of the initiative is consistent with—

(1) the requirements of the Business Enterprise Architecture and Transition Plan developed by the Secretary of Defense pursuant to section 2222 of title 10, United States Code;

(2) the Standard Financial Information Structure of the Department of Defense;

(3) the Federal Financial Management Improvement Act of 1996 (and the amendments made by that Act); and

(4) other applicable requirements of law and regulation.

(f) REPORTS ON IMPLEMENTATION.—

(1) INITIAL REPORTS.—Not later than six months after the date of the enactment of this Act, the Chief Management Officer of each military department shall submit to the congressional defense committees a report on the actions taken, and on the actions planned to be taken, by such military department to implement the requirements of this section.

(2) UPDATES.—Not later than March 1 of each of 2010, 2011, and 2012, the Chief Management Officer of each military department shall submit to the congressional defense committees a current update of the report submitted by such Chief Management Officer under paragraph (1).

Subtitle B—Space Matters

SEC. 911. SPACE POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the national security space policy and strategy of the United States for the near term, the Secretary of Defense and the Director of National Intelligence shall jointly conduct a comprehensive review of the space posture of the United States over the posture review period.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include, for the posture review period, the following:

(1) The definition, policy, requirements, and objectives for each of the following:

(A) Space situational awareness.

(B) Space control.

(C) Space superiority, including defensive and offensive counterspace and protection.

(D) Force enhancement and force application.

(E) Space-based intelligence and surveillance and reconnaissance from space.

(F) Integration of space and ground control and user equipment.

(G) Any other matter the Secretary considers relevant to understanding the space posture of the United States.

(2) A description of current and planned space acquisition programs that are in acquisition categories 1 and 2, including how each such program will address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(3) A description of future space systems and technology development (other than such systems and technology in development as of the date of the enactment of this Act) necessary to address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(4) An assessment of the relationship among the following:

(A) United States military space policy.

(B) National security space policy.

(C) National security space objectives.

(D) Arms control policy.

(E) Export control policy.

(5) An assessment of the effect of the military and national security space policy of the United States on the proliferation of weapons capable of targeting objects in space or objects on Earth from space.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2009, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional committees specified in paragraph (3) a report on the review conducted under subsection (a).

(2) FORM OF REPORT.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(3) COMMITTEES.—The congressional committees specified in this paragraph are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) POSTURE REVIEW PERIOD DEFINED.—In this section, the term ''posture review period'' means the 10-year period beginning on February 1, 2009.

Subtitle C—Defense Intelligence Matters

SEC. 921. REQUIREMENT FOR OFFICERS OF THE ARMED FORCES ON ACTIVE DUTY IN CERTAIN INTELLIGENCE POSITIONS.

(a) IN GENERAL.—Effective as of October 1, 2008, the individual serving in each position specified in subsection (b) shall be a commissioned officer of the Armed Forces on active duty.

(b) SPECIFIED POSITIONS.—The positions specified in this subsection are the positions as follows:

(1) Principal deputy to the senior military officer serving as the Deputy Chief of the Army Staff for Intelligence.

(2) Principal deputy to the senior military officer serving as the Director of Intelligence for the Chief of Naval Operations.

(3) Principal deputy to the senior military officer serving as the Assistant to the Air Force Chief of Staff for Intelligence.

SEC. 922. TRANSFER OF MANAGEMENT OF INTELLIGENCE SYSTEMS SUPPORT OFFICE.

(a) TRANSFER OF MANAGEMENT GENERALLY.—

(1) TRANSFER.—Except as provided in subsection (b), management of the Intelligence Systems Support Office, and all programs and activities of that office as of April 1, 2008, including the Foreign Materials Acquisitions program, shall be transferred to the Defense Intelligence Agency.

(2) MANAGEMENT.—The programs and activities of the Intelligence Systems Support Office transferred under paragraph (1) shall, after transfer under that paragraph, be managed by the Director of the Defense Intelligence Agency.

(b) TRANSFER OF MANAGEMENT OF CENTER FOR INTERNATIONAL ISSUES RESEARCH.—

(1) TRANSFER.—Management of the Center for International Issues Research shall be transferred to the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

(2) MANAGEMENT.—The Center for International Issues Research shall, after transfer under paragraph (1), be managed by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

(c) DEADLINE FOR TRANSFERS OF MANAGEMENT.—The transfers of management required by subsections (a) and (b) shall occur not later than 30 days after the date of the enactment of this Act.

(d) LIMITATION ON CERTAIN AUTHORITY OF USD FOR INTELLIGENCE.—Effective as of December 1, 2008, the Under Secretary of Defense for Intelligence may not establish or maintain the capabilities as follows:

(1) A capability to execute programs of technology or systems development and acquisition.

(2) A capability to provide operational support to combatant commands.

SEC. 923. PROGRAM ON ADVANCED SENSOR APPLICATIONS.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide for the carrying out of a program on advanced sensor applications in order to provide for the evaluation by the Department of Defense on scientific and engineering grounds of foreign technology utilized for the detection and tracking of submarines.

(2) DESIGNATION.—The program under this section shall be known as the ''Advanced Sensor Applications Program''.

(b) RESPONSIBILITY FOR EXECUTION OF PROGRAM.—The program under this section shall be carried out by the Commander of the Naval Air Systems Command in consultation with the Program Executive Officer for Aviation of the Department of the Navy and the Director of Special Programs for the Chief of Naval Operations.

(c) PROGRAM REQUIREMENTS AND LIMITATIONS.—

(1) ACCESS TO CERTAIN INFORMATION.—In carrying out the program under this section, the Commander of the Naval Air Systems Command shall—

(A) have complete access to all United States intelligence relating to the detection and tracking of submarines; and

(B) be kept currently apprised of information and assessments of the Office of Naval Intelligence, the Defense Intelligence Agency, and the Central Intelligence Agency, and of information and assessments of the intelligence services of allies of the United States that are available to the United States, on matters relating to the detection and tracking of submarines.

(2) INDEPENDENCE OF PROGRAM.—The program under this section shall be carried out independently of the Office of Naval Intelligence, the Defense Intelligence Agency, the Central Intelligence Agency, and any other element of the intelligence community.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION INTO ACT OF TABLES IN THE REPORT OF THE COMMITTEE ON ARMED SERVICES OF THE SENATE.

(a) INCORPORATION.—Each funding table in the report of the Committee on Armed Services of the Senate to accompany the bill S. _____ of the 110th Congress is hereby incorporated into this Act and is hereby made a requirement in law. Items in each such funding table shall be binding on agency heads in the same manner and to the same extent as if such funding table was included in the text of this Act, unless transfers of funding for such items are approved in accordance with established procedures.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds on the basis of any funding table incorporated into this Act pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, and merit-based decision-making in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any item in a funding table incorporated into this Act under subsection (a) shall supersede the requirements of subsection (b).

SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2009.

(a) FISCAL YEAR 2009 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2009 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2008, of funds appropriated for fiscal years before fiscal year 2009 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $1,049,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $408,788,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ''fiscal year 1998 baseline limitation'' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. GOVERNMENT RIGHTS IN DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, CRAFT, AND COMPONENTS DEVELOPED USING PUBLIC FUNDS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7317. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds

''(a) IN GENERAL.—Government rights in the design of a vessel, boat, or craft, and its components, including the hull, decks, superstructure, and all shipboard equipment and systems, developed in whole or in part using public funds shall be determined solely as follows:

''(1) In the case of a vessel, boat, craft, or component procured through a contract, in accordance with the provisions of section 2320 of this title.

''(2) In the case of a vessel, boat, craft, or component procured through an instrument not governed by section 2320 of this title, by the terms of the instrument (other than a contract) under which the design for such vessel, boat, craft, or component, as applicable, was developed for the Government.

''(b) CONSTRUCTION OF SUPERSEDING AUTHORITIES.—This section may be modified or superseded by a provision of statute only if such provision expressly refers to this section in modifying or superseding this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by adding at the end the following new item:

''7317. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds.''.

SEC. 1012. REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS.

(a) IN GENERAL.—Amounts appropriated for operation and maintenance for the Navy may be used to pay the charge established under section 1011 of title 37, United States Code, for meals sold by messes for United States Navy and Naval Auxiliary vessels to the following:

(1) Members of nongovernmental organizations and officers or employees of host and foreign nations when participating in or providing support to United States civil-military operations.

(2) Foreign national patients treated on Naval vessels during the conduct of United States civil-military operations, and their escorts.

(b) EXPIRATION OF AUTHORITY.—The authority to pay for meals under subsection (a) shall expire on September 30, 2010.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking ''through 2008'' and inserting ''through 2009''.

SEC. 1022. TWO-YEAR EXTENSION OF AUTHORITY FOR USE OF FUNDS FOR UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1023 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended—

(1) in subsection (a)(1), by striking ''through 2008'' and inserting ''through 2010''; and

(2) in subsection (c), by striking ''through 2008'' and inserting ''through 2010''.

Subtitle D—Miscellaneous Authorities and Limitations

SEC. 1031. PROCUREMENT BY STATE AND LOCAL GOVERNMENTS OF EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES THROUGH THE DEPARTMENT OF DEFENSE.

(a) EXPANSION OF PROCUREMENT AUTHORITY TO INCLUDE EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES.—

(1) PROCEDURES.—Subsection (a)(1) of section 381 of title 10, United States Code, is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''law enforcement''; and

(II) by inserting '', homeland security, and emergency response'' after ''counter-drug'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting '', homeland security, or emergency response'' after ''counter-drug''; and

(II) in clause (i), by striking ''law enforcement'';

(iii) in subparagraph (C), by striking ''law enforcement'' each place it appears; and

(iv) in subparagraph (D), by striking ''law enforcement''.

(2) GSA CATALOG.—Subsection (c) of such section is amended—

(A) by striking ''law enforcement''; and

(B) by inserting '', homeland security, and emergency response'' after ''counter-drug''.

(3) DEFINITIONS.—Subsection (d) of such section is amended—

(A) in paragraph (2), by inserting ''or emergency response'' after ''law enforcement'' both places it appears; and

(B) in paragraph (3)—

(i) by striking ''law enforcement'';

(ii) by inserting '', homeland security, and emergency response'' after ''counter-drug''; and

(iii) by inserting ''and, in the case of equipment for homeland security activities, may not include any equipment that is not found on the Authorized Equipment List published by the Department of Homeland Security'' after ''purposes''.

(b) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 18 of such title is amended by striking the item relating to section 381 and inserting the following new item:

''381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities.''.

SEC. 1032. ENHANCEMENT OF THE CAPACITY OF THE UNITED STATES GOVERNMENT TO CONDUCT COMPLEX OPERATIONS.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding the following new section:

"§ 409. Center for Complex Operations

''(a) CENTER AUTHORIZED.—The Secretary of Defense may establish within the Department of Defense a center to be known as the 'Center for Complex Operations' (in this section referred to as the 'Center').

''(b) PURPOSES.—The purposes of the Center established under subsection (a) shall be the following:

''(1) To provide for effective coordination in the preparation of Department of Defense personnel and other United States Government personnel for complex operations.

''(2) To foster unity of effort among the departments and agencies of the United States Government, foreign governments and militaries, international organizations, and nongovernmental organizations in their participation in complex operations.

''(3) To conduct research, collect, analyze, and distribute lessons learned, and compile best practices in matters relating to complex operations.

''(4) To identify gaps in the education and training of Department of Defense personnel, and other United States Government personnel, relating to complex operations, and to facilitate efforts to fill such gaps.

''(c) SUPPORT FROM OTHER UNITED STATES GOVERNMENT AGENCIES.—The head of any non-Department of Defense department or agency of the United States Government may—

''(1) provide to the Secretary of Defense services, including personnel support, to support the operations of the Center; and

''(2) transfer funds to the Secretary of Defense to support the operations of the Center.

''(d) ACCEPTANCE OF GIFTS AND DONATIONS.—(1) Subject to paragraph (3), the Secretary of Defense may accept from any source specified in paragraph (2) any gift or donation for purposes of defraying the costs or enhancing the operations of the Center.

''(2) The sources specified in this paragraph are the following:

''(A) The government of a State or a political subdivision of a State.

''(B) The government of a foreign country.

''(C) A foundation or other charitable organization, including a foundation or charitable organization that is organized or operates under the laws of a foreign country.

''(D) Any source in the private sector of the United States or a foreign country.

''(3) The Secretary may not accept a gift or donation under this subsection if acceptance of the gift or donation would compromise or appear to compromise—

''(A) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

''(B) the integrity of any program of the Department or of any person involved in such a program.

''(4) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining the applicability of paragraph (3) to any proposed gift or donation under this subsection.

''(e) CREDITING OF FUNDS TRANSFERRED OR ACCEPTED.—Funds transferred to or accepted by the Secretary of Defense under this section shall be credited to appropriations available to the Department of Defense for the Center, and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged. Any funds so transferred or accepted shall remain available until expended.

''(f) DEFINITIONS.—In this section:

''(1) The term 'complex operation' means an operation as follows:

''(A) A stability operation.

''(B) A security operation.

''(C) A transition and reconstruction operation.

''(D) A counterinsurgency operation.

''(E) An operation consisting of irregular warfare.

''(2) The term 'gift or donation' means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

''409. Center for Complex Operations.''.

SEC. 1033. CREDITING OF ADMIRALTY CLAIM RECEIPTS FOR DAMAGE TO PROPERTY FUNDED FROM A DEPARTMENT OF DEFENSE WORKING CAPITAL FUND.

Section 7623(b) of title 10, United States Code, is amended—

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

(2) in paragraph (1), as so designated, by striking the last sentence; and

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

''(2)(A) Except as provided in subparagraph (B), amounts received under this section shall be covered into the Treasury as miscellaneous receipts.

''(B) Amounts received under this section for damage or loss to property operated and maintained with funds from a Department of Defense working capital fund or account shall be credited to that fund or account.''.

SEC. 1034. MINIMUM ANNUAL PURCHASE REQUIREMENTS FOR AIRLIFT SERVICES FROM CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet

''(a) IN GENERAL.—The Secretary of Defense may award to an air carrier or an air carrier contractor team arrangement participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for airlift services with a minimum purchase amount under such contract determined in accordance with this section.

''(b) ELIGIBLE CARRIERS.—In order to be eligible for payments under the minimum purchase amount provided by this section, an air carrier (or any air carrier participating in an air carrier contractor team arrangement)—

''(1) if under contract with the Department of Defense in the prior fiscal year, shall have an average on-time pick up rate, based on factors within such air carrier's control, of at least 90 percent;

''(2) shall offer such amount of commitment to the Civil Reserve Air Fleet in excess of the minimum required for participation in the Civil Reserve Air Fleet as the Secretary of Defense shall specify for purposes of this section; and

''(3) may not have refused a Department of Defense request to act as a host for other Civil Reserve Air Fleet carriers at intermediate staging bases during the prior fiscal year.

''(c) AGGREGATE MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the average annual expenditure of the Department of Defense for commercial airlift services during the five-fiscal year period ending in the fiscal year before the fiscal year for which such contracts are awarded.

''(2) In calculating the average annual expenditure of the Department of Defense for airlift services for purposes of paragraph (1), the Secretary of Defense shall omit from the calculation any fiscal year exhibiting unusually high demand for commercial airlift services if the Secretary determines that the omission of such fiscal year from the calculation will result in a more accurate forecast of anticipated commercial airlift services for purposes of that paragraph.

''(d) ALLOCATION OF MINIMUM PURCHASE AMONG CONTRACTS.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year, as determined under subsection (c), shall be allocated among all air carriers and air carrier contractor team arrangements awarded contracts under subsection (a) for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

''(2) In determining the minimum purchase amount payable under paragraph (1) under a contract under subsection (a) for airlift services provided by an air carrier or air carrier contractor team arrangement during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to such carrier or arrangement under paragraph (2) to take into account periods during such fiscal year when airlift services of such carrier or a carrier in such arrangement are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when such carrier is placed in nonuse status pursuant to section 2640 of this title for safety reasons.

''(e) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of airlift services from a carrier or air carrier contractor team arrangement for a fiscal year under a contract under subsection (a) is not utilized to purchase airlift services from the carrier or arrangement in such fiscal year, such amount shall be provided to the carrier or arrangement before the first day of the following fiscal year.

''(f) COMMITMENT OF FUNDS.—(1) The Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for the payment of minimum purchase amounts under all contracts awarded under subsection (a) for such fiscal year equivalent to the percentage of the anticipated use of airlift services by such military department during such fiscal year from all carriers under contracts awarded under subsection (a) for such fiscal year.

''(2) Any amounts required to be transferred under paragraph (1) shall be transferred by the last day of the fiscal year concerned to meet the requirements of subsection (e) unless minimum purchase amounts have already been distributed by the Secretary of Defense under subsection (e) as of that date.

''(g) AVAILABILITY OF AIRLIFT SERVICES.—(1) From the total amount of airlift services available for a fiscal year under all contracts awarded under subsection (a) for such fiscal year, a military department shall be entitled to obtain a percentage of such airlift services equal to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (f).

''(2) A military department may transfer any entitlement to airlift services under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.

''(h) SUNSET.—The authorities in this section shall expire on December 31, 2015.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 941 of such title is amended by adding at the end the following new item:

''9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.''.

SEC. 1035. TERMINATION DATE OF BASE CONTRACT FOR THE NAVY-MARINE CORPS INTRANET.

Section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–215), as amended by section 362 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1065) and Public Law 107–254 (116 Stat. 1733), is further amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection (j):

''(j) TERMINATION DATE OF BASE CONTRACT FOR NAVY-MARINE CORPS INTRANET.—Notwithstanding subsection (i), the base contract of the Navy-Marine Corps Intranet contract may terminate on October 31, 2010.''.

SEC. 1036. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.

(a) REGULATIONS REQUIRED.—Effective as of the date that is one year after the date of the enactment of this Act, the Department of Defense manpower mix criteria and the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to provide that—

(1) the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot be transferred to private sector contractors who are beyond the reach of controls otherwise applicable to government personnel; and

(2) properly trained and cleared contractors may be used as linguists, interpreters, report writers, and information technology technicians if their work is properly reviewed by appropriate government officials.

(b) PENALTIES.—The obligation or expenditure of Department of Defense funds for a contract that is not in compliance with the regulations issued pursuant to this section is a violation of section 1341(a)(1)(A) of title 31, United States Code.

SEC. 1037. NOTIFICATION OF COMMITTEES ON ARMED SERVICES WITH RESPECT TO CERTAIN NONPROLIFERATION AND PROLIFERATION ACTIVITIES.

(a) NOTIFICATION WITH RESPECT TO NONPROLIFERATION ACTIVITIES.—The Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, the Secretary of State, and the Nuclear Regulatory Commission shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives informed with respect to—

(1) any activities undertaken by any such Secretary or the Commission to carry out the purposes and policies of the Secretaries and the Commission with respect to nonproliferation programs; and

(2) any other activities undertaken by any such Secretary or the Commission to prevent the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(b) NOTIFICATION WITH RESPECT TO PROLIFERATION ACTIVITIES IN FOREIGN NATIONS.—(1) IN GENERAL.—The Director of National Intelligence shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives fully and currently informed with respect to any activities of foreign nations that are significant with respect to the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(2) FULLY AND CURRENTLY INFORMED DEFINED.—For purposes of paragraph (1), the

term ''fully and currently informed'' means the transmittal of credible information with respect to an activity described in such paragraph not later than 60 days after becoming aware of the activity.

SEC. 1038. SENSE OF CONGRESS ON NUCLEAR WEAPONS MANAGEMENT.

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

(1) The unauthorized transfer of nuclear weapons from Minot Air Force Base, North Dakota, to Barksdale Air Force Base, Louisiana, in August 2007 was an extraordinary breach of the command and control and security of nuclear weapons.

(2) The reviews conducted following that unauthorized transfer found that the ability of the Department of Defense to provide oversight of nuclear weapons matters had degenerated and that senior level attention to nuclear weapons management is minimal at best.

(3) The lack of attention to nuclear weapons and related equipment by the Department of Defense was demonstrated again when it was discovered in March 2008 that classified equipment from Minuteman III intercontinental ballistic missiles was inadvertently shipped to Taiwan in 2006.

(4) The Department of Defense has insufficient capability and staffing in the Office of the Under Secretary of Defense for Policy to provide the necessary oversight of the nuclear weapons functions of the Department.

(5) The key senior position responsible for nuclear weapons matters in the Department of Defense, the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, a position filled by appointment by and with the advice and consent of the Senate, has been vacant for more than 18 months.

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

(1) the United States should maintain clear and unambiguous command and control of its nuclear weapons;

(2) the safety and security of nuclear weapons and related equipment should be a high priority as long as the United States maintains a stockpile of nuclear weapons;

(3) the President should take immediate steps to nominate a qualified individual for the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs; and

(4) the Secretary of Defense should establish and fill a senior position, at the level of Assistant Secretary or Deputy Under Secretary, within the Office of the Under Secretary of Defense for Policy to be responsible solely for the strategic and nuclear weapons policy of the Department of Defense.

SEC. 1039. SENSE OF CONGRESS ON JOINT DEPARTMENT OF DEFENSE-FEDERAL AVIATION ADMINISTRATION EXECUTIVE COMMITTEE ON CONFLICT AND DISPUTE RESOLUTION.

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

(1) Unmanned aerial systems (UAS) of the Department of Defense, like the Predator and the Global Hawk, have become a critical component of military operations. Unmanned aerial systems are indispensable in the conflict against terrorism and the campaigns in Afghanistan and Iraq.

(2) Unmanned aerial systems of the Department of Defense must operate in the National Airspace System (NAS) for training, operational support to the combatant commands, and support to domestic authorities in emergencies and national disasters.

(3) The Department of Defense has been lax in developing certifications of airworthiness for unmanned aerial systems, qualifications for operators of unmanned aerial systems, databases on safety matters relating to unmanned aerial systems, and standards, technology, and procedures that are necessary for routine access of unmanned aerial systems to the National Airspace System.

(4) As recognized in a Memorandum of Agreement for Operation of Unmanned Aircraft Systems in the National Airspace System signed by the Deputy Secretary of Defense and the Administrator of the Federal Aviation Administration in September 2007, it is vital for the Department of Defense and the Federal Aviation Administration to collaborate closely to achieve progress in gaining access for unmanned aerial systems to the National Airspace System to support military requirements.

(5) The Department of Defense and the Federal Aviation Administration have jointly and separately taken significant actions to improve the access of unmanned aerial systems of the Department of Defense to the National Airspace System, but overall, the pace of progress in access of such systems to the National Airspace System has been insufficient and poses a threat to national security.

(6) Techniques and procedures can be rapidly acquired or developed to temporarily permit safe operations of unmanned aerial systems in the National Airspace System until permanent safe operations of such systems in the National Airspace System can be achieved.

(7) Identifying, developing, approving, implementing, and monitoring the adequacy of these techniques and procedures may require the establishment of a joint Department of Defense-Federal Aviation Administration executive committee reporting to the highest levels of the Department of Defense and the Federal Aviation Administration on matters relating to the access of unmanned aerial systems of the Department of Defense to the National Airspace System.

(8) Joint management attention at the highest levels of the Department of Defense and the Federal Aviation Administration may also be required on other important issues, such as type ratings for aerial refueling aircraft.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should seek an agreement with the Administrator of the Federal Aviation Administration to jointly establish within the Department of Defense and the Federal Aviation Administration a joint Department of Defense–Federal Aviation Administration executive committee on conflict and dispute resolution which would—

(1) act as a focal point for the resolution of disputes on matters of policy and procedures between the Department of Defense and the Federal Aviation Administration with respect to—

(A) airspace, aircraft certifications, and aircrew training; and

(B) other issues brought before the joint executive committee by the Department of Defense or the Department of Transportation;

(2) identify solutions to the range of technical, procedural, and policy concerns arising in the disputes described in paragraph (1); and

(3) identify solutions to the range of technical, procedural, and policy concerns arising in the integration of Department of Defense unmanned aerial systems into the National Airspace System in order to achieve the increasing, and ultimately routine, access of such systems into the National Airspace System.

SEC. 1040. SENSE OF CONGRESS ON SALE OF NEW OUTSIZE CARGO, STRATEGIC LIFT AIRCRAFT FOR CIVILIAN USE.

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

(1) The 2004 Quadrennial Defense Review (as submitted to Congress in 2005) and the 2005 Mobility Capability Study determined that the United States Transportation Command requires a force of 292 organic strategic lift aircraft, augmented by procurement of airlift service from commercial air carriers participating in the Civil Reserve Air Fleet, to meet the demands of the National Military Strategy. Congress has authorized and appropriated funds for 301 strategic airlift aircraft.

(2) The Commander of the United States Transportation Command has testified to Congress that it is essential to safeguard the capabilities and capacity of the Civil Reserve Air Fleet to meet wartime surge demands in connection with major combat operations, and that procurement by the Air Force of excess organic strategic lift aircraft would be harmful to the health of the Civil Reserve Air Fleet.

(3) The C–17 Globemaster aircraft is the workhorse of the Air Mobility Command in the Global War on Terror. Production of the C–17 Globemaster aircraft is scheduled to cease in 2009, upon completion of the aircraft remaining to be procured by the Air Force.

(4) The Federal Aviation Administration has informed the Committee on Armed Services of the Senate that no fewer than six commercial operators have expressed interest in procuring a commercial variant of the C–17 Globemaster aircraft. Commercial sale of the C–17 Globemaster aircraft would require that the Department of Defense or Congress determine that it is in the national interest for the Federal Aviation Administration to proceed with the issuance of a type certificate for surplus aircraft of the Armed Forces in accordance with section 21.27 of title 14, Code of Federal Regulations.

(5) C–17 Globemaster aircraft sold for commercial use could be made available to the Civil Reserve Air Fleet, thus strengthening the capabilities and capacity of the Civil Reserve Air Fleet.

(6) The sale of a commercial variant of the C–17 Globemaster to Civil Reserve Air Fleet partners would strengthen the United States industrial base.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should—

(1) review the benefits and feasibility of pursuing a commercial-military cargo initiative for the C–17 Globemaster aircraft and determine whether such an initiative is in the national interest; and

(2) if the Secretary determines that such an initiative is in the national interest, take appropriate actions to coordinate with the Federal Aviation Administration to achieve the type certification for such aircraft required by section 21.27 of title 14, Code of Federal Regulations.

Subtitle E—Reports

SEC. 1051. REPEAL OF REQUIREMENT TO SUBMIT CERTAIN ANNUAL REPORTS TO CONGRESS REGARDING ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.

(a) REPEAL OF CERTAIN REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—Section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 95–525; 98 Stat. 2576) is amended by striking subsections (c) and (d).

(b) REPEAL OF REPORT ON COST-SHARING.—Section 1313 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2894) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsections (c).

SEC. 1052. REPORT ON DETENTION OPERATIONS IN IRAQ.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on detention operations at theater internment facilities in Iraq during the period beginning on January 1, 2007, and ending on the date of the report.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed description of the policies and procedures governing detention operations at theater internment facilities in Iraq during the period covered by the report, and a description of any changes to such policies and procedures during that period intended to incorporate counterinsurgency doctrine within such detention operations.

(2) A detailed description of the policies and programs instituted to prepare detainees for reintegration following their release from detention in theater interment facilities in Iraq, including programs of family visits and outreach, religious counseling, literacy, basic education, and vocational skills.

(3) A detailed description of the procedures for reviewing the detention status of individuals under detention in theater detention facilities in Iraq during the period covered by the report, including the procedures of the Multinational Forces Review Committee, and an assessment of the effect, if any, on United States detention policy and procedures with respect to Iraq of the General Amnesty Law approved by the Council of Representatives on February 13, 2008, and signed by the Presidency Council on February 26, 2008.

(4) Information for each month of the period covered by the report as follows:

(A) The detainee population at each theater internment facility in Iraq as of the end of such month.

(B) The number of detainees released from detention in theater internment facilities in Iraq during such month both in aggregate and in number released from each such theater internment facility.

(C) The number of detainees in theater internment facilities in Iraq turned over to the control of the Government of Iraq for criminal prosecution during such month.

(5) Information on the length of detainments in the theater internment facilities in Iraq as of each of January 1, 2007, and January 1, 2008, with a stratification of the number of individuals who had been so detained at each such date by six-month increments.

(6) A description and assessment of the effects of changes in detention operations and reintegration programs at theater internment facilities in Iraq during the period of the report, including changes in levels of violence within internment facilities and in rates of recapture of detainees released from detention in internment facilities.

(7) A statement of the costs of establishing and operating reintegration centers in Iraq and of the share of such costs to be paid by the Government of Iraq, and a description of plans for the transition of such centers to the control of the Government of Iraq.

(8) A description of—

(A) the lessons learned regarding detention operations in a counterinsurgency operation, an assessment of how such lessons could be applied to detention operations elsewhere (including in Afghanistan and at Guantanamo Bay, Cuba); and

(B) any efforts to integrate such lessons into Department of Defense directives, joint doctrine, mission rehearsal exercises for deploying forces, and training for units involved in detention and interrogation operations.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1053. STRATEGIC PLAN TO ENHANCE THE ROLE OF THE NATIONAL GUARD AND RESERVES IN THE NATIONAL DEFENSE.

(a) STRATEGIC PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall develop a strategic plan to enhance the role of the National Guard and Reserves in the national defense, including—

(A) the transition of the reserve components of the Armed Forces from a strategic force to an operational force;

(B) the achievement of a fully-integrated total force (including further development of the continuum of service); and

(C) the enhancement of the role of the reserve components of the Armed Forces in homeland defense.

(2) CONSULTATION.—The Secretary shall develop the strategic plan required by this subsection in consultation with the Chairman of the Joint Chiefs of Staff and the Chief of the National Guard Bureau.

(b) CONSIDERATION OF EXISTING FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the strategic plan required by subsection (a), the Secretary shall consider the following:

(1) The findings and recommendations of the final report of the Commission on the National Guard and Reserves.

(2) The findings and recommendations of the Center for Strategic and International Studies on the future of the National Guard and Reserves.

(3) The policies expressed in the provisions of the bill S. 2760 of the 110th Congress, to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

(4) Current policies and practices of the Department of Defense for the utilization of members and units of the reserve components of the Armed Forces.

(c) ELEMENTS.—The strategic plan required by subsection (a) shall include the following:

(1) A description of the legislative, organizational, and administrative actions required to make the reserve components of the Armed Forces a sustainable operational force.

(2) A description of the legislative, organizational, and administrative actions required to enhance the Department of Defense role in homeland defense and support of civil authorities, with particular emphasis on the role of the reserve components of the Armed Forces in such role.

(3) A description of the legislative, organizational, and administrative actions required to create a continuum of service in the reserve components of the Armed Forces, including a personnel management system for an integrated total force that will facilitate the seamless transition of members of National Guard and Reserves on and off active duty to meet mission requirements and permit different levels of participation by such members in the Armed Forces over the course of a military career.

(4) A description of the legislative and administrative actions required to develop a ready, capable, and available operational reserve for the Armed Forces.

(5) A description of the legislative and administrative actions required to reform organizations and institutions to support an operational reserve for the Armed Forces.

(6) A description of the legislative and administrative actions required to enhance support to members of the Armed Forces, including members of the reserve components of the Armed Forces, their families, and their employers.

(d) DEADLINE FOR SUBMITTAL.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan required by subsection (a) not later than July 1, 2009.

SEC. 1054. REVIEW OF NONNUCLEAR PROMPT GLOBAL STRIKE CONCEPT DEMONSTRATIONS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of State, conduct a review of each nonnuclear prompt global strike concept demonstration with respect to which the President requests funding in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) ELEMENTS.—The review required by subsection (a) shall include, for each concept demonstration described in that subsection, the following:

(1) The full cost of such concept demonstration.

(2) An assessment of any policy, legal, or treaty-related issues that could arise during the course of, or as a result of, such concept demonstration.

(3) The extent to which the concept demonstrated could be misconstrued as a nuclear weapon or delivery system.

(4) An assessment of the potential basing and deployment options for the concept demonstrated.

(5) A description of the types of targets against which the concept demonstrated might be used.

(c) REPORT.—Not later than 30 days after the date on which the President submits to Congress the budget for fiscal year 2010 (as so submitted), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the review required by subsection (a).

SEC. 1055. REVIEW OF BANDWIDTH CAPACITY REQUIREMENTS OF THE DEPARTMENT OF DEFENSE AND THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall conduct a joint review of the bandwidth capacity requirements of the Department of Defense and the intelligence community in the near term, mid term, and long term.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the following:

(1) The current bandwidth capacities of the Department of Defense and the intelligence community to transport data, including Government and commercial ground networks and satellite systems.

(2) The bandwidth capacities anticipated to be available to the Department of Defense and the intelligence community to transport data in the near term, mid term, and long term.

(3) The bandwidth and data requirements of current major operational systems of the Department of Defense and the intelligence community, including an assessment of—

(A) whether such requirements are being appropriately met by the bandwidth capacities described in paragraph (1); and

(B) the degree to which any such requirements are not being met by such bandwidth capacities.

(4) The anticipated bandwidth and data requirements of major operational systems of the Department of Defense and the intelligence community planned for each of the near term, mid term, and long term, including an assessment of—

(A) whether such anticipated requirements will be appropriately met by the bandwidth capacities described in paragraph (2); and

(B) the degree to which any such requirements are not anticipated to be met by such bandwidth capacities.

(5) Any mitigation concepts that could be used to satisfy any unmet bandwidth and data requirements.

(6) The costs of meeting the bandwidth and data requirements described in paragraphs (3) and (4).

(7) Any actions necessary to integrate or consolidate the information networks of the Department of Defense and the intelligence community.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth the results of the review required by subsection (a).

(d) FORMAL REVIEW PROCESS FOR BANDWIDTH REQUIREMENTS.—The Secretary of Defense and the Director of National Intelligence shall, as part of the Milestone B or Key Decision Point B approval process for any major defense acquisition program or major system acquisition program, establish a formal review process to ensure that—

(1) the bandwidth requirements needed to support such program are or will be met; and

(2) a determination will be made with respect to how to meet the bandwidth requirements for such program.

(e) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) LONG TERM.—The term ''long term'' means the five-year period beginning on the date that is 10 years after the date of the enactment of this Act.

(3) MID TERM.—The term ''mid term'' means the five-year period beginning on the date that is five years after the date of the enactment of this Act.

(4) NEAR TERM.—The term ''near term'' means the five-year period beginning on the date of the enactment of this Act.

Subtitle F—Wounded Warrior Matters

SEC. 1061. MODIFICATION OF UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.

(a) RETIREMENT OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1201(b)(3)(B)(i) of title 10, United States Code, is amended—

(1) by striking ''the member has six months or more of active military service and''; and

(2) by striking ''(unless compelling evidence'' and all that follows through ''active duty)'' and inserting ''(unless clear and unmistakable evidence demonstrates that the disability existed before the member's entrance on active duty and was not aggravated by active military service)''.

(b) SEPARATION OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1203(b)(4)(B) of such title is amended—

(1) by striking ''the member has six months or more of active military service, and''; and

(2) by striking ''(unless compelling evidence'' and all that follows through ''active duty)'' and inserting ''(unless clear and unmistakable evidence demonstrates that the disability existed before the member's entrance on active duty and was not aggravated by active military service)''.

SEC. 1062. INCLUSION OF SERVICE MEMBERS IN INPATIENT STATUS IN WOUNDED WARRIOR POLICIES AND PROTECTIONS.

Section 1602(7) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 432; 10 U.S.C. 1071 note) is amended by inserting ''inpatient or'' before ''outpatient status''.

SEC. 1063. CLARIFICATION OF CERTAIN INFORMATION SHARING BETWEEN THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS FOR WOUNDED WARRIOR PURPOSES.

(a) IN GENERAL.—Section 1614(b)(11) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 444; 10 U.S.C. 1071 note) is amended by inserting before the period at the end the following: ''or that such transfer is otherwise authorized by the regulations implementing such Act''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 28, 2008, as if included in the provisions of the Wounded Warrior Act, to which such amendment relates.

SEC. 1064. ADDITIONAL RESPONSIBILITIES FOR THE WOUNDED WARRIOR RESOURCE CENTER.

Section 1616(a) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 447; 10 U.S.C. 1071 note) is amended in the first sentence by inserting ''receiving legal assistance referral information (where appropriate), receiving other appropriate referral information,'' after ''receiving benefits information,''.

SEC. 1065. RESPONSIBILITY FOR THE CENTER OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT AND REHABILITATION OF TRAUMATIC BRAIN INJURY TO CONDUCT PILOT PROGRAMS ON TREATMENT APPROACHES FOR TRAUMATIC BRAIN INJURY.

Section 1621(c) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 453; 10 U.S.C. 1071 note) is amended—

(1) by redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) To conduct pilot programs to promote or assess the efficacy of approaches to the treatment of all forms of traumatic brain injury, including mild traumatic brain injury.''.

SEC. 1066. CENTER OF EXCELLENCE IN THE MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC EXTREMITY INJURIES AND AMPUTATIONS.

(a) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly establish a center of excellence in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(b) PARTNERSHIPS.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly ensure that the center collaborates with the Department of Veterans Affairs, the Department of Defense, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—The center shall have the responsibilities as follows:

(1) To implement a comprehensive plan and strategy for the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(2) To carry out such other activities to improve and enhance the efforts of the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations as the Secretary of Veterans Affairs and the Secretary of Defense consider appropriate.

(d) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to Congress a report on the activities of the center.

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) In the case of the first report under this subsection, a description of the implementation of the requirements of this Act.

(B) A description and assessment of the activities of the center during the one-year period ending on the date of such report, including an assessment of the role of such activities in improving and enhancing the efforts of the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

SEC. 1067. THREE-YEAR EXTENSION OF SENIOR OVERSIGHT COMMITTEE WITH RESPECT TO WOUNDED WARRIOR MATTERS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take such actions as are appropriate, including the allocation of appropriate personnel, funding, and other resources, to continue the operations of the Senior Oversight Committee until September 30, 2011.

(b) REPORT ON FURTHER EXTENSION OF COMMITTEE.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the joint recommendation of the Secretaries as to the advisability of continuing the operations of the Senior Oversight Committee after September 30, 2011. If the Secretaries recommend that continuing the operations of the Senior Oversight Committee after September 30, 2011, is advisable, the report may include such recommendations for the modification of the responsibilities, composition, or support of the Senior Oversight Committee as the Secretaries jointly consider appropriate.

(c) SENIOR OVERSIGHT COMMITTEE DEFINED.—In this section, the term ''Senior Oversight Committee'' means the Senior Oversight Committee jointly established by the Secretary of Defense and the Secretary of Veterans Affairs in May 2007. The Senior Oversight Committee was established to address concerns related to the treatment of wounded, ill, and injured members of the Armed Forces and veterans and serve as the single point of contact for oversight, strategy, and integration of proposed strategies for the efforts of the Department of Defense and the Department of Veterans Affairs to improve support throughout the recovery, rehabilitation, and reintegration of wounded, ill, or injured members of the Armed Forces.

Subtitle G—Other Matters

SEC. 1081. MILITARY SALUTE FOR THE FLAG DURING THE NATIONAL ANTHEM BY MEMBERS OF THE ARMED FORCES NOT IN UNIFORM AND BY VETERANS.

Section 301(b)(1) of title 36, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

''(A) individuals in uniform should give the military salute at the first note of the anthem and maintain that position until the last note;

''(B) members of the Armed Forces and veterans who are present but not in uniform

may render the military salute in the manner provided for individuals in uniform; and

''(C) all other persons present should face the flag and stand at attention with their right hand over the heart, and men not in uniform, if applicable, should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart; and''.

SEC. 1082. MODIFICATION OF DEADLINES FOR STANDARDS REQUIRED FOR ENTRY TO MILITARY INSTALLATIONS IN THE UNITED STATES.

Section 1069(c) of the National Defense Authorization Act of Fiscal Year 2008 (Public Law 110–181; 122 Stat. 327) is amended—

(1) in paragraph (1)—

(A) by striking ''July 1, 2008'' and inserting ''February 1, 2009''; and

(B) by striking ''January 1, 2009'' and inserting ''October 1, 2012''; and

(2) in paragraph (2), by striking ''implemented'' and inserting ''developed''.

SEC. 1083. SUSPENSION OF STATUTES OF LIMITATIONS WHEN CONGRESS AUTHORIZES THE USE OF MILITARY FORCE.

Section 3287 of title 18, United States Code, is amended—

(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. DEPARTMENT OF DEFENSE STRATEGIC HUMAN CAPITAL PLANS.

(a) CODIFICATION OF ANNUAL REQUIREMENT FOR PLAN.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

''§ 115b. Department of Defense strategic human capital plans

''(a) ANNUAL PLAN REQUIRED.—The Secretary of Defense shall submit to Congress on an annual basis a strategic human capital plan to shape and improve the civilian employee workforce of the Department of Defense. The plan shall be submitted not later than March 1 each year.

''(b) CONTENTS.—Each strategic human capital plan under subsection (a) shall include the following:

''(1) An assessment of—

''(A) the critical skills and competencies that will be needed in the future civilian employee workforce of the Department of Defense to support national security requirements and effectively manage the Department over the next decade;

''(B) the skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraph (A).

''(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

''(A) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals; and

''(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies.

''(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic human capital plan under this section during the previous year.

''(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—(1) Each strategic human capital plan under subsection (a) shall specifically address the shaping and improvement of the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense.

''(2) For purposes of paragraph (1), each plan shall include, at a minimum, the following:

''(A) An assessment of—

''(i) the needs of the Department for senior management, functional, and technical personnel (including scientists and engineers) in light of recent trends and projected changes in the mission and organization of the Department and in light of staff support needed to accomplish that mission;

''(ii) the capability of the existing civilian employee workforce of the Department to meet requirements relating to the mission of the Department, including the impact on that capability of projected trends in the senior management, functional, and technical personnel workforce of the Department based on expected losses due to retirement and other attrition; and

''(iii) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the senior management, functional, and technical personnel (including scientists and engineers) it needs.

''(B) A plan of action for developing and reshaping the senior management, functional, and technical workforce of the Department to address the gaps identified under subparagraph (A)(iii), including—

''(i) any legislative or administrative action that may be needed to adjust the requirements applicable to any category of civilian personnel identified in paragraph (3) or to establish a new category of senior management or technical personnel;

''(ii) any changes in the number of personnel authorized in any category of personnel identified in subsection (b) that may be needed to address such gaps and effectively meet the needs of the Department;

''(iii) any changes in the rates or methods of pay for any category of personnel identified in paragraph (3) that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department;

''(iv) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals;

''(v) specific strategies for developing, training, deploying, compensating, motivating, and designing career paths and career opportunities for the senior management, functional, and technical workforce of the Department, including the program objectives of the Department to be achieved through such strategies; and

''(vi) specific steps that the Department has taken or plans to take to ensure that the senior management, functional, and technical workforce of the Department is managed in compliance with the requirements of section 129 of this title.

''(3) For purposes of this subsection, the senior management, functional, and technical workforce of the Department of Defense includes the following categories of Department of Defense civilian personnel:

''(A) Appointees in the Senior Executive Service under section 3131 of title 5.

''(B) Persons serving in positions described in section 5376(a) of title 5.

''(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

''(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

''(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

''(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

''(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

''(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic human capital plan under subsection (a) shall specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

''(2) For purposes of paragraph (1), each plan shall include, at a minimum, the following:

''(A) An assessment of—

''(i) the skills and competencies needed in the military and civilian workforce of the Department of Defense to effectively manage the acquisition programs and activities of the Department over the next decade;

''(ii) the skills and competencies of the existing military and civilian acquisition workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(iii) gaps in the existing or projected military and civilian acquisition workforce that should be addressed to ensure that the Department has access to the skills and competencies identified pursuant to clauses (i) and (ii).

''(B) A plan of action that establishes specific objectives for developing and reshaping the military and civilian acquisition workforce of the Department to address the gaps in skills and competencies identified under subparagraph (A), including—

''(i) specific recruiting and retention goals; and

''(ii) specific strategies and incentives for developing, training, deploying, compensating, and motivating the military and civilian acquisition workforce of the Department to achieve such goals.

''(C) A plan for funding needed improvements in the military and civilian acquisition workforce of the Department, including—

''(i) an identification of the funding programmed for defense acquisition workforce

improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title;

''(ii) an identification of the funding programmed for defense acquisition workforce training in the future-years defense program, including a specific identification of funding provided by the acquisition workforce training fund established under section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3));

''(iii) a description of how the funding identified pursuant to clauses (i) and (ii) will be implemented during the fiscal year concerned to address the areas of need identified in accordance with subparagraph (A);

''(iv) a statement of whether the funding identified under clauses (i) and (ii) is being fully used; and

''(v) a description of any continuing shortfall in funding available for the defense acquisition workforce.

''(e) SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.—The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section. The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into the strategic human capital plans required by this section.

''(f) GAPS IN THE WORKFORCE.—(1) The Secretary of Defense may not conduct a public-private competition under chapter 126 of this title, Office of Management and Budget Circular A–76, or any other provision of law or regulation before expanding the civilian workforce of the Department of Defense to address a gap in the workforce identified under this section.

''(2) For purposes of this section, gaps in the workforce include—

''(A) shortcomings in the skills and competencies of employees; and

''(B) shortcomings in the number of employees possessing such skills and competencies.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 115a the following new item:

''115b. Department of Defense strategic human capital plans.''.

(b) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after date on which the Secretary of Defense submits to Congress an annual strategic human capital plan under section 115b of title 10, United States Code (as added by subsection (a)), in each of 2009, 2010, 2011 and 2012, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plan so submitted.

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3452; 10 U.S.C. note prec. 1580).

(2) Section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 119–364; 120 Stat. 2407).

(3) Section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 247; 10 U.S.C. note prec. 1580).

SEC. 1102. CONDITIONAL INCREASE IN AUTHORIZED NUMBER OF DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE PERSONNEL.

(a) IN GENERAL.—Section 1606(a) of title 10, United States Code, is amended—

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

(2) by striking the second sentence and inserting the following:

''(2)(A) The number of positions in the Defense Intelligence Senior Executive Service in any fiscal year after fiscal year after fiscal year 2008 may not exceed the lesser of the following:

''(i) The number of such positions authorized on September 30, 2007, as adjusted by the percentage specified in subparagraph (B) for such fiscal year.

''(ii) 694.

''(B) The percentage specified in this subparagraph for a fiscal year is the percentage by which the authorized number of Department of Defense positions in the Senior Executive Service has been increased as of the end of the preceding fiscal year over the number of such positions authorized on September 30, 2007.

''(3) Priority shall be given in the allocation of any increase in the number of authorized positions in the Defense Intelligence Senior Executive Service after fiscal year 2008 to components of the intelligence community within the Department of Defense in which the ratio of senior executives to employees other than senior executives is the lowest.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1103. ENHANCEMENT OF AUTHORITIES RELATING TO ADDITIONAL POSITIONS UNDER THE NATIONAL SECURITY PERSONNEL SYSTEM.

Section 9902(i) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''(except that the limitations of chapter 33 may be waived to the extent necessary to achieve the purposes of this subsection)'' after ''the limitations in subsection (b)(3)''; and

(2) in paragraph (2), by inserting before the period at the end the following: ''in a manner comparable to the manner in which such provisions are applied under chapter 33''.

SEC. 1104. EXPEDITED HIRING AUTHORITY FOR HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(1) designate any category of health care position within the Department of Defense as a shortage category position if the Secretary determines that there exists a severe shortage of candidates for such position or there is a critical hiring need for such position; and

(2) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) TERMINATION OF AUTHORITY.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2012.

SEC. 1105. ELECTION OF INSURANCE COVERAGE BY FEDERAL CIVILIAN EMPLOYEES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) AUTOMATIC COVERAGE.—Section 8702(c) of title 5, United States Code, is amended—

(1) by inserting ''an employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or'' after ''subsection (b)''; and

(2) by inserting ''notification of deployment or'' after ''the date of the''.

(b) OPTIONAL INSURANCE.—Section 8714a(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated the following new paragraph (1):

''(1) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.''.

(c) ADDITIONAL OPTIONAL LIFE INSURANCE.—Section 8714b(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated the following new paragraph (1):

''(2) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.''.

SEC. 1106. PERMANENT EXTENSION OF DEPARTMENT OF DEFENSE VOLUNTARY REDUCTION IN FORCE AUTHORITY.

Section 3502(f) of title 5, United States Code, is amended by striking paragraph (5).

SEC. 1107. FOUR-YEAR EXTENSION OF AUTHORITY TO MAKE LUMP SUM SEVERANCE PAYMENTS WITH RESPECT TO DEPARTMENT OF DEFENSE EMPLOYEES.

Section 5595(i)(4) of title 5, United States Code, is amended by striking ''October 1, 2010'' and inserting ''October 1, 2014''.

SEC. 1108. AUTHORITY TO WAIVE LIMITATIONS ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS UNDER AREAS OF UNITED STATES CENTRAL COMMAND.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding sections 5307 and 5547 of title 5, United States Code, the head of an Executive agency (as that term is defined in section 105 of title 5, United States Code) may, during calendar year 2009, waive limitations on the aggregate on basic pay and premium pay payable in such calendar year, and on allowances, differentials, bonuses, awards, and similar cash payments payable in such calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the United States Central Command in direct support of, or directly related to—

(A) a military operation, including a contingency operation; or

(B) an operation in response to a declared emergency.

(2) LIMITATION.—The total annual compensation payable to an employee pursuant to a waiver under this subsection may not exceed the total annual compensation payable to the Vice President under section 104 of title 3, United States Code.

(b) ROLLOVER OF EARNED PAY TO SUBSEQUENT YEAR.—Any amount that would otherwise be paid an employee in calendar year

2009 under a waiver under subsection (a)(1) except for the limitation in subsection (a)(2) shall be paid to the employee in a lump sum at the beginning of calendar year 2010. Any amount paid an employee under this subsection in calendar year 2010 shall be taken into account as if the limitation in subsection (a)(2) was applicable to the employee in calendar year 2010.

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall such additional pay be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(d) REGULATIONS.—The Director of the Office of Personnel Management may prescribe regulations to ensure appropriate consistency among heads of Executive agencies in the exercise of the authority granted by this section.

SEC. 1109. TECHNICAL AMENDMENT RELATING TO DEFINITION OF PROFESSIONAL ACCOUNTING POSITION FOR PURPOSES OF CERTIFICATION AND CREDENTIALING STANDARDS.

Section 1599d(e) of title 10, United States Code, is amended by striking ''GS–510, GS–511, and GS–505'' and inserting ''0505, 0510, 0511, or equivalent''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. INCREASE IN AMOUNT AVAILABLE FOR COSTS OF EDUCATION AND TRAINING OF FOREIGN MILITARY FORCES UNDER REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

(a) INCREASE IN AMOUNT.—Section 2249c(b) of title 10, United States Code, is amended by striking ''$25,000,000'' and inserting ''$35,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 1202. AUTHORITY FOR DISTRIBUTION TO CERTAIN FOREIGN PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE MILITARY INTEROPERABILITY WITH THE ARMED FORCES.

(a) AUTHORITY FOR DISTRIBUTION.—

(1) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces

''(a) DISTRIBUTION AUTHORIZED.—To enhance interoperability between the armed forces and military forces of friendly foreign nations, the Secretary of Defense, with the concurrence of the Secretary of State, may—

''(1) provide to personnel referred to in subsection (b) electronically-distributed learning content for the education and training of such personnel for the development or enhancement of allied and friendly military and civilian capabilities for multinational operations, including joint exercises and coalition operations; and

''(2) provide information technology, including computer software developed for such purpose, but only to the extent necessary to support the use of such learning content for the education and training of such personnel.

''(b) AUTHORIZED RECIPIENTS.—The personnel to whom learning content and information technology may be provided under subsection (a) are military and civilian personnel of a friendly foreign government, with the permission of that government.

''(c) EDUCATION AND TRAINING.—Any education and training provided under subsection (a) shall include the following:

''(1) Internet-based education and training.

''(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer-assisted exercises.

''(d) APPLICABILITY OF EXPORT CONTROL REGIMES.—The provision of learning content and information technology under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign nations.

''(e) GUIDANCE ON UTILIZATION OF AUTHORITY.—

''(1) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance on the procedures for the use of the authority in this section.

''(2) MODIFICATION.—If the Secretary modifies the guidance issued under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report setting forth the modified guidance not later than 30 days after the date of such modification.

''(f) ANNUAL REPORT.—

''(1) REPORT REQUIRED.—Not later than October 31 following each fiscal year in which the authority in this section is used, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the exercise of the authority during such fiscal year.

''(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) A statement of the recipients of learning content and information technology provided under this section.

''(B) A description of the type, quantity, and value of the learning content and information technology provided under this section.

''(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Armed Services of the Senate; and

''(2) the Committee on Armed Services of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by adding at the end the following new item:

''2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.''.

(b) GUIDANCE ON UTILIZATION OF AUTHORITY.—

(1) SUBMITTAL TO CONGRESS.—Not later than 30 days after issuing the guidance required by section 2249d(e) of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such guidance.

(2) UTILIZATION OF SIMILAR GUIDANCE.—In developing the guidance required by section 2249d(e) of title 10, United States Code, as so added, the Secretary may utilize applicable portions of the current guidance developed by the Secretary under subsection (f) of section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2419) for purposes of the exercise of the authority in such section 1207.

(c) REPEAL OF SUPERSEDED AUTHORITY.—

(1) IN GENERAL.—Section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is repealed.

(2) SUBMITTAL OF FINAL REPORT ON EXERCISE OF AUTHORITY.—If the Secretary of Defense exercised the authority in section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 during fiscal year 2008, the Secretary shall submit the report required by subsection (g) of such section for such fiscal year in accordance with the provisions of such subsection (g) without regard to the repeal of such section under paragraph (1).

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2008.

SEC. 1203. EXTENSION AND EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) IN GENERAL.—Subsection (a) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is amended—

(1) by inserting '', with the concurrence of the relevant Chief of Mission,'' after ''may''; and

(2) by striking ''$25,000,000'' and inserting ''$35,000,000''.

(b) TIMING OF NOTICE ON PROVISION OF SUPPORT.—Subsection (c) of such section is amended by striking ''in not less than 48 hours'' and inserting ''within 48 hours''.

(c) EXTENSION.—Subsection (h) of such section, as amended by section 1202(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 364), is further amended by striking ''2010'' and inserting ''2011''.

(d) TECHNICAL AMENDMENT.—The heading of such section is amended by striking ''military operations'' and inserting ''special operations''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1204. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) BUILDING OF CAPACITY OF ADDITIONAL FOREIGN FORCES.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418), is further amended by striking ''a program'' and all that follows and inserting ''a program or programs as follows:

''(1) To build the capacity of a foreign country's national military forces in order for that country to—

''(A) conduct counterterrorism operations; or

''(B) participate in or support military and stability operations in which the United States Armed Forces are participating.

''(2) To build the capacity of a foreign country's coast guard, border protection, and other security forces engaged primarily in counterterrorism missions in order for that country to conduct counterterrorism operations.''.

(b) DISCHARGE THROUGH GRANTS.—Subsection (b)(1) of such section, as so amended, is further amended by inserting ''may be carried out by grant and'' before ''may include the provision''.

(c) FUNDING.—Subsection (c) of such section, as so amended, is further amended—

(1) in paragraph (1), by striking ''$300,000,000'' and inserting ''$400,000,000''; and

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

''(4) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—Amounts available under this subsection for the authority in subsection (a) for a fiscal year may be used for programs under that authority that begin in such fiscal year but end in the next fiscal year.''.

(d) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as so amended, is further amended—

(1) by striking ''September 30, 2008'' and inserting ''September 30, 2011''; and

(2) by striking ''fiscal year 2006, 2007, or 2008'' and inserting ''fiscal years 2006 through 2011''.

SEC. 1205. EXTENSION OF AUTHORITY AND INCREASED FUNDING FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) INCREASE IN MAXIMUM AMOUNT OF ASSISTANCE.—Subsection (b) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458) is amended by striking ''$100,000,000'' and inserting ''$200,000,000''.

(b) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as amended by section 1210(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369), is further amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1206. FOUR-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

Section 1202(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as amended by section 1252(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 402), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2013''.

SEC. 1207. AUTHORITY FOR USE OF FUNDS FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) AUTHORITY FOR USE OF FUNDS.—

(1) IN GENERAL.—The Commander of a combatant command may, with the concurrence of the relevant Chief of Mission, expend amounts authorized to be appropriated for a fiscal year by section 301(2) for Operation and Maintenance, Navy to establish, develop, and maintain non-conventional assisted recovery capabilities in a foreign country if the Commander determines that expenditure of such funds for that purpose is necessary in connection with support of non-conventional assisted recovery efforts in that foreign country.

(2) LIMITATION ON AMOUNT.—The total amount of funds that may be expended under the authority in subsection (a) in each of fiscal years 2009 and 2010 may not exceed $20,000,000.

(b) SCOPE OF EFFORTS SUPPORTABLE.—

(1) IN GENERAL.—In expending funds under the authority in subsection (a), the Commander of a combatant command may provide support to surrogate or irregular groups or individuals in order to facilitate the recovery of military or civilian personnel of the Department of Defense (including the Coast Guard), and other individuals who, while conducting activities in support of United States military operations, become separated or isolated from friendly forces.

(2) SUPPORT.—The support provided under paragraph (1) may include, but is not limited to, the provision of equipment, supplies, training, transportation, and other logistical support or funding to support operations and activities for the recovery of personnel and individuals as described in that paragraph.

(c) PROCEDURES.—

(1) PROCEDURES REQUIRED.—The Secretary of Defense shall establish procedures for the exercise of the authority in subsection (a).

(2) NOTICE.—The Secretary shall notify the congressional defense committees of the procedures established under paragraph (1) before any exercise of the authority in subsection (a).

(d) NOTICE TO CONGRESS ON USE OF AUTHORITY.—Upon using the authority in subsection (a) to make funds available for support of non-conventional assisted recovery activities, the Secretary of Defense shall notify the congressional defense committees expeditiously, and in any event within 48 hours, of the use of such authority with respect to support of such activities. Such notice need be provided only once with respect to support of particular activities. Any such notice shall be in writing.

(e) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(f) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on the support provided under that subsection during such fiscal year. Each such report shall describe the support provided, including a statement of the recipient of the support and the amount obligated to provide the support.

(g) EXPIRATION.—The authority in subsection (a) shall expire on September 30, 2010.

Subtitle B—Department of Defense Participation in Bilateral, Multilateral, and Regional Cooperation Programs

SEC. 1211. AVAILABILITY ACROSS FISCAL YEARS OF FUNDS FOR MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.

(a) IN GENERAL.—Section 168(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs or activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 168 of title 10, United States Code (as so amended), that begin on or after that date.

SEC. 1212. ENHANCEMENT OF AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—

(1) IN GENERAL.—Section 184(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Funds available to carry out this section, including funds accepted under paragraph (4) and funds available under paragraph (5), shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 184 of title 10, United States Code (as so amended), that begin on or after that date.

(b) TEMPORARY WAIVER OF REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL.—

(1) AUTHORITY FOR TEMPORARY WAIVER.—In fiscal years 2009 and 2010, the Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under subsection (f) of section 184 of title 10, United States Code, of the costs of activities of Regional Centers under such section for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States.

(2) LIMITATION.—The amount of reimbursement that may be waived under paragraph (1) in any fiscal year may not exceed $1,000,000.

(3) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report under section 184(h) of title 10, United States Code, in 2010 and 2011 information on the attendance of personnel of nongovernmental and international organizations in activities of the Regional Centers during the preceding fiscal year for which a waiver of reimbursement was made under paragraph (1), including information on the costs incurred by the United States for the participation of personnel of each nongovernmental or international organization that so attended.

SEC. 1213. PAYMENT OF PERSONNEL EXPENSES FOR MULTILATERAL COOPERATION PROGRAMS.

(a) EXPANSION OF AUTHORITY FOR BILATERAL AND REGIONAL PROGRAMS TO COVER MULTILATERAL PROGRAMS.—Section 1051 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''a bilateral'' and inserting ''a multilateral, bilateral,''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''to and'' and inserting ''to, from, and''; and

(ii) by striking ''bilateral'' and inserting ''multilateral, bilateral,''; and

(B) in paragraph (2), by striking ''bilateral'' and inserting ''multilateral, bilateral,''.

(b) AVAILABILITY OF FUNDS FOR PROGRAMS AND ACTIVITIES ACROSS FISCAL YEARS.—Such section is further amended by adding at the end the following new subsection:

''(e) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1051 and inserting the following new item:

''1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses.''.

SEC. 1214. PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2350m. Participation in multinational military centers of excellence

''(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the armed forces and Department of Defense civilian personnel in any multinational military center of excellence hosted by any nation or combination of nations referred to in subsection (b) for purposes of—

''(1) enhancing the ability of military forces and civilian personnel of the nations participating in such center to engage in joint exercises or coalition or international military operations; or

''(2) improving interoperability between the armed forces and the military forces of friendly foreign nations.

''(b) COVERED NATIONS.—The nations referred to in this subsection are the following:

''(1) The United States.

''(2) Any member nation of the North Atlantic Treaty Organization (NATO).

''(3) Any major non-NATO ally.

''(4) Any other friendly foreign nation identified by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

''(c) MEMORANDUM OF UNDERSTANDING.—(1) The participation of members of the armed forces or Department of Defense civilian personnel in a multinational military center of excellence under subsection (a) shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

''(2) If Department of Defense facilities, equipment, or funds are used to support a multinational military center of excellence under subsection (a), the memoranda of understanding under paragraph (1) with respect to that center shall provide details of any cost-sharing arrangement or other funding arrangement.

''(d) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

''(A) To pay the United States share of the operating expenses of any multinational military center of excellence in which the United States participates under this section.

''(B) To pay the costs of the participation of members of the armed forces and Department of Defense civilian personnel in multinational military centers of excellence under this section, including the costs of expenses of such participants.

''(2) No funds may be used under this section to fund the pay or salaries of members of the armed forces and Department of Defense civilian personnel who participate in multinational military centers of excellence under this section.

''(e) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

''(f) ANNUAL REPORTS ON USE OF AUTHORITY.—(1) Not later than October 31, 2009, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the use of the authority in this section during the preceding fiscal year.

''(2) Each report required by paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) A detailed description of the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence under the authority of this section.

''(B) For each multinational military center of excellence in which the Department of Defense, or members of the armed forces or civilian personnel of the Department, so participated—

''(i) a description of such multinational military center of excellence;

''(ii) a description of the activities participated in by the Department, or by members of the armed forces or civilian personnel of the Department; and

''(iii) a statement of the costs of the Department for such participation, including—

''(I) a statement of the United States share of the expenses of such center and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

''(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the authority of this section by category of costs).

''(g) DEFINITIONS.—In this section:

''(1) The term 'multinational military center of excellence' means an entity sponsored by one or more nations that is accredited and approved by the Military Committee of the North Atlantic Treaty Organization (NATO) as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of NATO by providing such personnel opportunities to—

''(A) enhance education and training;

''(B) improve interoperability and capabilities;

''(C) assist in the development of doctrine; and

''(D) validate concepts through experimentation.

''(2) The term 'major non-NATO ally' means a country (other than a member nation of the North Atlantic Treaty Organization) that is designated as a major non-NATO ally pursuant to section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

''2350m. Participation in multinational military centers of excellence.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

Subtitle C—Other Authorities and Limitations

SEC. 1221. WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA.

(a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)) for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to ensure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of the enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

Subtitle D—Reports

SEC. 1231. EXTENSION AND MODIFICATION OF UPDATES ON REPORT ON CLAIMS RELATING TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

Section 122(b)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465), as amended by section 1262(1)(B) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 405), is further amended—

(1) by striking ''Not later than one year after enactment of this Act, and not later than two years after enactment of this Act'' and inserting ''Not later than the end of each calendar quarter ending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009''; and

(2) by adding at the end the following new sentence: ''Each update under this paragraph after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009 shall be submitted in unclassified form, but may include a classified annex.''.

SEC. 1232. REPORT ON UTILIZATION OF CERTAIN GLOBAL PARTNERSHIP AUTHORITIES.

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report on the implementation of the Building Global Partnership authorities during the period beginning on the date of the enactment of this Act and ending on September 30, 2010.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed summary of the programs conducted under the Building Global Partnership authorities during the period covered by the report, including, for each country receiving assistance under such a program, a description of the assistance provided and its cost.

(2) An assessment of the impact of the assistance provided under the Building Global Partnership authorities with respect to each country receiving assistance under such authorities.

(3) A description of—

(A) the processes used by the Department of Defense and the Department of State to jointly formulate, prioritize, and select projects to be funded under the Building Global Partnership authorities; and

(B) the processes, if any, used by the Department of Defense and the Department of State to evaluate the success of each project so funded after its completion.

(4) A statement of the projects initiated under the Building Global Partnership authorities that were subsequently transitioned to and sustained under the authorities of the Foreign Assistance Act of 1961 or other authorities.

(5) An assessment of the utility of the Building Global Partnership authorities, and of any gaps in such authorities, including an assessment of the feasability and advisability of continuing such authorities beyond their current dates of expiration (whether in their current form or with such modifications as the Secretary of Defense and the Secretary of State jointly consider appropriate).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

(2) BUILDING GLOBAL PARTNERSHIP AUTHORITIES.—The term ''Building Global Partnership authorities'' means the following:

(A) AUTHORITY FOR BUILDING CAPACITY OF FOREIGN MILITARY FORCES.—The authorities provided in section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418) and section 1204 of this Act.

(B) AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.—The authorities provided in section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3458), as amended by section 1210 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369) and section 1205 of this Act.

(C) CIVIC ASSISTANCE AUTHORITIES UNDER COMBATANT COMMANDER INITIATIVE FUND.—The authority to engage in urgent and unanticipated civic assistance under the Combatant Commander Initiative Fund under section 166a(b)(6) of title 10, United States Code, as a result of the amendments made by section 902 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2351).

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2009 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2009 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $434,135,000 authorized to be appropriated to the Department of Defense for fiscal year 2009 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $79,985,000.

(2) For nuclear weapons storage security in Russia, $33,101,000.

(3) For nuclear weapons transportation security in Russia, $40,800,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $50,286,000.

(5) For biological threat reduction in the states of the former Soviet Union, $184,463,000.

(6) For chemical weapons destruction in Russia, $1,000,000.

(7) For threat reduction outside the former Soviet Union, $10,000,000.

(8) For defense and military contacts, $8,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $20,100,000.

(10) For strategic offensive arms elimination in Ukraine, $6,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2009 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2009 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $198,150,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,291,084,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the National Defense Sealift Fund in the amount of $1,608,553,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $24,802,202,000, of which—

(1) $24,301,359,000 is for Operation and Maintenance;

(2) $196,938,000 is for Research, Development, Test, and Evaluation; and

(3) $303,905,000 is for Procurement.

(b) SOURCE OF CERTAIN FUNDS.—Of the amount available under subsection (a), $1,300,000,000 shall, to the extent provided in advance in an Act making appropriations for fiscal year 2009, be available by transfer from the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h).

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,485,634,000, of which—

(1) $1,152,668,000 is for Operation and Maintenance;

(2) $268,881,000 is for Research, Development, Test, and Evaluation; and

(3) $64,085,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction 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

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,060,463,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $273,845,000, of which—

(1) $270,445,000 is for Operation and Maintenance; and

(2) $3,400,000 is for Procurement.

SEC. 1407. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION.

(a) REDUCTION.—The aggregate amount authorized to be appropriated by this division is the amount equal to the sum of all the amounts authorized to be appropriated by the provisions of this division reduced by $1,048,000,000, to be allocated as follows:

(1) PROCUREMENT.—The aggregate amount authorized to be appropriated by title I is hereby reduced by $313,000,000.

(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The aggregate amount authorized to be appropriated by title II is hereby reduced by $239,000,000.

(3) OPERATION AND MAINTENANCE.—The aggregate amount authorized to be appropriated by title III is hereby reduced by $470,000,000.

(4) OTHER AUTHORIZATIONS.—The aggregate amount authorized to be appropriated by title XIV is hereby reduced by $26,000,000

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of the difference between the inflation assumptions used in the Concurrent Resolution on the Budget for Fiscal Year 2009 when compared with the inflation assumptions used in the budget of the President for fiscal year 2009, as submitted to Congress pursuant to section 1005 of title 31, United States Code.

(c) ALLOCATION OF REDUCTIONS.—The Secretary of Defense shall allocate the reductions required by this section among the amounts authorized to be appropriated for accounts in titles I, II, III, and XIV to reflect the extent to which net savings from lower-than-expected inflations are allocable to amounts authorized to be appropriated to such accounts.

Subtitle B—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2009 from the Armed Forces Retirement Home Trust Fund the sum of $63,010,000 for the operation of the Armed Forces Retirement Home.

Subtitle C—Other Matters

SEC. 1431. RESPONSIBILITIES FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS IN COLORADO AND KENTUCKY.

Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) COLORADO AND KENTUCKY CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.—(1) Notwithstanding subsections (b), (g), and (h), and consistent with section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note) and section 8122 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1566; 50 U.S.C. 1521 note), the Secretary of the Army shall transfer responsibilities for the Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky to the Program Manager for Assembled Chemical Weapons Alternatives.

''(2) In carrying out the responsibilities transferred under paragraph (1), the Program Manager for Assembled Chemical Weapons Alternatives shall take appropriate actions to ensure that each Commission referred to in paragraph (1) retains the capacity to receive citizen and State concerns regarding the ongoing chemical demilitarization program in the State concerned.

''(3) A representative of the Office of the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall meet with each Commission referred to in paragraph (1) not less often than twice a year.

''(4) Funds authorized to be appropriated for the Assembled Chemical Weapons Alternatives Program shall be available for travel and associated travel cost for Commissioners on the Commissions referred to in paragraph (1) when such travel is conducted at the invitation of the Special Assistant for Chemical and Biological Defense and Chemical Demilitarization Programs of the Department of Defense.''.

SEC. 1432. MODIFICATION OF DEFINITION OF "DEPARTMENT OF DEFENSE SEALIFT VESSEL" FOR PURPOSES OF THE NATIONAL DEFENSE SEALIFT FUND.

Section 2218(1)(2) of title 10, United States Code, is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) A maritime prepositioning ship, other than a ship derived from a Navy design for an amphibious ship or auxiliary support vessel.''; and

(2) by striking subparagraph (I).

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for operations in Afghanistan.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Army in amounts as follows:

(1) For aircraft procurement, $250,000,000.

(2) For missile procurement, $12,500,000.

(3) For weapons and tracked combat vehicles procurement, $375,000,000.

(4) For ammunition procurement, $87,500,000.

(5) For other procurement, $1,100,000,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $25,000,000.

(2) For weapons procurement, $12,500,000.

(3) For other procurement, $25,000,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $250,000,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $75,000,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $400,000,000.

(2) For missile procurement, $12,500,000.

(3) For ammunition procurement, $12,500,000.

(4) For other procurement, $150,000,000.

SEC. 1505. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $750,000,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by subsection (c) of this section, shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) MODIFICATION OF FUNDS TRANSFER AUTHORITY.—Subsection (c)(1) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively.

(d) PRIOR NOTICE OF TRANSFER OF FUNDS.—Funds authorized to be appropriated to the Joint Improvised Explosive Device Defeat Fund by subsection (a) may not be obligated from the Fund or transferred in accordance with the provisions of subsection (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as amended by subsection (c) of this section, until five days after the date on which the Secretary of Defense notifies the congressional defense committees of the proposed obligation or transfer.

(e) MODIFICATION OF SUBMITTAL DATE OF REPORTS.—Subsection (e) of such section 1514 is amended by striking ''30 days'' and inserting ''60 days''.

SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, $62,500,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, $100,000,000.

SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $15,000,000.

(2) For the Navy, $15,000,000.

(3) For the Air Force, $15,000,000.

(4) For Defense-wide activities, $15,000,000.

SEC. 1508. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $9,000,000,000.

(2) For the Navy, $500,000,000.

(3) For the Marine Corps, $1,000,000,000.

(4) For the Air Force, $500,000,000.

(5) For Defense-wide activities, $668,750,000.

(6) For the Army Reserve, $12,500,000.

(7) For the Navy Reserve, $7,500,000.

(8) For the Marine Corps Reserve, $10,000,000.

(9) For the Air Force Reserve, $3,750,000.

(10) For the Army National Guard, $75,000,000.

(11) For the Air National Guard, $12,500,000.

SEC. 1509. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $500,000,000.

(2) For the Navy, $25,000,000.

(3) For the Marine Corps, $62,500,000.

(4) For the Air Force, $25,000,000.

(5) For the Army Reserve, $25,000,000.

(6) For the Navy Reserve, $7,500,000.

(7) For the Marine Corps Reserve, $5,000,000.

(8) For the Army National Guard, $100,000,000.

SEC. 1510. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $250,000,000, for the Defense Working Capital Funds.

SEC. 1511. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $155,000,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $150,000,000.

SEC. 1512. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Afghanistan Security Forces Fund in the amount of $3,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funds.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose for which transferred, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE TO CONGRESS OF OBLIGATION OR TRANSFER.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Afghanistan Security Forces Fund for the purposes provided in subsection (b) from any foreign government or international organization. Any amounts so accepted shall be credited to the Afghanistan Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during such fiscal-year quarter.

(h) EXPIRATION OF AUTHORITY.—The authority in this section shall expire on September 30, 2010.

SEC. 1513. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1514. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title and title XVI for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,000,000,000, of which not more than $300,000,000 may be transferred to the Iraq Security Forces Fund.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1515. LIMITATION ON USE OF FUNDS.

(a) REPORT.—Amounts authorized to be appropriated by this title may not be obligated until 15 days after the Secretary of Defense has transmitted to the congressional defense committees a report setting forth the proposed allocation of such amounts at the program, project, or activity level.

(b) EFFECT OF REPORT.—The report required by subsection (a) shall serve as a base for reprogramming for the purposes of sections 1514 and 1001.

SEC. 1516. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR AFGHANISTAN.

(a) IN GENERAL.—In any annual or supplemental budget request for the Department of Defense that is submitted to Congress after the date of the enactment of this Act, the Secretary of Defense shall set forth separately any funding requested in such budget request for operations of the Department of Defense in Afghanistan.

(b) SPECIFICITY OF DISPLAY.—Each budget request under subsection (a) shall—

(1) clearly display the amounts requested in the budget request for the Department of Defense for Afghanistan at the appropriation account level and at the program, project, or activity level; and

(2) also include a detailed description of the assumptions underlying the funding requested in the budget request for the Department of Defense for Afghanistan for the period covered by the budget request, including anticipated troop levels, operating tempos, and reset requirements.

TITLE XVI—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN IRAQ

SEC. 1601. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for operations in Iraq.

SEC. 1602. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement

accounts for the Army in amounts as follows:

(1) For aircraft procurement, $750,000,000.

(2) For missile procurement, $37,500,000.

(3) For weapons and tracked combat vehicles procurement, $1,125,000,000.

(4) For ammunition procurement, $262,500,000.

(5) For other procurement, $3,300,000,000.

SEC. 1603. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $75,000,000.

(2) For weapons procurement, $37,500,000.

(3) For other procurement, $75,000,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $750,000,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $225,000,000.

SEC. 1604. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $400,000,000.

(2) For missile procurement, $37,500,000.

(3) For ammunition procurement, $37,500,000.

(4) For other procurement, $450,000,000.

SEC. 1605. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $2,250,000,000.

(b) RULE OF CONSTRUCTION.—The provisions of section 1505 and the amendments made by that section shall apply to the use of funds authorized to be appropriated by this section.

SEC. 1606. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, $187,500,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, $500,000,000.

SEC. 1607. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $35,000,000.

(2) For the Navy, $35,000,000.

(3) For the Air Force, $35,000,000.

(4) For Defense-wide activities, $35,000,000.

SEC. 1608. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $27,000,000,000.

(2) For the Navy, $1,500,000,000.

(3) For the Marine Corps, $3,000,000,000.

(4) For the Air Force, $1,500,000,000.

(5) For Defense-wide activities, $1,811,250,000.

(6) For the Army Reserve, $37,500,000.

(7) For the Navy Reserve, $22,500,000.

(8) For the Marine Corps Reserve, $30,000,000.

(9) For the Air Force Reserve, $11,250,000.

(10) For the Army National Guard, $225,000,000.

(11) For the Air National Guard, $37,500,000.

SEC. 1609. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $1,500,000,000.

(2) For the Navy, $75,000,000.

(3) For the Marine Corps, $187,500,000.

(4) For the Air Force, $75,000,000.

(5) For the Army Reserve, $75,000,000.

(6) For the Navy Reserve, $22,500,000.

(7) For the Marine Corps Reserve, $15,000,000.

(8) For the Army National Guard, $300,000,000.

SEC. 1610. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $750,000,000, for the Defense Working Capital Funds.

SEC. 1611. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $460,000,000 for operation and maintenance.

SEC. 1612. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Freedom Fund in the amount of $150,000,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1613. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Security Forces Fund in the amount of $200,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command–Iraq, to provide assistance to the security forces of Iraq.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, and training.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) NOTICE TO CONGRESS.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Iraq Security Forces Fund for the purposes provided in subsection (b) from any foreign government or international organization. Any amounts so accepted shall be credited to the Iraq Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(h) EXPIRATION OF AUTHORITY.—The authority in this section shall expire on September 30, 2010.

SEC. 1614. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1615. LIMITATION ON USE OF FUNDS.

(a) REPORT.—Amounts authorized to be appropriated by this title may not be obligated until 15 days after the Secretary of Defense has transmitted to the congressional defense committees a report setting forth the proposed allocation of such amounts at the program, project, or activity level.

(b) EFFECT OF REPORT.—The report required by subsection (a) shall serve as a base for reprogramming for the purposes of sections 1514 and 1001.

SEC. 1616. CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO LARGE-SCALE INFRASTRUCTURE PROJECTS, COMBINED OPERATIONS, AND OTHER ACTIVITIES IN IRAQ.

(a) FINDING.—The Senate finds that the financial contributions of the Government of Iraq to the reconstruction and stability of Iraq have been increasing.

(b) LARGE-SCALE INFRASTRUCTURE PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts authorized to be appropriated by this Act (other than amounts described in paragraph (3)) may not be obligated or expended for any large-scale infrastructure project in Iraq that is commenced after the date of the enactment of this Act.

(2) FUNDING OF RECONSTRUCTION PROJECTS BY THE GOVERNMENT OF IRAQ.—The United States Government shall work with the Government of Iraq to provide that the Government of Iraq shall obligate and expend funds of the Government of Iraq for reconstruction projects in Iraq that are not large-scale infrastructure projects before obligating and expending United States assistance (other than amounts described in paragraph (3)) for such projects.

(3) EXCEPTION FOR CERP.—The limitations in paragraphs (1) and (2) do not apply to amounts authorized to be appropriated by this Act for the Commanders' Emergency Response Program (CERP).

(4) LARGE-SCALE INFRASTRUCTURE PROJECT DEFINED.—In this subsection, the term ''large-scale infrastructure project'' means any construction project for infrastructure in Iraq that is estimated by the United States Government at the time of the commencement of the project to cost at least $2,000,000.

(c) COMBINED OPERATIONS.—

(1) IN GENERAL.—The United States Government shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the Multinational Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall, in conjunction with the Secretary of Defense, submit to Congress a report describing the status of negotiations under paragraph (1).

(d) IRAQI SECURITY FORCES.—

(1) IN GENERAL.—The United States Government shall take actions to ensure that Iraq funds are used to pay the following:

(A) The costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

(B) The costs associated with the Sons of Iraq.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2009

On Wednesday, the Senate passed S. 3003, as amended, as follows:

S. 3003

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 ''Military Construction Authorization Act for Fiscal Year 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Congressional defense committees.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.
Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
Sec. 2003. Effective date.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Extension of authorizations of certain fiscal year 2005 projects.
Sec. 2106. Extension of authorization of certain fiscal year 2006 project.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2005 project inside the United States.
Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects inside the United States.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2306. Extension of authorizations of certain fiscal year 2005 projects.

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Modification of authority to carry out certain fiscal year 2007 project.
Sec. 2405. Extension of authorization of certain fiscal year 2006 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorized chemical demilitarization program construction and land acquisition projects.
Sec. 2412. Authorization of appropriations, chemical demilitarization construction, defense-wide.
Sec. 2413. Modification of authority to carry out certain fiscal year 1997 project.
Sec. 2414. Modification of authority to carry out certain fiscal year 2000 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, Guard and Reserve.
Sec. 2607. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2608. Extension of authorization of certain fiscal year 2005 project.
Sec. 2609. Modification of authority to carry out certain fiscal year 2008 project.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.
Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2704. Modification of annual base closure and realignment reporting requirements.
Sec. 2705. Technical corrections regarding authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS
Subtitle A—Military Construction Program and Military Family Housing Changes
Sec. 2801. Increase in threshold for unspecified minor military construction projects.
Sec. 2802. Authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2803. Improved oversight and accountability for military housing privatization initiative projects.
Sec. 2804. Leasing of military family housing to Secretary of Defense.
Sec. 2805. Cost-benefit analysis of dissolution of Patrick Family Housing LLC.
Subtitle B—Real Property and Facilities Administration
Sec. 2811. Participation in conservation banking programs.
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Subtitle C—Land Conveyances
Sec. 2821. Transfer of proceeds from property conveyance, Marine Corps Logistics Base, Albany, Georgia.
Subtitle D—Energy Security
Sec. 2831. Expansion of authority of the military departments to develop energy on military lands.
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TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS
Subtitle A—Fiscal Year 2008 Projects
Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Navy construction and land acquisition projects.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Termination of authority to carry out fiscal year 2008 Army projects.
Subtitle B—Fiscal Year 2009 Projects
Sec. 2911. Authorized Army construction and land acquisition projects.
Sec. 2912. Authorized Navy construction and land acquisition projects.
Sec. 2913. Limitation on availability of funds for certain purposes relating to Iraq.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2009''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2012 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2008; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$45,000,000
	Redstone Arsenal	$16,500,000
Alaska	Fort Richardson	$18,100,000
	Fort Wainright	$110,400,000
Arizona	Fort Huachuca	$11,200,000
	Yuma Proving Ground	$3,800,000
California	Fort Irwin	$39,600,000
	Presidio, Monterey	$15,000,000
	Sierra Army Depot	$12,400,000
Colorado	Fort Carson	$534,000,000
Georgia	Fort Benning	$267,800,000
	Fort Stewart/Hunter Army Air Field	$432,300,000
Hawaii	Pohakuloa Training Area	$21,300,000
	Schofield Barracks	$279,000,000
	Wahiawa	$40,000,000
Indiana	Crane Army Ammunition Activity	$8,300,000
Kansas	Fort Riley	$132,000,000
Kentucky	Fort Campbell	$118,113,000
Louisiana	Fort Polk	$29,000,000
Michigan	Detroit Arsenal	$6,100,000
Missouri	Fort Leonard Wood	$31,650,000
New York	Fort Drum	$90,000,000
	United States Military Academy, West Point	$67,000,000
North Carolina	Fort Bragg	$36,900,000
Oklahoma	Fort Sill	$63,000,000
Pennsylvania	Carlisle Barracks	$13,400,000
	Letterkenny Army Depot	$7,500,000
	Tobyhanna Army Depot	$15,000,000
South Carolina	Fort Jackson	$30,000,000
Texas	Corpus Christi Storage Complex	$39,000,000
	Fort Bliss	$1,031,800,000
	Fort Hood	$32,000,000
	Fort Sam Houston	$96,000,000
	Red River Army Depot	$6,900,000
Virginia	Fort Belvoir	$7,200,000
	Fort Eustis	$28,000,000
	Fort Lee	$100,600,000
	Fort Myer	$14,000,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
Washington	Fort Lewis	$158,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$67,000,000
Germany	Katterbach	$19,000,000
	Wiesbaden Air Base	$119,000,000
Japan	Camp Zama	$2,350,000
	Sagamihara	$17,500,000
Korea	Camp Humphreys	$20,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Wiesbaden Air Base	326	$133,000,000
Korea	Camp Humphreys	216	$125,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $579,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $420,001,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $6,042,210,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $4,007,863,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $202,250,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $200,807,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $678,580,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $716,110,000.

(6) For the construction of increment 3 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat. 41), $102,000,000.

(7) For the construction of increment 2 of the SOUTHCOM Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), $81,600,000.

(8) For the construction of increment 2 of the BDE Complex-Barracks/Community at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $15,000,000.

(9) For the construction of increment 2 of the BDE Complex-Operations Support Facility, at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $15,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $42,600,000 (the balance of the amount authorized under section 2101(b) for construction of a command and battle center at Wiesbaden, Germany).

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorizations set forth in the table in subsection (b), as provided in sections 2101 of that Act (118 Stat. 2101), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility	$9,207,000
		Battle Area Complex	$33,660,000
Virginia	Fort Belvoir	Defense Access Road	$18,000,000

SEC. 2106. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
Hawaii	Schofield Barracks	Combined Arms Collective Training Facility.	$32,542,000

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$19,490,000
California	Marine Corps Base, Camp Pendleton	$799,870,000
	Marine Corps Logistics Base, Barstow	$7,830,000
	Marine Corps Air Station, Miramar	$48,770,000
	Naval Air Facility, El Centro	$8,900,000
	Naval Facility, San Clemente Island	$34,020,000
	Naval Air Station, North Island	$53,262,000
	Marine Corps Recruit Depot, San Diego	$51,200,000
	Marine Corps Base, Twentynine Palms	$145,550,000
Connecticut	Naval Submarine Base, Groton	$46,060,000
	Submarine Base, New London	$11,000,000
District of Columbia	Naval Support Activity, Washington	$24,220,000
Florida	Naval Air Station, Jacksonville	$12,890,000
	Naval Station, Mayport	$14,900,000
	Naval Support Activity, Tampa	$29,000,000
Georgia	Marine Corps Logistics Base, Albany	$15,320,000
Hawaii	Marine Corps Base, Kaneohe	$28,200,000
	Pacific Missile Range, Barking Sands	$28,900,000
	Naval Station, Pearl Harbor	$80,290,000
Illinois	Recruit Training Command, Great Lakes	$62,940,000
Maine	Portsmouth Naval Shipyard	$20,660,000
Maryland	Naval Surface Warfare Center, Indian Head	$25,980,000
Mississippi	Naval Air Station, Meridian	$6,340,000
	Naval Construction Battalion Center, Gulfport	$12,770,000
New Jersey	Naval Air Warfare Center, Lakehurst	$15,440,000
	Naval Weapons Station, Earle	$8,160,000
North Carolina	Marine Corps Air Station, Cherry Point	$77,420,000
	Marine Corps Air Station, New River	$86,280,000
	Marine Corps Base, Camp Lejeune	$353,090,000
Pennsylvania	Naval Support Activity, Philadelphia	$22,020,000
Rhode Island	Naval Station, Newport	$29,900,000
South Carolina	Marine Corps Air Station, Beaufort	$5,940,000
	Marine Corps Recruit Depot, Parris Island	$64,750,000
Virginia	Marine Corps Base, Quantico	$150,290,000
	Naval Station, Norfolk	$53,330,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	$20,600,000
Diego Garcia	Diego Garcia	$35,060,000
Djibouti	Camp Lemonier	$18,580,000
Guam	Naval Activities, Guam	$88,430,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Unspecified Worldwide	$66,020,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Cuba	Naval Air Station, Guantanamo Bay	146	$62,598,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,169,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $318,011,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $3,884,469,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,455,002,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $162,670,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $66,020,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $13,670,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $239,128,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $382,778,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $376,062,000.

(7) For the construction of increment 2 of kilo wharf extension at Naval Forces Marianas Islands, Guam, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $50,912,000.

(8) For the construction of increment 2 of the sub drive-in magnetic silencing facility at Naval Submarine Base, Pearl Harbor, Hawaii, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $41,088,000.

(9) For the construction of increment 3 of the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $12,439,000.

(10) For the construction of increment 2 of hangar 5 recapitalizations at Naval Air Station, Whidbey Island, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $34,000,000.

(11) For the construction of increment 5 of the limited area production and storage complex at Naval Submarine Base, Kitsap, Bangor, Washington (formerly referred to as a project at the Strategic Weapons Facility Pacific, Bangor), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514) $50,700,000.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT INSIDE THE UNITED STATES.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514), is further amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking ''$295,000,000'' in the amount column and inserting ''$311,670,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,084,497,000''.

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS INSIDE THE UNITED STATES.

(a) MODIFICATIONS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), as amended by section 2205(a)(17) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 513) is amended—

(1) in the item relating to NMIC/Naval Support Activity, Suitland, Maryland, by striking ''$67,939,000'' in the amount column and inserting ''$76,288,000''; and

(2) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking ''$57,653,000'' in the amount column and inserting ''$60,500,000''.

(b) CONFORMING AMENDMENTS.—Section 2204(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452), is amended—

(1) in paragraph (2), by striking ''$56,159,000'' and inserting ''$64,508,000''; and

(2) in paragraph (3), by striking ''$31,153,000'' and inserting ''$34,000,000''.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$15,556,000
Alaska	Elmendorf Air Force Base	$138,300,000
Arizona	Davis Monthan Air Force Base	$15,000,000
California	Edwards Air Force Base	$3,100,000
	Travis Air Force Base	$12,100,000
Colorado	Peterson Air Force Base	$4,900,000
	United States Air Force Academy	$18,000,000
Delaware	Dover Air Force Base	$19,000,000
Florida	Cape Canaveral Air Station	$8,000,000
	Eglin Air Force Base	$19,000,000
	MacDill Air Force Base	$21,000,000
Georgia	Robins Air Force Base	$24,100,000
Hawaii	Hickam Air Force Base	$8,700,000
Louisiana	Barksdale Air Force Base	$14,600,000
Maryland	Andrews Air Force Base	$77,648,000
Mississippi	Columbus Air Force Base	$8,100,000
	Keesler Air Force Base	$6,600,000
Montana	Malmstrom Air Force Base	$10,000,000
Nebraska	Offutt Air Force Base	$11,800,000
Nevada	Creech Air Force Base	$48,500,000
	Nellis Air Force Base	$63,100,000
New Mexico	Holloman Air Force Base	$25,450,000
North Carolina	Seymour Johnson Air Force Base	$12,200,000
North Dakota	Grand Forks Air Force Base	$13,000,000
Oklahoma	Altus Air Force Base	$10,200,000
	Tinker Air Force Base	$48,600,000
South Carolina	Charleston Air Force Base	$4,500,000
	Shaw Air Force Base	$9,900,000
South Dakota	Ellsworth Air Force Base	$11,000,000
Texas	Dyess Air Force Base	$21,000,000
	Fort Hood	$10,800,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
	Lackland Air Force Base	$75,515,000
Utah	Hill Air Force Base	$41,400,000
Washington	McChord Air Force Base	$5,500,000
Wyoming	Francis E. Warren Air Force Base	$8,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Airfield	$57,200,000
Guam	Andersen Air Force Base	$5,200,000
Kyrgyzstan	Manas Air Base	$6,000,000
United Kingdom	Royal Air Force Lakenheath	$7,400,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Location	$891,000
Worldwide Unspecified	Unspecified Worldwide Locations	$52,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

Location	Installation or Location	Purpose	Amount
United Kingdom	Royal Air Force Lakenheath	182 Units	$71,828,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,708,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $316,343,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,057,408,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $844,769,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $75,800,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $53,391,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $73,104,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $395,879,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $599,465,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
		Purchase Build/Lease Housing (300 units)	$18,144,000
California	Edwards Air Force Base	Replace Family Housing (226 units)	$59,699,000
Florida	MacDill Air Force Base	Replace Family Housing (109 units)	$40,982,000
Missouri	Whiteman Air Force Base	Replace Family Housing (111 units)	$26,917,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (255 units)	$48,868,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act, shall

remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2005 Project Authorizations

State/Country	Installation or Location	Project	Amount
Arizona	Davis-Monthan Air Force Base	Replace Family Housing (250 units)	$48,500,000
California	Vandenberg Air Force Base	Replace Family Housing (120 units)	$30,906,000
Florida	MacDill Air Force Base	Construct Housing Maintenance Facility	$1,250,000
Missouri	Whiteman Air Force Base	Replace Family Housing (160 units)	$37,087,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (167 units)	$32,693,000
Germany	Ramstein Air Base	USAFE Theater Aerospace Operations Support Center	$24,204,000

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Campbell	$21,400,000
North Carolina	Fort Bragg	$78,471,000

Defense Intelligence Agency

State	Installation or Location	Amount
Illinois	Scott Air Force Base	$13,977,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Defense Distribution Depot, Tracy	$50,300,000
Delaware	Defense Fuel Supply Center, Dover Air Force Base	$3,373,000
Florida	Defense Fuel Support Point, Jacksonville	$34,000,000
Georgia	Hunter Army Air Field	$3,500,000
Hawaii	Pearl Harbor	$27,700,000
New Mexico	Kirtland Air Force Base	$14,400,000
Oklahoma	Altus Air Force Base	$2,850,000
Pennsylvania	Philadelphia	$1,200,000
Utah	Hill Air Force Base	$20,400,000
Virginia	Craney Island	$39,900,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$31,000,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	$9,800,000
Florida	Eglin Air Force Base	$40,000,000
	Hurlburt Field	$8,900,000
	MacDill Air Force Base	$10,500,000
Kentucky	Fort Campbell	$15,000,000
New Mexico	Cannon Air Force Base	$26,400,000
North Carolina	Fort Bragg	$38,250,000
Virginia	Fort Story	$11,600,000
Washington	Fort Lewis	$38,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Fort Richardson	$6,300,000
Colorado	Buckley Air Force Base	$3,000,000
Georgia	Fort Benning	$3,900,000
Kansas	Fort Riley	$52,000,000
Kentucky	Fort Campbell	$24,000,000
Maryland	Aberdeen Proving Ground	$430,000,000
Missouri	Fort Leonard Wood	$22,000,000
Oklahoma	Tinker Air Force Base	$65,000,000
Texas	Fort Sam Houston	$13,000,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$38,940,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Logistics Agency

Country	Installation or Location	Amount
Germany	Germersheim	$48,000,000
Greece	Souda Bay	$27,761,000

Special Operations Command

Country	Installation or Location	Amount
Qatar	Al Udeid	$9,200,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities	$30,000,000

Missile Defense Agency

Country	Installation or Location	Amount
Poland	Various Locations	$661,380,000
Czech Republic	Various Locations	$176,100,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $80,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,821,379,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $792,811,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $356,121,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $31,853,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $155,793,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $80,000,000.

(7) For support of military family housing, including functions described in section 2833 of title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $54,581,000.

(8) For the construction of increment 4 of the National Security Agency regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriation Act for Defense, Global War on Terrorism and Hurricane Relief (Public Law 109–234; 120 Stat. 485), $100,220,000.

(9) For the construction of increment 2 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $209,000,000.

(10) For the construction of increment 2 of the SOF Operational Facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $31,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $528,780,000 (the balance of the amount authorized for the Missile Defense Agency under section 2401(b) for the European interceptor site in Poland.

(3) $67,540,000 (the balance of the amount authorized for the Missile Defense Agency under section 2401(b) for the European midcourse radar site in the Czech Republic.

(c) LIMITATION ON EUROPEAN MISSILE DEFENSE CONSTRUCTION PROJECTS.—Funds appropriated pursuant to the authorization of appropriations in subsection (a)(2) for the projects authorized for the Missile Defense Agency under section 2401(b) may only be obligated or expended in accordance with the conditions specified in section 232 of this Act.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECT.

(a) MODIFICATION.—The table relating to TRICARE Management Activity in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), is amended in the item relating to Fort Detrick, Maryland, by striking ''$550,000,000'' in the amount column and inserting ''$683,000,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2461) is amended by striking ''$521,000,000'' and inserting ''$654,000,000''.

SEC. 2405. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2401 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Extension of 2006 Project Authorization

Installation or Location	Project	Amount
Defense Logistics Agency	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania	$6,500,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZED CHEMICAL DEMILITARIZATION PROGRAM CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2412(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Chemical Demilitarization Program: Inside the United States

Army	Installation or Location	Amount
Army	Blue Grass Army Depot, Kentucky	$12,000,000

SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction and land acquisition for chemical demilitarization in the total amount of $134,278,000, as follows:

(1) For military construction projects inside the United States authorized by section 2411(a), $12,000,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $65,060,000.

(3) For the construction of phase 9 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $67,218,000.

SEC. 2413. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), is amended—

(1) under the agency heading relating to the Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking ''$261,000,000'' in the amount column and inserting ''$484,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$830,454,000''.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking ''$261,000,000'' and inserting ''$484,000,000''.

SEC. 2414. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking ''$290,325,000'' in the amount column and inserting ''$492,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$949,920,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is further amended by striking ''$267,525,000'' and inserting ''$469,200,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $240,867,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Alaska	Bethel Armory	$16,000,000
Arizona	Camp Navajo	$13,000,000
	Florence	$13,800,000
	Papago Military Reservation	$24,000,000
Colorado	Denver	$9,000,000
	Grand Junction	$9,000,000
Connecticut	Camp Rell	$28,000,000
	East Haven	$13,800,000
Delaware	New Castle	$28,000,000
Florida	Camp Blanding	$12,400,000
Georgia	Dobbins Air Reserve Base	$45,000,000
Idaho	Orchard Training Area	$1,850,000
Illinois	Urbana Armory	$16,186,000
Indiana	Camp Atterbury	$5,800,000

Army National Guard—Continued

State	Location	Amount
	Lawrence	$21,000,000
Maine	Bangor	$20,000,000
Maryland	Edgewood	$28,000,000
	Salisbury	$9,800,000
Massachusetts	Methuen	$21,000,000
Michigan	Camp Grayling	$18,943,000
Minnesota	Arden Hills	$15,000,000
Nevada	Elko	$11,375,000
New York	Fort Drum	$11,000,000
	Queensbury	$5,900,000
South Carolina	Anderson	$12,000,000
	Beaufort	$3,400,000
	Eastover	$28,000,000
South Dakota	Rapid City	$43,463,000
Utah	Camp Williams	$17,500,000
Virginia	Arlington	$15,500,000
	Fort Pickett	$2,950,000
Vermont	Ethan Allen Range Jericho	$10,200,000
Washington	Fort Lewis (Gray Army Airfield)	$32,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	$3,950,000
Hawaii	Fort Shafter	$19,199,000
Idaho	Hayden Lake	$9,580,000
Kansas	Dodge City	$8,100,000
Maryland	Baltimore	$11,600,000
Massachusetts	Fort Devens	$1,900,000
Michigan	Saginaw	$11,500,000
Missouri	Weldon Springs	$11,700,000
Nevada	Las Vegas	$33,900,000
New Jersey	Fort Dix	$3,825,000
New York	Kingston	$13,494,000
	Shoreham	$15,031,000
	Staten Island	$18,550,000
North Carolina	Raleigh	$25,581,000
Pennsylvania	Letterkenny Army Depot	$14,914,000
Tennessee	Chattanooga	$10,600,000
Texas	Sinton	$9,700,000
Washington	Seattle	$37,500,000
Wisconsin	Fort McCoy	$4,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Lemoore	$15,420,000
Delaware	Wilmington	$11,530,000
Georgia	Marietta	$7,560,000
Virginia	Norfolk	$8,170,000
	Williamsburg	$12,320,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arkansas	Little Rock Air Force Base	$4,000,000
Colorado	Buckley Air Force Base	$4,200,000
Delaware	New Castle County Airport	$14,800,000
Iowa	Fort Dodge	$5,600,000
Kansas	Smoky Hill Air National Guard Range	$7,100,000
Massachusetts	Otis Air National Guard Base	$14,300,000
Minnesota	Duluth 148th Fighter Wing Base	$4,500,000
Mississippi	Gulfport-Biloxi International Airport	$3,400,000
New York	Gabreski Airport, Westhampton	$7,500,000

Air National Guard—Continued

State	Location	Amount
	Hancock Field	$5,000,000
Rhode Island	Quonset State Airport	$7,700,000
Tennessee	Knoxville	$8,000,000
Vermont	Burlington International Airport	$6,600,000
Washington	McChord Air Force Base	$8,600,000
West Virginia	Yeager Airport, Charleston	$27,000,000
Wisconsin	Truax Field	$6,300,000
Wyoming	Cheyenne Municipal Airport	$7,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Georgia	Dobbins Air Reserve Base	$6,450,000
Oklahoma	Tinker Air Force Base	$9,900,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $634,407,000; and

(B) for the Army Reserve, $281,687,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $57,045,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $156,124,000; and

(B) for the Air Force Reserve, $26,615,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Roberts	Urban Assault Course	$1,485,000
Idaho	Gowen Field	Railhead, Phase 1	$8,331,000
Mississippi	Biloxi	Readiness Center	$16,987,000
	Camp Shelby	Modified Record Fire Range	$2,970,000
Montana	Townsend	Automated Qualification Training Range.	$2,532,000
Pennsylvania	Philadelphia	Stryker Brigade Combat Team Readiness Center.	$11,806,000
	Philadelphia	Organizational Maintenance Shop #7 ..	$6,144,930

SEC. 2608. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
California	Dublin	Readiness Center, Add/Alt (ADRS)	$11,318,000

SEC. 2609. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.

The table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 527) is amended in the item relating to North Kingstown, Rhode Island, by striking ''$33,000,000'' in the amount column and inserting ''$38,000,000''.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by 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) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $393,377,000, as follows:

(1) For the Department of the Army, $72,855,000.

(2) For the Department of the Navy, $178,700,000.

(3) For the Department of the Air Force, $139,155,000.

(4) For the Defense Agencies, $2,667,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by 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) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $6,982,334,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by 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) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $9,065,386,000, as follows:

(1) For the Department of the Army, $4,486,178,000.

(2) For the Department of the Navy, $871,492,000.

(3) For the Department of the Air Force, $1,072,925,000.

(4) For the Defense Agencies, $2,634,791,000.

SEC. 2704. MODIFICATION OF ANNUAL BASE CLOSURE AND REALIGNMENT REPORTING REQUIREMENTS.

Section 2907 of 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) is amended—

(1) by striking ''As part of the budget request for fiscal year 2007 and for each fiscal year thereafter'' and inserting ''(a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2007 and for each fiscal year thereafter through fiscal year 2016''; and

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

''(b) TERMINATION OF REPORTING REQUIREMENTS RELATED TO REALIGNMENT ACTIONS.—The reporting requirements under subsection (a) shall terminate with respect to realignment actions after the report submitted with the budget for fiscal year 2014.''.

SEC. 2705. TECHNICAL CORRECTIONS REGARDING AUTHORIZED COST AND SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS RELATED TO BASE CLOSURES AND REALIGNMENTS.

(a) CORRECTION OF CITATION IN AMENDATORY LANGUAGE.—

(1) IN GENERAL.—Section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) is amended by striking ''section 2905A'' both places it appears and inserting ''section 2906A''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 28, 2008, as if included in the enactment of section 2704 of the Military Construction Authorization Act for Fiscal Year 2008.

(b) CORRECTION OF SCOPE OR WORK VARIATION LIMITATION.—Section 2906A(f) of 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), as added by section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) and amended by subsection (a), is amended by striking ''20 percent or $2,000,000, whichever is greater'' and inserting ''20 percent or $2,000,000, whichever is less''.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN THRESHOLD FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

Section 2805(a)(1) of title 10, United States Code, is amended by striking ''$2,000,000'' in the first sentence and all that follows through the period at the end of the second sentence and inserting ''$3,000,000.''.

SEC. 2802. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), and section 2801 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 538), is further amended by striking ''2008'' and inserting ''2009''.

(b) EXCEPTION FOR PROJECTS IN AFGHANISTAN FROM LIMITATION ON AUTHORITY RELATED TO LONG-TERM UNITED STATES PRESENCE.—Such subsection, as so amended, is further amended by inserting before the period at the end of paragraph (2) the following: '', unless the military installation is located in Afghanistan, in which case the condition shall not apply''.

(c) QUARTERLY REPORTS.—Subsection (d)(1) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128) and section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), is further amended by striking ''30 days'' and inserting ''45 days''.

SEC. 2803. IMPROVED OVERSIGHT AND ACCOUNTABILITY FOR MILITARY HOUSING PRIVATIZATION INITIATIVE PROJECTS.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2885. Oversight and accountability for privatization projects

''(a) OVERSIGHT AND ACCOUNTABILITY MEASURES.—Each Secretary concerned shall prescribe regulations to effectively oversee and manage military housing privatization projects carried out under this subchapter. The regulations shall include the following requirements for each privatization project:

''(1) The installation asset manager shall conduct monthly site visits and provide reports on the progress of the construction or renovation of the housing units. The reports shall be endorsed by the commander at such installation and submitted quarterly to the assistant secretary for installations and environment of the respective military department and the Deputy Under Secretary of Defense (Installations and Environment).

''(2) The installation asset manager, and, as applicable, the resident construction manager, privatization asset manager, bondholder representative, project owner, developer, general contractor, and construction consultant for the project shall conduct monthly meetings to ensure that the construction or renovation of the units meets performance and schedule requirements and that appropriate operating and ground lease agreements are in place and adhered to.

''(3) If a project is 90 days or more behind schedule or otherwise appears to be substantially failing to adhere to the obligations or milestones under the contract, the assistant secretary for installations and environment of the respective military department shall submit a notice of deficiency to the Deputy Under Secretary of Defense (Installations and Environment), the Secretary concerned, the managing member, and the trustee for the project.

''(4)(A) Not later than 15 days after the submittal of a notice of deficiency under paragraph (3), the Secretary concerned shall submit to the project owner, developer, or general contractor responsible for the project a summary of deficiencies related to the project.

''(B) If the project owner, developer, or general contractor responsible for the project is unable, within 30 days after receiving a notice of deficiency under subparagraph (A), to make progress on the issues outlined in such notice, the Secretary concerned shall submit to the project owner, developer, or general contractor, the bondholder representative, and the trustee an official letter of concern addressing the deficiencies and detailing the corrective actions that should be taken to correct the deficiencies.

''(C) If the project owner, developer, or general contractor responsible for the privatization project is unable, within 60 days after receiving a notice of deficiency under subparagraph (A), to make progress on the issues outlined in such notice, the Deputy Under Secretary of Defense (Installations and Environment) shall notify the congressional defense committees of the status of the project, and shall provide a recommended course of action to correct the problems.

''(b) COMMUNITY MEETINGS.—(1) Prior to the commencement of privatization project, the assistant secretary for installations and environment of the respective military department and the commanding officer of the local military installation shall hold a meeting with the local community to communicate the following information:

''(A) The nature of the project.

''(B) Any contractual arrangements.

''(C) Potential liabilities to local construction management companies and subcontractors.

''(2) The requirement under paragraph (1) may be met by publishing the information described in such paragraph on the Federal Business Opportunities (FedBizOpps) Internet website.

''(c) REQUIRED QUALIFICATIONS.—The Secretary concerned shall certify that the project owner, developer, or general contractor that is selected for each military housing privatization initiative project has construction experience commensurate with that required to complete the project.

''(d) BONDING LEVELS.—The Secretary concerned shall ensure that the project owner, developer, or general contractor responsible

for a military housing privatization initiative project has sufficient payment and performance bonds or suitable instruments in place for each phase of a construction or renovation portion of the project to ensure successful completion of the work in amounts as agreed to in the project's legal documents, but in no case less than 50 percent of the total value of the active phases of the project, prior to the commencement of work for that phase.

''(e) CERTIFICATIONS REGRADING PREVIOUS BANKRUPTCY DECLARATIONS.—If a military department awards a contract or agreement for a military housing privatization initiative project to a project owner, developer, or general contractor that has previously declared bankruptcy, the Secretary concerned shall specify in the notification to Congress of the project award the extent to which the issues related to the previous bankruptcy are expected to impact the ability of the project owner, developer, or general contractor to complete the project.

''(f) COMMUNICATION REGARDING POOR PERFORMANCE.—The Deputy Under Secretary of Defense (Installations and Environment) shall prescribe policies to provide for regular and appropriate communication between representatives of the military departments and bondholders for military housing privatization initiative projects to ensure timely action to address inadequate performance in carrying out projects.

''(g) REPORTING OF EFFORTS TO SELECT SUCCESSOR IN EVENT OF DEFAULT.—In the event a military housing privatization initiative project enters into default, the assistant secretary for installations and environment of the respective military department shall submit a report to the congressional defense committees every 90 days detailing the status of negotiations to award the project to a new project owner, developer, or general contractor.

''(h) EFFECT OF UNSATISFACTORY PERFORMANCE RATING ON AFFILIATED ENTITIES.—In the event the project owner, developer, or general contractor for a military construction project receives an unsatisfactory performance rating due to poor performance, each parent, subsidiary, affiliate, or other controlling entity of such owner, developer, or contractor shall also receive an unsatisfactory performance rating.

''(i) EFFECT OF NOTICES OF DEFICIENCY ON CONTRACTORS AND AFFILIATED ENTITIES.—(1) The Deputy Under Secretary of Defense (Installations and Environment) shall keep a record of all plans of action or notices of deficiency issued to a project owner, developer, or general contractor under subsection (a)(4), including the identity of each parent, subsidiary, affiliate, or other controlling entity of such owner, developer, or contractor.

''(2) CONSULTATION.—Each military department shall consult the records maintained under paragraph (1) when reviewing the past performance of owners, developers, and contractors in the bidding process for a contract or other agreement for a military housing privatization initiative project.

''(j) PROCEDURES FOR IDENTIFYING AND COMMUNICATING BEST PRACTICES FOR TRANSACTIONS.—(1) The Secretary of Defense shall identify best practices for military housing privatization projects, including—

''(A) effective means to track and verify proper performance, schedule, and cash flow;

''(B) means of overseeing the actions of bondholders to properly monitor construction progress and construction draws;

''(C) effective structuring of transactions to ensure the United States Government has adequate abilities to oversee project owner performance; and

''(D) ensuring that notices to proceed on new work are not issued until proper bonding is in place.

''(2) The Secretary shall prescribe regulations to implement the best practices developed pursuant to paragraph (1).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2885. Oversight and accountability for privatization projects.''.

SEC. 2804. LEASING OF MILITARY FAMILY HOUSING TO SECRETARY OF DEFENSE.

(a) LEASING OF HOUSING.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2837 the following new section:

''§ 2838. Leasing of military family housing to Secretary of Defense

''(a) AUTHORITY.—(1) The Secretary of a military department may lease to the Secretary of Defense military family housing in the National Capital Region (as defined in section 2674(f) of this title).

''(2) In determining the military housing unit to lease under this section, the Secretary of Defense should first consider any available military housing units that are already substantially equipped for executive communications and security.

''(b) RENTAL RATE.—A lease under subsection (a) shall provide for the payment by the Secretary of Defense of consideration in an amount equal to 105 percent of the monthly rate of basic allowance for housing prescribed under section 403(b) of title 37 for a member of the uniformed services in the pay grade of O–10 with dependents assigned to duty at the military installation on which the leased housing unit is located. A rate so established shall be considered the fair market value of the lease interest.

''(c) TREATMENT OF PROCEEDS.—(1) The Secretary of a military department shall deposit all amounts received pursuant to leases entered into by the Secretary under this section into a special account in the Treasury established for such military department.

''(2) The proceeds deposited into the special account of a military department pursuant to paragraph (1) shall be available to the Secretary of that military department, without further appropriation, for the maintenance, protection, alteration, repair, improvement, or restoration of military housing on the military installation at which the housing leased pursuant to subsection (a) is located.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2838. Leasing of military family housing to Secretary of Defense.''.

SEC. 2805. COST-BENEFIT ANALYSIS OF DISSOLUTION OF PATRICK FAMILY HOUSING LLC.

(a) COST-BENEFIT ANALYSIS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a cost-benefit analysis of dissolving Patrick Family Housing LLC without exercising the full range of rights available to the United States Government to recover damages from the partnership.

(b) CONTENT.—The analysis required under subsection (a) shall include an evaluation of the best practices for executing military housing privatization projects as determined by the Department of Defense and the Secretaries concerned and the other options available to restore the financial health of nonperforming or defaulting projects.

(c) TEMPORARY MORATORIUM ON CERTAIN ACTIONS.—The Secretary of the Air Force may not, in carrying out a military housing privatization project initiated at Patrick Air Force Base, Florida, dissolve the Patrick Family Housing LLC until the Secretary of the Air Force submits the cost-benefit analysis required under subsection (a).

Subtitle B—Real Property and Facilities Administration

SEC. 2811. PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2694b the following new section:

''§ 2694c. Participation in conservation banking programs

''(a) AUTHORITY TO PARTICIPATE.—The Secretary of a military department, and the Secretary of Defense with respect to matters concerning a Defense Agency, when engaged or proposing to engage in an authorized activity that may or will result in an adverse impact on one or more species protected (or pending protection) under any applicable provision of law, or on a habitat for such species, may make payments to a conservation banking program or 'in-lieu-fee' mitigation sponsor approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605; November 28, 1995) or the Guidance for the Establishment, Use, and Operation of Conservation Banks (68 Fed. Reg. 24753; May 2, 2003), or any successor or related administrative guidance or regulation.

''(b) FACILITATION OF TESTING OR TRAINING ACTIVITIES OR MILITARY CONSTRUCTION.—Participation in conservation banking and 'in-lieu-fee' programs under subsection (a) shall be for the purposes of facilitating—

''(1) military testing or training activities; or

''(2) military construction.

''(c) TREATMENT OF PAYMENTS.—Payments made under subsection (a) to a conservation banking program or 'in-lieu-fee' mitigation sponsor for the purpose of facilitating military construction may be treated as eligible project costs for such military construction.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694b the following new item:

''2694c. Participation in conservation banking programs.''.

SEC. 2812. CLARIFICATION OF CONGRESSIONAL REPORTING REQUIREMENTS FOR CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2662(c) of title 10, United States Code, is amended by striking ''river and harbor projects or flood control projects'' and inserting ''water resource development projects of the Corps of Engineers''.

SEC. 2813. MODIFICATION OF LAND MANAGEMENT RESTRICTIONS APPLICABLE TO UTAH NATIONAL DEFENSE LANDS.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is amended—

(1) in subsection (a), by striking ''that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath'' and inserting ''that are beneath''; and

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

''(e) SUNSET DATE.—This section shall expire on October 1, 2013.''.

Subtitle C—Land Conveyances

SEC. 2821. TRANSFER OF PROCEEDS FROM PROPERTY CONVEYANCE, MARINE CORPS LOGISTICS BASE, ALBANY, GEORGIA.

(a) TRANSFER AUTHORIZED.—The Secretary of Defense may transfer any proceeds from the sale of approximately 120.375 acres of improved land located at the former Boyett Village Family Housing Complex at the Marine Corps Logistics Base, Albany, Georgia,

into the Department of Defense Family Housing Improvement Fund established under section 2883(a)(1) of title 10, United States Code, for carrying out activities under subchapter IV of chapter 169 of that title with respect to military family housing.

(b) NOTIFICATION REQUIREMENT.—A transfer of proceeds under subsection (a) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of the transfer to the congressional defense committees.

Subtitle D—Energy Security

SEC. 2831. EXPANSION OF AUTHORITY OF THE MILITARY DEPARTMENTS TO DEVELOP ENERGY ON MILITARY LANDS.

(a) DEVELOPMENT OF ANY RENEWABLE ENERGY RESOURCE.—Section 2917 of title 10, United States Code, is amended—

(1) by inserting ''(a) DEVELOPMENT OF RENEWABLE ENERGY RESOURCES.—'' before ''The Secretary of a military department'';

(2) in subsection (a), as designated by paragraph (1), by striking ''geothermal energy resource'' and inserting ''renewable energy resource''; and

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

''(b) RENEWABLE ENERGY RESOURCE DEFINED.—In this section, the term 'renewable energy resource' has the meaning given the term 'renewable energy' in section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)).''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2917. Development of renewable energy resources on military lands''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 173 of such title is amended by striking the item relating to section 2917 and inserting the following new item:

''2917. Development of renewable energy resources on military lands.''.

Subtitle E—Other Matters

SEC. 2841. REPORT ON APPLICATION OF FORCE PROTECTION AND ANTI-TERRORISM STANDARDS TO GATES AND ENTRY POINTS ON MILITARY INSTALLATIONS.

(a) REPORT REQUIRED.—Not later than February 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of Department of Defense Anti-Terrorism/Force Protection standards at gates and entry points of military installations.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A description of the anti-terrorism/force protection standards for gates and entry points.

(2) An assessment, by installation, of whether the gates and entry points meet anti-terrorism/force protection standards.

(3) An assessment of whether the standards are met with either temporary or permanent measures, facilities, or equipment.

(4) A description and cost estimate of each action to be taken by the Secretary of Defense for each installation to ensure compliance with Department of Defense Anti-Terrorism/Force Protection standards using permanent measures and construction methods.

(5) An investment plan to complete all action required to ensure compliance with the standards described under paragraph (1).

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

Subtitle A—Fiscal Year 2008 Projects

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$17,000,000
California	Fort Irwin	$11,800,000
Colorado	Fort Carson	$8,400,000
Georgia	Fort Gordon	$7,800,000
Hawaii	Schofield Barracks	$12,500,000
Kentucky	Fort Campbell	$9,900,000
	Fort Knox	$7,400,000
North Carolina	Fort Bragg	$8,500,000
Oklahoma	Fort Sill	$9,000,000
Texas	Fort Bliss	$17,300,000
	Fort Hood	$7,200,000
	Fort Sam Houston	$7,000,000
Virginia	Fort Lee	$7,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Iraq	Camp Adder	$13,200,000
	Camp Ramadi	$6,200,000
	Fallujah	$5,500,000

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $162,100,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $131,200,000.

(2) For military construction projects outside the United States authorized by subsection (b), $24,900,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $6,000,000.

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	$9,270,000
	China Lake	$7,210,000
	Point Mugu	$7,250,000
	San Diego	$12,299,000
	Twentynine Palms	$11,250,000
Florida	Eglin Air Force Base	$780,000
Mississippi	Gulfport	$6,570,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
North Carolina	Camp Lejeune	$27,980,000
Virginia	Yorktown	$8,070,000

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2902(d) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 572), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $94,731,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $90,679,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $4,052,000.

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

Country	Installation or Location	Amount
California	Beale Air Force Base	$17,600,000
Florida	Eglin Air Force Base	$11,000,000
New Mexico	Cannon Air Force Base	$8,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Qatar	Al Udeid	$60,400,000

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2903(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 573), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $98,427,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $36,600,000.

(2) For military construction projects outside the United States authorized by subsection (b), $60,400,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $1,427,000.

SEC. 2904. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2008 ARMY PROJECTS.

(a) TERMINATION OF AUTHORITY.—The table in section 2901(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 570), is amended—

(1) in the item relating to Camp Adder, Iraq, by striking ''$80,650,000'' in the amount column and inserting ''$75,800,000'';

(2) in the item relating to Camp Anaconda, Iraq, by striking ''$53,500,000'' in the amount column and inserting ''$10,500,000'';

(3) in the item relating to Camp Victory, Iraq, by striking ''$65,400,000'' in the amount column and inserting ''$60,400,000'';

(4) by striking the item relating to Tikrit, Iraq; and

(5) in the item relating to Camp Speicher, Iraq, by striking ''$83,900,000'' in the amount column and inserting ''$74,100,000''.

(b) CONFORMING AMENDMENTS.—Section 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571) is amended—

(1) by striking ''$1,257,750,000'' and inserting ''$1,152,100,000''; and

(2) in paragraph (2), by striking ''$1,055,450,000'' and inserting ''$949,800,000''.

Subtitle B—Fiscal Year 2009 Projects

SEC. 2911. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Various	Various locations	$400,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $450,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $400,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2912. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Various	Various locations	$40,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $50,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $40,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $10,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2913. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2009

On Wednesday, September 17, 2008, the Senate passed S. 3004, as amended, as follows:

S. 3004

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Energy National Security Act for Fiscal Year 2009''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Congressional defense committees.
DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS
TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
Subtitle A—National Security Programs Authorizations
Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Subtitle B—Program Authorizations, Restrictions, and Limitations
Sec. 3111. Modification of functions of Administrator for Nuclear Security to include elimination of surplus fissile materials usable for nuclear weapons.
Sec. 3112. Report on compliance with Design Basis Threat issued by the Department of Energy in 2005.
Sec. 3113. Modification of submittal of reports on inadvertent releases of restricted data.
Sec. 3114. Nonproliferation scholarship and fellowship program.
Sec. 3115. Review of and reports on Global Initiatives for Proliferation Prevention program.
TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD
Sec. 3201. Authorization.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,641,892,000, to be allocated as follows:

(1) For weapons activities, $6,610,701,000.

(2) For defense nuclear nonproliferation activities, including $538,782,000 for fissile materials disposition, $1,799,056,000.

(3) For naval reactors, $828,054,000.

(4) For the Office of the Administrator for Nuclear Security, $404,081,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 09–D–404, Test Capabilities Revitalization Phase 2, Sandia National Laboratory, Albuquerque, New Mexico, $3,200,000.

Project 08–D–806, Ion Beam Laboratory Project, Sandia National Laboratory, Albuquerque, New Mexico, $10,014,000.

(2) For naval reactors, the following new plant projects:

Project 09–D–902, Naval Reactors Facility Production Support Complex, Naval Reactors Facility, Idaho Falls, Idaho, $8,300,000.

Project 09–D–190, Project engineering and design, Knolls Atomic Power Laboratory infrastructure upgrades, Knolls Atomic Power Laboratory, Kesselring Site, Schenectady, New York, $1,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,297,256,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for other defense activities in carrying out programs necessary for national security in the amount of $826,453,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $197,371,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. MODIFICATION OF FUNCTIONS OF ADMINISTRATOR FOR NUCLEAR SECURITY TO INCLUDE ELIMINATION OF SURPLUS FISSILE MATERIALS USABLE FOR NUCLEAR WEAPONS.

Section 3212(b)(1) of the National Nuclear Security Administration Act (50 U.S.C. 2402(b)(1)) is amended—

(1) by redesignating paragraph (18) as paragraph (19); and

(2) by inserting after paragraph (17) the following new paragraph (18):

''(18) Eliminating inventories of surplus fissile materials usable for nuclear weapons.''.

SEC. 3112. REPORT ON COMPLIANCE WITH DESIGN BASIS THREAT ISSUED BY THE DEPARTMENT OF ENERGY IN 2005.

(a) IN GENERAL.—Not later than January 2, 2009, the Secretary of Energy shall submit to the congressional defense committees a report setting forth the status of the compliance of Department of Energy sites with the Design Basis Threat issued by the Department in November 2005 (in this section referred to as the ''2005 Design Basis Threat'').

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) For each Department of Energy site subject to the 2005 Design Basis Threat, an assessment of whether the site has achieved compliance with the 2005 Design Basis Threat.

(2) For each such site that has not achieved compliance with the 2005 Design Basis Threat—

(A) a description of the reasons for the failure to achieve compliance;

(B) a plan to achieve compliance;

(C) a description of the actions that will be taken to mitigate any security shortfalls until compliance is achieved; and

(D) an estimate of the annual funding requirements to achieve compliance.

(3) A list of such sites with Category I nuclear materials that the Secretary determines will not achieve compliance with the 2005 Design Basis Threat.

(4) For each site identified under paragraph (3), a plan to remove all Category I nuclear materials from such site, including—

(A) a schedule for the removal of such nuclear materials from such site;

(B) a clear description of the actions that will be taken to ensure the security of such nuclear materials; and

(C) an estimate of the annual funding requirements to remove such nuclear materials from such site.

(5) An assessment of the adequacy of the 2005 Design Basis Threat in addressing security threats at Department of Energy sites, and a description of any plans for updating, modifying, or otherwise revising the approach taken by the 2005 Design Basis Threat to establish enhanced security requirements for Department of Energy sites.

SEC. 3113. MODIFICATION OF SUBMITTAL OF REPORTS ON INADVERTENT RELEASES OF RESTRICTED DATA.

(a) IN GENERAL.—Section 4522 of the Atomic Energy Defense Act (50 U.S.C. 2672) is amended—

(1) in subsection (e), by striking ''on a periodic basis'' and inserting ''in each even-numbered year''; and

(2) in subsection (f), by striking paragraph (2) and inserting the following new paragraph (2):

''(2) The Secretary of Energy shall, in each even-numbered year beginning in 2010, submit to the committees and Assistant to the President specified in subsection (d) a report identifying any inadvertent releases of Restricted Data or Formerly Restricted Data under Executive Order No. 12958 discovered

in the two-year period preceding the submittal of the report.''.

(b) TECHNICAL CORRECTION.—Subsection (e) of such section, as amended by subsection (a)(1) of this section, is further amended by striking ''subsection (b)(4)'' and inserting ''subsection (b)(5)''.

SEC. 3114. NONPROLIFERATION SCHOLARSHIP AND FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—The Administrator for Nuclear Security shall carry out a program to provide scholarships and fellowships for the purpose of enabling individuals to qualify for employment in the nonproliferation programs of the Department of Energy.

(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible for a scholarship or fellowship under the program established under this section if the individual—

(1) is a citizen or national of the United States or an alien lawfully admitted to the United States for permanent residence;

(2) has been accepted for enrollment or is currently enrolled as a full-time student at an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

(3) is pursuing a program of education that leads to an appropriate higher education degree in a qualifying field of study, as determined by the Administrator;

(4) enters into an agreement described in subsection (c); and

(5) meets such other requirements as the Administrator prescribes.

(c) AGREEMENT.—An individual seeking a scholarship or fellowship under the program established under this section shall enter into an agreement, in writing, with the Administrator that includes the following:

(1) The agreement of the Administrator to provide such individual with a scholarship or fellowship in the form of educational assistance for a specified number of school years (not to exceed five school years) during which such individual is pursuing a program of education in a qualifying field of study, which educational assistance may include payment of tuition, fees, books, laboratory expenses, and a stipend.

(2) The agreement of such individual—

(A) to accept such educational assistance;

(B) to maintain enrollment and attendance in a program of education described in subsection (b)(2) until such individual completes such program;

(C) while enrolled in such program, to maintain satisfactory academic progress in such program, as determined by the institution of higher education in which such individual is enrolled; and

(D) after completion of such program, to serve as a full-time employee in a nonproliferation position in the Department of Energy or at a laboratory of the Department for a period of not less than 12 months for each school year or part of a school year for which such individual receives a scholarship or fellowship under the program established under this section.

(3) The agreement of such individual with respect to the repayment requirements specified in subsection (d).

(d) REPAYMENT.—

(1) IN GENERAL.—An individual receiving a scholarship or fellowship under the program established under this section shall agree to pay to the United States the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), if such individual—

(A) does not complete the program of education agreed to pursuant to subsection (c)(2)(B);

(B) completes such program of education but declines to serve in a position in the Department of Energy or at a laboratory of the Department as agreed to pursuant to subsection (c)(2)(D); or

(C) is voluntarily separated from service or involuntarily separated for cause from the Department of Energy or a laboratory of the Department before the end of the period for which such individual agreed to continue in the service of the Department pursuant to subsection (c)(2)(D).

(2) FAILURE TO REPAY.—If an individual who received a scholarship or fellowship under the program established under this section is required to repay, pursuant to an agreement under paragraph (1), the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), and fails repay such amount, a sum equal to such amount (plus such interest) is recoverable by the United States Government from such individual or the estate of such individual by—

(A) in the case of an individual who is an employee of the United States Government, setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; or

(B) such other method as is provided by law for the recovery of amounts owed to the Government.

(3) WAIVER OF REPAYMENT.—The Administrator may waive, in whole or in part, repayment by an individual under this subsection if the Administrator determines that seeking recovery under paragraph (2) would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) RATE OF INTEREST.—For purposes of repayment under this subsection, the total amount of educational assistance provided to an individual under the program established under this section shall bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(e) PREFERENCE FOR COOPERATIVE EDUCATION STUDENTS.—In evaluating individuals for the award of a scholarship or fellowship under the program established under this section, the Administrator may give a preference to an individual who is enrolled in, or accepted for enrollment in, an institution of higher education that has a cooperative education program with the Department of Energy.

(f) COORDINATION OF BENEFITS.—A scholarship or fellowship awarded under the program established under this section shall be taken into account in determining the eligibility of an individual receiving such scholarship or fellowship for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) REPORT TO CONGRESS.—Not later than January 1, 2010, the Administrator shall submit to the congressional defense committees a report on the activities carried out under the program established under this section, including any recommendations for future activities under such program.

(h) FUNDING.—Of the amounts authorized to be appropriated by section 3101(a)(2) for defense nuclear nonproliferation activities, $3,000,000 shall be available to carry out the program established under this section.

SEC. 3115. REVIEW OF AND REPORTS ON GLOBAL INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

(a) REVIEW OF PROGRAM.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall conduct a review of the Global Initiatives for Proliferation Prevention program.

(2) REPORT REQUIRED.—Not later than February 1, 2009, the Administrator shall submit to the congressional defense committees a report setting forth the results of the review required under paragraph (1). The report shall include the following:

(A) A description of the goals of the Global Initiatives for Proliferation Prevention program and the criteria for partnership projects under the program.

(B) Recommendations regarding the following:

(i) Whether to continue or bring to a close each of the partnership projects under the program in existence on the date of the enactment of this Act, and, if any such project is recommended to be continued, a description of how that project will meet the criteria under subparagraph (A).

(ii) Whether to enter into new partnership projects under the program with Russia or other countries of the former Soviet Union.

(iii) Whether to enter into new partnership projects under the program in countries other than countries of the former Soviet Union.

(C) A plan for completing partnership projects under the program with the countries of the former Soviet Union by 2012.

(b) REPORT ON FUNDING FOR PROJECTS UNDER PROGRAM.—

(1) IN GENERAL.—The Administrator shall submit to the congressional defense committees a report on—

(A) the purposes for which amounts made available for the Global Initiatives for Proliferation Prevention program for fiscal year 2009 will be obligated or expended; and

(B) the amount to be obligated or expended for each partnership project under the program in fiscal year 2009.

(2) LIMITATION ON FUNDING BEFORE SUBMITTAL OF REPORT.—None of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Proliferation Prevention program may be obligated or expended until the date that is 30 days after the date on which the Administrator submits to the congressional defense committees the report required under paragraph (1).

(c) LIMITATION ON FUNDING FOR GLOBAL NUCLEAR ENERGY PARTNERSHIP.—None of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Proliferation Prevention program may be used for projects related to energy security that could promote the Global Nuclear Energy Partnership.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2009, $28,968,574 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

UNANIMOUS CONSENT-AGREEMENT—S. RES. 601, S. RES. 623, S. RES. 650, AND S. RES. 667

Mr. CASEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged and the Senate now proceed, en bloc, to the consideration of the following resolutions: S. Res. 601, National Save for Retirement Week; S. Res. 623, Anniversary of the Lander Trail; S. Res. 650, National Good Neighbor Day; S. Res. 667, Prostate Cancer Awareness Week.

There being no objection, the Senate proceeded to consider the resolutions, en bloc.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 601, S. Res. 623, S. Res. 650, and S. Res. 667) were agreed to en bloc.

The preambles were agreed to en bloc.

The resolutions, with their preambles, read as follows:

S. RES. 601

Whereas Americans are living longer and the cost of retirement continues to rise, in part because the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than ⅔ of workers or their spouses are currently saving for retirement, and that the actual amount of retirement savings of workers lags far behind the amount that will be needed to adequately fund their retirement years;

Whereas many workers may not be aware of their options for saving for retirement or may not have focused on the importance of, and need for, saving for their own retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of them may not be taking advantage of employer-sponsored defined contribution plans at all or to the full extent allowed by the plans as prescribed by Federal law; and

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to save adequate funds for retirement and the availability of preferred savings vehicles to assist them in saving for retirement: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 19 through October 25, 2008, as ''National Save for Retirement Week'';

(2) supports the goals and ideals of National Save for Retirement Week;

(3) supports the need to raise public awareness of efficiently utilizing substantial tax revenues that currently subsidize retirement savings, revenues in excess of $170,000,000,000 for the fiscal year 2007 budget;

(4) supports the need to raise public awareness of the importance of saving adequately for retirement and the availability of tax-preferred employer-sponsored retirement savings vehicles; and

(5) calls on States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe this week with appropriate programs and activities with the goal of increasing retirement savings for all the people of the United States.

S. RES. 623

Whereas Frederick W. Lander first surveyed and supervised construction of the Lander Trail in 1858 to provide emigrants with a travelable link between the Oregon and California Trails;

Whereas 13,000 emigrants traveled on the Lander Trail during the settlement of the Western United States;

Whereas the Lander Trail was the first Federal road west of the Mississippi River;

Whereas travelers in the American West used the Lander Trail for 54 years until 1912; and

Whereas people can still experience the Lander Trail in the same setting that Frederick W. Lander first began construction in 1858: Now, therefore, be it

Resolved, That the Senate honors the important role of the Lander Trail in the settlement of the Western United States on the sesquicentennial anniversary of the Lander Trail.

S. RES. 650

Whereas gestures of welcoming and kindness between neighbors foster community peace, harmony, and understanding;

Whereas being good neighbors to those around us encourages mutual respect and friendship;

Whereas neighborhoods facilitate positive civic engagement and enhance the foundation of an effective and more caring society;

Whereas National Neighbor Day, celebrated annually on the Sunday before Memorial Day weekend in May, was first celebrated in 1993 in Westerly, Rhode Island, to promote equality, dignity, and respect and to encourage love of one's neighbor;

Whereas National Good Neighbor Day, celebrated annually on the fourth Sunday of September, was first celebrated in the 1970s in Lakeside, Montana, to place a greater emphasis on the importance of community and being a good neighbor; and

Whereas National Neighborhood Day, celebrated annually on the third Sunday of September, was first celebrated in Providence, Rhode Island, to inspire, build, and sustain neighborhood relationships and foster civic engagement: Now, therefore, be it

Resolved, That the Senate calls upon the people of the United States and interested groups and organizations—

(1) to celebrate the goals of National Neighbor Day, National Good Neighbor Day, and National Neighborhood Day in 2008; and

(2) to undertake appropriate ceremonies, events, and activities associated with those goals.

S. RES. 667

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed non-skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas, in 2008, over 186,320 men in the United States will be diagnosed with prostate cancer and 28,660 men in the United States will die of prostate cancer;

Whereas 30 percent of new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old about every 14 seconds, increasing his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate up to 65 percent higher than White males and double the mortality rates;

Whereas obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death, and high cholesterol levels are strongly associated with advanced prostate cancer;

Whereas, if a man in the United States has 1 family member diagnosed with prostate cancer, he has a 1 in 3 chance of being diagnosed with prostate cancer, if he has 2 family members with such diagnoses, he has an 83 percent risk, and if he has 3 family members with such diagnoses, he then has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination (DRE) and a prostate specific antigen blood test (PSA) can diagnose the disease in its early stages, increasing the chances of surviving more than 5 years to nearly 100 percent, while only 33 percent of men survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2008 as ''National Prostate Cancer Awareness Month'';

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the screening and treatment of prostate cancer may be improved, and so that the causes of, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

BENNETT FREEZE REPEAL ACT

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 967, S. 531.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 531) to repeal section 10(f) of Public Law 93–531, commonly known as the ''Bennett Freeze.''

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 531) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 531

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

SECTION 1. REPEAL OF THE BENNETT FREEZE.

Section 10(f) of Public Law 93–531 (25 U.S.C. 640d–9(f) is repealed.

UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION ACT OF 2008

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 868, S. 2606.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2606) to reauthorize the United States Fire Administration, 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 Governmental Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Fire Administration Reauthorization Act of 2008''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The number of lives lost each year because of fire has dropped significantly over the last 25 years in the United States. However, the United States still has one of the highest fire death rates in the industrialized world. In 2005, the National Fire Protection Association reported 3,675 civilian fire deaths, 17,925 civilian fire injuries, and $10,672,000,000 in direct losses due to fire.

(2) Every year, more than 100 firefighters die in the line of duty. The United States Fire Administration should continue its leadership to help local fire agencies dramatically reduce these fatalities.

(3) The Federal Government should continue to work with State and local governments and the fire service community to further the promotion of national voluntary consensus standards that increase firefighter safety.

(4) The United States Fire Administration provides crucial support to the 30,300 fire departments of the United States through training, emergency incident data collection, fire awareness and education, and support of research and development activities for fire prevention, control, and suppression technologies.

(5) The collection of data on fire and other emergency incidents is a vital tool both for policy makers and emergency responders to identify and develop responses to emerging hazards. Improving the data collection capabilities of the United States Fire Administration is essential for accurately tracking and responding to the magnitude and nature of the fire problems of the United States.

(6) The research and development performed by the National Institute of Standards and Technology, the United States Fire Administration, other government agencies, and nongovernmental organizations on fire technologies, techniques, and tools advance the capabilities of the fire service of the United States to suppress and prevent fires.

(7) Because of the essential role of the United States Fire Administration and the fire service community in preparing for and responding to national and man-made disasters, the United States Fire Administration should have a prominent place within the Federal Emergency Management Agency and the Department of Homeland Security.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES FIRE ADMINISTRATION.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (C), by striking ''and'' after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(3) by adding after subparagraph (D) the following:

''(E) $70,000,000 for fiscal year 2009, of which $2,520,000 shall be used to carry out section 8(f);

''(F) $72,100,000 for fiscal year 2010, of which $2,595,600 shall be used to carry out section 8(f);

''(G) $74,263,000 for fiscal year 2011, of which $2,673,468 shall be used to carry out section 8(f); and

''(H) $76,490,890 for fiscal year 2012, of which $2,753,672 shall be used to carry out section 8(f).''.

SEC. 4. NATIONAL FIRE ACADEMY TRAINING PROGRAM MODIFICATIONS AND REPORTS.

(a) AMENDMENTS TO FIRE ACADEMY TRAINING.—Section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

(1) by amending subparagraph (H) to read as follows:

''(H) tactics and strategies for dealing with natural disasters, acts of terrorism, and other man-made disasters;'';

(2) in subparagraph (K), by striking ''forest'' and inserting ''wildland'';

(3) in subparagraph (M), by striking ''response'';

(4) by redesignating subparagraphs (I) through (N) as subparagraphs (M) through (R), respectively; and

(5) by inserting after subparagraph (H) the following:

''(I) tactics and strategies for fighting large-scale fires or multiple fires in a general area that cross jurisdictional boundaries;

''(J) tactics and strategies for fighting fires occurring at the wildland-urban interface;

''(K) tactics and strategies for fighting fires involving hazardous materials;

''(L) advanced emergency medical services training;''.

(b) ON-SITE TRAINING.—Section 7 of such Act (15 U.S.C. 2206) is amended—

(1) in subsection (c)(6), by inserting '', including on-site training'' after ''United States'';

(2) in subsection (f), by striking ''4 percent'' and inserting ''7.5 percent''; and

(3) by adding at the end the following:

''(m) ON-SITE TRAINING.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may enter into a contract with nationally recognized organizations that have established on-site training programs that comply with national voluntary consensus standards for fire service personnel to facilitate the delivery of the education and training programs outlined in subsection (d)(1) directly to fire service personnel.

''(2) LIMITATION.—

''(A) IN GENERAL.—The Administrator may not enter into a contract with an organization described in paragraph (1) unless such organization operates a fire service training program that—

''(i) is accredited by a nationally recognized accreditation organization experienced with accrediting such training; or

''(ii) the Administrator determines is of equivalent quality to a fire service training program described by clause (i).

''(B) APPROVAL OF UNACCREDITED FIRE SERVICE TRAINING PROGRAMS.—The Administrator may consider the fact that an organization has provided a satisfactory fire service training program pursuant to a cooperative agreement with a Federal agency as evidence that such program is of equivalent quality to a fire service training program described by subparagraph (A)(i).

''(3) RESTRICTION ON USE OF FUNDS.—The amounts expended by the Administrator to carry out this subsection in any fiscal year shall not exceed 7.5 per centum of the amount authorized to be appropriated in such fiscal year pursuant to section 17.''.

(c) TRIENNIAL REPORTS.—Such section 7 (15 U.S.C. 2206) is further amended by adding at the end the following:

''(n) TRIENNIAL REPORT.—In the first annual report filed pursuant to section 16 for which the deadline for filing is after the expiration of the 18-month period that begins on the date of the enactment of the United States Fire Administration Reauthorization Act of 2008, and in every third annual report thereafter, the Administrator shall include information about changes made to the National Fire Academy curriculum, including—

''(1) the basis for such changes, including a review of the incorporation of lessons learned by emergency response personnel after significant emergency events and emergency preparedness exercises performed under the National Exercise Program; and

''(2) the desired training outcome of all such changes.''.

SEC. 5. NATIONAL FIRE INCIDENT REPORTING SYSTEM UPGRADES.

(a) INCIDENT REPORTING SYSTEM DATABASE.—Section 9 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208) is amended by adding at the end the following:

''(d) NATIONAL FIRE INCIDENT REPORTING SYSTEM UPDATE.—

''(1) IN GENERAL.—The Administrator shall update the National Fire Incident Reporting System to ensure that the information in the system is available, and can be updated, through the Internet and in real time.

''(2) LIMITATION.—Of the amounts made available pursuant to subparagraphs (E), (F), and (G) of section 17(g)(1), the Administrator shall use not more than an aggregate amount of $5,000,000 during the 3-year period consisting of fiscal years 2009, 2010, and 2011 to carry out the activities required by paragraph (1).''.

(b) TECHNICAL CORRECTION.—Section 9(b)(2) of such Act (15 U.S.C. 2208(b)(2)) is amended by striking ''assist State,'' and inserting ''assist Federal, State,''.

SEC. 6. FIRE TECHNOLOGY ASSISTANCE AND RESEARCH DISSEMINATION.

(a) ASSISTANCE TO FIRE SERVICES FOR FIRE PREVENTION AND CONTROL IN WILDLAND-URBAN INTERFACE.—Section 8(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207(d)) is amended to read as follows:

''(d) RURAL AND WILDLAND-URBAN INTERFACE ASSISTANCE.—The Administrator may, in coordination with the Secretary of Agriculture, the Secretary of the Interior, and the Wildland Fire Leadership Council, assist the fire services of the United States, directly or through contracts, grants, or other forms of assistance, in sponsoring and encouraging research into approaches, techniques, systems, equipment, and land-use policies to improve fire prevention and control in—

''(1) the rural and remote areas of the United States; and

''(2) the wildland-urban interface.''.

(b) TECHNOLOGY RESEARCH DISSEMINATION.—Section 8 of such Act (15 U.S.C. 2207) is amended by adding at the end the following:

''(h) PUBLICATION OF RESEARCH RESULTS.—

''(1) IN GENERAL.—For each fire-related research program funded by the Administration, the Administrator shall make available to the public on the Internet website of the Administration the following:

''(A) A description of such research program, including the scope, methodology, and goals thereof.

''(B) Information that identifies the individuals or institutions conducting the research program.

''(C) The amount of funding provided by the Administration for such program.

''(D) The results or findings of the research program.

''(2) DEADLINES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the information required by paragraph (1) shall be published with respect to a research program as follows:

''(i) The information described in subparagraphs (A), (B), and (C) of paragraph (1) with respect to such research program shall be made available under paragraph (1) not later than 30 days after the Administrator has awarded the funding for such research program.

''(ii) The information described in subparagraph (D) of paragraph (1) with respect to a research program shall be made available under paragraph (1) not later than 60 days after the date such research program has been completed.

''(B) EXCEPTION.—No information shall be required to be published under this subsection before the date that is 1 year after the date of the enactment of the United States Fire Administration Reauthorization Act of 2008.''.

SEC. 7. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following:

''SEC. 37. ENCOURAGING ADOPTION OF STANDARDS FOR FIREFIGHTER HEALTH AND SAFETY.

''The Administrator shall promote adoption by fire services of national voluntary consensus standards for firefighter health and safety, including such standards for firefighter operations, training, staffing, and fitness, by—

''(1) educating fire services about such standards;

''(2) encouraging the adoption at all levels of government of such standards; and

''(3) making recommendations on other ways in which the Federal Government can promote the adoption of such standards by fire services.''.

SEC. 8. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by inserting after section 22 the following:

''SEC. 23. STATE AND LOCAL FIRE SERVICE REPRESENTATION AT NATIONAL OPERATIONS CENTER.

''(a) ESTABLISHMENT OF POSITION.—The Secretary of Homeland Security shall, in consultation with the Administrator, establish a fire service position at the National Operations Center established under section 515 of the Homeland Security Act of 2002 (6 U.S.C. 321d) (also known as the 'Homeland Security Operations Center') to ensure the effective sharing of information between the Federal Government and State and local fire services.

''(b) DESIGNATION OF POSITION.—The Secretary of Homeland Security shall designate, on a rotating basis, a State or local fire service official for the position described in subsection (a).

''(c) MANAGEMENT.—The Secretary of Homeland Security shall manage the position established pursuant to subsection (a) in accordance with such rules, regulations, and practices as govern other similar rotating positions at the National Operations Center.''.

SEC. 9. COORDINATION REGARDING FIRE PREVENTION AND CONTROL AND EMERGENCY MEDICAL SERVICES.

Section 21(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(e)) is amended to read as follows:

''(e) COORDINATION.—

''(1) IN GENERAL.—To the extent practicable, the Administrator shall use existing programs, data, information, and facilities already available in other Federal Government departments and agencies and, where appropriate, existing research organizations, centers, and universities.

''(2) COORDINATION OF FIRE PREVENTION AND CONTROL PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator with Federal, State, and local government agencies and departments and nongovernmental organizations concerned with any matter related to programs of fire prevention and control.

''(3) COORDINATION OF EMERGENCY MEDICAL SERVICES PROGRAMS.—The Administrator shall provide liaison at an appropriate organizational level to assure coordination of the activities of the Administrator related to emergency medical services provided by fire service-based systems with Federal, State, and local government agencies and departments and nongovernmental organizations so concerned, as well as those entities concerned with emergency medical services generally.''.

SEC. 10. DEFINITIONS.

Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by striking ''Administration'' and inserting ''Administration, within the Federal Emergency Management Agency'';

(2) in paragraph (7), by striking the ''and'' after the semicolon;

(3) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(9) 'wildland-urban interface' has the meaning given such term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).''.

Mr. CASEY. Mr. President, I ask unanimous consent that a Lieberman amendment, which is at the desk, be agreed to; that the committee substitute, as amended, be agreed to; that 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 that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5631) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2606), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

MEASURES READ THE FIRST TIME—S. 3526, H.R. 6842, AND H.R. 6899

Mr. CASEY. Mr. President, I understand there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 3526) to enhance drug trafficking interdiction by creating a Federal felony relating to operating or embarking in a submersible or semi-submersible vessel without nationality and on an international voyage.

A bill (H.R. 6842) to restore Second Amendment rights in the District of Columbia.

A bill (H.R. 6899) to advance the national security interests of the United States by reducing its dependency on oil through renewable and clean, alternative fuel technologies while building a bridge to the future through expanded access to Federal oil and natural gas resources, revising the relationship between the oil and gas industry and the consumers who own those resources and deserve a fair return from the development of publicly owned oil and gas, ending tax subsidies for large oil and gas companies, and facilitating energy efficiencies in the building, housing, and transportation sectors, and for other purposes.

Mr. CASEY. Mr. President, I now ask for their second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDER FOR PRINTING—S. 3001

Mr. CASEY. Mr. President, I ask unanimous consent that S. 3001, as passed by the Senate on Wednesday, September 17, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 6049

Mr. CASEY. Mr. President, I ask unanimous consent that the motion to proceed to H.R. 6049 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I further ask unanimous consent that with respect to the order governing the consideration of H.R. 6049, the votes with respect to the amendments occur upon the use or yielding back of time specified for debate with respect to each amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. 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 the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STIMULUS PACKAGE

Mr. REID. Mr. President, we are going to move to next week. We have business we need to conduct. We have had a very busy day. We have been at an event with the Secretary of Treasury and Chairman of the Fed and a number of others. Next week should be very interesting.

We have an agreement where we are going to finish the extenders now. We have a decision to be made on what we are going to do on the stimulus package but certainly, with what has gone

on in our country the last several weeks, we need a stimulus package more than ever. So we will see what we can get done on that next week and fund the Government until, hopefully, next year.

ORDERS FOR MONDAY, SEPTEMBER 22, 2008

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand in recess until Monday, September 22, at 3 p.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

I would further say, one reason we are not going to be in session tomorrow is we are waiting to get a response from the administration as to what they think should be done as the next step in the financial problems we have facing this country. We need to hear from them. So there is no objection to my request, Mr. President?

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, this evening, as I indicated, we were able to reach an agreement on the tax extenders. The Senate will debate and vote on amendments and passage of that on Tuesday.

RECESS UNTIL MONDAY, SEPTEMBER 22, 2008, AT 3 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent it stand in recess under the previous order.

There being no objection, the Senate, at 8:49 p.m., recessed until Monday, September 22, 2008, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KARLYNN P. O'SHAUGHNESSY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

NATHAN V. SWEETSER

EXTENSIONS OF REMARKS

HONORING ROBERT J. McCARTHY

HON. NANCY PELOSI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Ms. PELOSI. Madam Speaker, I rise to pay tribute to the life of Robert J. McCarthy, an outstanding San Franciscan and an outstanding American, who passed away on Sunday, September 14th.

Bob grew up in New York, attending the prestigious Jesuit school Regis High School in Manhattan. He attended Santa Clara University where, as editor of the school newspaper, he met and fell in love with Suzanne Bazzano, a co-ed working as the paper's office manager. After graduating from law school at the University of Chicago, he and Suzanne returned to the Bay Area, living in San Francisco and raising five children.

Bob's legal career and involvement in politics took off when he joined the San Francisco District Attorney's office in the mid-70s. As Chief Deputy, he became friends with a newly elected supervisor, DIANNE FEINSTEIN, a relationship that would last 30 years.

At FEINSTEIN's encouragement, Bob became general counsel to the local Democratic Party. His fundraising and people skills made him invaluable to countless campaigns in San Francisco. Members of the Board of Supervisors, Senatorial, Gubernatorial, and Presidential candidates relied on his generosity and counsel.

Over 25 years ago, McCarthy and restaurateur and political activist Angelo Quaranta started a tradition of Election Day luncheon, inviting all the elected officials, staff, commissioners, and other dignitaries in San Francisco. It is a place where rivalry ends and food and wine begins, and helps calm many a nervous candidate on Election Day.

In 1980, he formed with Lester Schwartz a general practice law firm which lasted until he died. Bob represented some of the largest developments in San Francisco. He was a generous donor to charities and served on the boards of numerous school, community, and religious organizations throughout the city. One of the highlights of his pro bono legal career was working to save the San Francisco Giants from being relocated to St. Petersburg, Florida.

I hope it is a comfort to his beloved wife Suzanne and his children Brendan, Matthew, Ryan, Margaret, and Bobby, and his many friends that so many mourn their loss and are praying for them at this sad time.

The following was printed in yesterday's RECORD and the end notes were inadvertently left off. The following is the statement in its entirety.

SUPPORTING PROPOSED REGULATIONS TO THE PUBLIC SAFETY OFFICERS' BENEFIT PROGRAM

HON. DONALD A. MANZULLO
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. MANZULLO. Madam Speaker, I rise to recognize the Department of Justice for recently proposed regulations relating to the Public Safety Officers' Benefit Program. The program provides death benefits for the survivors of public safety officers who die in the line of duty; and disability benefits to those officers who have been permanently and totally disabled by a catastrophic personal injury sustained in the line of duty, and thereby prevented from performing any gainful work; and also educational assistance benefits for surviving family members. Among other things, these proposed regulations will help to shore up the program against fraud and abuse by clarifying the requirements for certifications and their effect. I strongly support the mission of the Public Safety Officers' Benefit Program, and I commend the Department of Justice for keeping the regulations up to date and for taking action to ensure that the funds available go to those public safety officers (and their survivors) that deserve them. I would like to take a moment to comment on the statutory predicate for some of these regulations.

As the 9th Circuit Court of Appeals recognized,[1] Public Law 94–430 creates a ''limited program,'' whose principal purpose is to help ensure that the families of ''public'' officers be protected from financial calamity that is likely to result from the death or permanent and total disability, in the line of duty, of the primary money-maker. The statute (including the two parallel 2001 benefits statutes, which do not, strictly speaking, amend the Public Law or directly affect the precise program it creates) enshrines various and competing policy considerations and purposes that it proposes to achieve by particular means that have been worked out, over the last 30 years and more, in the legislative process. Because no law pursues its ends at all costs, the limitations expressly or implicitly contained in its text and structure are no less an articulation of its purposes (and the intent, goals, and policies that inform it), than its substantive grants of authority are. Benefits under these statutes—charges on the public fisc—are to be granted fairly, but not speculatively, or beyond what the statutory language unequivocally requires and unequivocally expresses, or beyond the letter of the difficult judgments reached in the legislative process and clearly reflected in the statutory text. It is precisely to enable the Department to balance and harmonize these various considerations into a single workable and coherent program that the law confers extraordinary administrative and interpretive authority on the Department. For example, at least seven distinct statutory provisions—42 U.S.C. §§ 3796c(a) (twice), 3796(a) & (b), 3796d–3(a) & (b), 3782(a)—expressly authorize the Department to issue program regulations and policies here, and the law expressly provides that those regulations and policies are determinative of conflict of law issues relating to the program, and that responsibility for making final determinations shall rest with the Department. Under the Public Law (as under the parallel 2001 statutes), the very right to a death or disability benefit, which the Supreme Court correctly has recognized as a legal ''gratuity''[2] (and thus not ''remedial'' in nature), is not freestanding, but contingent, rather, upon a determination by the Department.

When Public Law 94–430 was enacted in 1976, only the Circuit Courts or the old Court of Claims (of similar rank) heard appeals from final rulings of the Department of Justice thereunder, which meant that only one level of judicial review ordinarily was available to claimants and the Department, alike. In 1982 (when the appellate functions of the Court of Claims generally were merged into the newly-created Court of Appeals for the Federal Circuit), jurisdiction over these appeals—apparently as a result of an oversight—was not transferred to the Federal Circuit, and thus (unlike the case with other administrative appeals, see, e.g., 28 U.S.C. §§ 1295, 1296), by default, lay in what is now the Court of Federal Claims, established under Article I of the Constitution, rather than Article III, with an additional level of appeals available in the Federal Circuit. Although there are notable and distinguished exceptions,[3] over the past decade or so, many of the Federal Claims Court's rulings on these appeals applied the law incorrectly,[4] sometimes disregarding the express terms of the relevant statute[5] or implementing regulations,[6] or binding and applicable Federal Circuit/Court of Claims precedent,[7] and even Supreme Court precedent.[8] To order the administering agency to pay on a claim when payment is not clearly warranted by the programmatic statutes and their implementing regulations and administrative interpretive superstructure is as much an affront to the law as for the agency not to pay when payment is clearly required by those statutes and regulations.

Overall, the sixteen opinions issued to date by the Federal Circuit (and its predecessor) under the statute[9] indicate a proper understanding of the law and the application of the Chevron doctrine to the Department's determinations. (All but two of these opinions were affirmances of the administering agency; in Demutiis, the agency was affirmed on all points but a very minor one (relating to application of a (now-repealed) regulation),[10] and the 1980 holding in Harold, which reversed the Department's determination, itself soon thereafter was rendered moot, as a practical matter, by a statutory amendment consonant with the Department's position.) For these reasons, the corrective proviso in the consolidated appropriations legislation, entrusting judicial appeals under Public Law 94–430 (and the two

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2001 statutes) exclusively to the Federal Circuit[11] (and returning to a single level of judicial review, as originally intended) should further the purposes of the program, reduce litigation costs for claimants and the taxpayers, and serve the interests of justice.

ENDNOTES

1. *Russell*, 637 F.2d 1261 (1980); *Holstine*, No. 80–7477 (Aug. 4, 1982), 688 F.2d 846 (table).

2. *Rose* v. *Arkansas State Police*, 479 U.S. 1, 4 (1986) (quoting legislative history).

3. E.g., *Dawson*, 75 Fed. Cl. 53 (2007); *LaBare*, 72 Fed. Cl. 111 (2006); *Cook*, No. 05–1050C (Jun. 15, 2006); *Porter*, 64 Fed. Cl. 143 (2005); *One Feather*, 61 Fed. Cl. 619 (2004); *Davison*, No. 99–361C, (Apr. 19, 2002); *Brister*, No. 01–180C (Mar. 27, 2002); *Yanco*, 45 Fed. Cl. 782 (2000); *Ramos-Vélez*, No. 93–588C (Jan. 31, 1995); *Chacon*, 32 Fed. Cl. 684 (1995); *Nease*, No. 91–1518C (Mar. 29, 1993); see also *Cartwright*, 16 Cl. Ct. 238 (1989); *Durco*, 14 Cl. Ct. 423 (1988); *Wydra*, No. 764–83C (Jan. 31, 1986); *Tafoya*, 8 Cl. Ct. 256 (1985); *North*, 555 F.Supp. 832 (1982). When appealed, these decisions invariably have been affirmed.

4. E.g., *Winuk*, 77 Fed. Cl. 207 (2007) (holding that the Department was required to accept, as legally sufficient certifications, instruments and language that would have been insufficient even for an ordinary certificate of service in court); *White*, 74 Fed. Cl. 769 (2006), appeal filed, No. 2007–5126; *Hillensbeck*, 74 Fed. Cl. 477 (2006) (holding that the position of the Department (which was actually correct, see, e.g., *Nease*, *supra*, slip op. at 5 n.4; 132 Cong. Rec. 27,928–929 (1986) (colloquy between Sens. Sasser and Thurmond)) was ''substantially unjustified''); *Bice*, 72 Fed. Cl. 432 (2006); *Groff*, 72 Fed. Cl. 68 (2006); *Messick*, 70 Fed. Cl. 319 (2006); *Hillensbeck*, 69 Fed. Cl. 369 (2006) (this holding immediately occasioned the enactment of corrective legislation, Pub. L. 109–162, §1164(a)(2)); *Cassella*, 68 Fed. Cl. 189 (2005); *Hawkins*, 68 Fed. Cl. 74 (2005) (this holding immediately occasioned the enactment of corrective legislation, see Pub. L. 109–162, §1164(a)(4)); *Hillensbeck*, 68 Fed. Cl. 62 (2005); *Bice*, 61 Fed. Cl. 420 (2004); *Davis*, 50 Fed. Cl. 192 (2001); *Demutiis*, 48 Fed. Cl. 81 (2000); *Davis*, 46 Fed. Cl. 421 (2000); *Greeley*, 30 Fed. Cl. 721 (1994); see also *Canfield*, No. 339–79C (July 27, 1982).

5 E.g., *Winuk*, 77 Fed. Cl. at 225 (directing the agency to pay only one of two living parents the full benefit amount, despite the statutory command that the amount be divided between living parents ''in equal shares''), and at 224 (holding certain instruments to be legally sufficient certifications, even though they did not contain elements expressly required by the statute—e.g., ''identification of all eligible payees of benefits,'' and acknowledgment that the decedent actually was ''employed by [the certifying] agency'' itself), and at 220–21 (holding that ''under the statute the [agency] is directed to expedite payment without further inquiry upon the requisite certification,'' even though the statute distinguishes between ''eligible payees of benefits'' (i.e., individuals—potentially eligible for payment of benefits under the statute—for whom the certifications are made by the public safety agencies), on the one hand, and ''qualified beneficiaries'' (i.e., individuals whose claims the Department of Justice determines to qualify for benefits under the statute and implementing regulations, upon considering those certifications as prima facie evidence), on the other), and at 218–225 (holding that a certification under the 2001 statutes could go to status (i.e., that they authorize certification that an individual was an officer at the time of injury), even though, under those statutes, such certifications may go only to line–of–duty (i.e., properly speaking, they authorize certification only that an individual, acknowledged otherwise to have the requisite status, ''was killed or suffered a catastrophic injury'' under the required circumstances); *Hillensbeck*, 69 Fed. Cl. 381–82 and 68 Fed. Cl. at 73–74 (holding, despite an express statutory reference to ''public employee member of a rescue squad or ambulance crew,'' that the agency committed legal error in understanding the statute to require members of rescue squads or ambulance crews to be public employees).

(6) E.g., *Winuk*, 77 Fed. Cl. at 222 (holding the agency to have committed legal error, ''in the absence . . . of a regulatory definition of service to a public agency in an official capacity''); but see 28 C.F.R. §32.3 (containing a highly relevant definition of ''Official capacity'')), and at 220–21 (holding that ''under the statute the [agency] is directed to expedite payment without further inquiry upon the requisite certification''); but see 28 C.F.R. §§32.3 (definitions of ''Eligible payee'' ¶(1), ''Employed by a public agency'' ¶(1), & ''Qualified beneficiary'' ¶(1)(i)), 32.6(b)(2)(ii), 32.53(b)(2)); *Bice*, 61 Fed. Cl. at 434 (finding the agency to have committed prejudicial legal error when it declined to consider action by a private non-profit memorial foundation chartered under State law to be ''evidence [or a] finding[] of fact presented by [a] State, local, [or] Federal administrative [or] investigating agenc[y]'' under since-repealed 28 C.F.R. §32.5).

(7) E.g., (a) *Winuk*, 77 Fed. Cl. at 221–22, 225 (giving dispositive effect to post-hoc State government action purporting to alter the actual facts at issue; but see *Chacon*, 48 F.3d 508, 513 (1995) (post-hoc State government actions ''do not erase the fact[s]''); cf. also *Groff*, 493 F.3d 1343, 1355 (2007) (''post-mortem statements'' of government agencies do not ''transform [private parties] into government employees'')), and at 218–21 (declaring it erroneous for the agency not to have understood ''should'' to mean ''must''; but see *Maggit*, 202 F.3d 1370, 1378 (2000) (''should'' in benefits law not understood to mean ''must'')), and at 224 (holding the decedent's lack of any legal authority or legal duty to engage in public safety activity to be irrelevant to whether he was a public safety officer (as opposed to being a good Samaritan); but see *Amber-Messick*, 483 F.3d 1316, 1323–25 (2007) (public safety officer status turns on actual legal authority to engage in requisite public safety activity); *Cassella*, 469 F.3d 1376, 1386 (2006) (public safety officer status turns on whether one is ''appointed for and given the authorization or obligation to perform [requisite public safety] duties''); *Hawkins*, 469 F.3d 993 (2006) (the decedent's ''actual responsibilities or obligations as appointed, rather than some theoretical authorizations, are controlling'' for determining public safety officer status); *Howard*, 231 Ct. Cl. 507, 510 (1981) (''eligibility under the Act turns on whether the specific activity causing death was an inherent part of employment as an officer and whether it was required'' of the decedent); *Budd*, 225 Ct. Cl. 725, 726–27 & n.6 (1980) (the activity causing ''the death must be 'authorized, required, or normally associated with' an officer's . . . duties'')));

(b) *White*, 74 Fed. Cl. at 776–79 (terming ''ridiculous'' the agency's position that the inchoate right to the gratuity expired upon the death of the statutory beneficiary prior to actually receiving it); but see *Semple*, 24 Ct. Cl. 422 (1889) (the inchoate right to a legal gratuity expires upon the death of a statutory beneficiary prior to actually receiving it); cf. also 16 Att'y Gen. 408 (1879));

(c) *Hillensbeck*, 74 Fed. Cl. at 481 (directly contrary to the precise rationale that informs the Federal Circuit's reversal of the same judge, a few days earlier, in a substantially-similar case, *Hawkins*, 469 F.3d 993, 1002 (2006)), and at 482–84 (adjusting and awarding attorney fees in a manner directly contrary to the holding in *Levernier Constr.*, 947 F.2d 497, 503–04 (1997)); and

(d) Davis, 50 Fed. Cl. at 211 and 46 Fed. Cl. at 424–25 (declaring controlling language in *Budd*, 225 Ct. Cl. at 727 n.6, to be mere ''dicta'' and ''non-precedential,'' and either ''erroneous[]'' or ''mistaken[]''); but see *Howard*, 229 Ct. Cl. at 510 (holding that same Budd language to be legally ''dispositive'')).

(8) E.g., *Winuk*, 77 Fed. Cl. at 225 (declaring the 2001 statutes to be ''remedial laws''); *White*, 74 Fed. Cl. 773 (declaring P.L. 94–430 to be a ''remedial statute''); *LaBare*, 72 Fed. Cl. at 124 (a correct ruling, overall, but unfortunately describing P.L. 94–430 as ''remedial legislation''); *Bice*, 72 Fed. Cl. at 450 (declaring P.L. 94–430 to be a ''remedial statute''); *Groff*, 72 Fed. Cl. at 79 (declaring P.L. 94–430 to be ''remedial in nature''); *Bice*, 61 Fed. Cl. at 435 (declaring P.L. 94–430 to be a ''remedial statute''); *Davis*, 50 Fed. Cl. at 208 (describing P.L. 94–430 in remedial terms); *Demutiis*, 48 Fed. Cl. at 86 (declaring P.L. 94–430 to be ''remedial in nature''); but see *Rose*, 479 U.S. at 4 (holding the program benefit to be a legal ''gratuity'' (cf. *Lynch*, 292 U.S. 571, 577 (1934); 36 Att'y Gen. 227, 230 (1930))). No opinion of the Federal Circuit/Court of Claims describes the program as ''remedial.''

(9) *Groff*, 493 F.3d 1343 (2007) (two cases); *Amber-Messick*, 483 F.3d 1316 (2007); *Cassella*, 469 F.3d 1376 (2006); *Hawkins*, 469 F.3d 993 (2006); *Demutiis*, 291 F.3d 1373 (2002); *Yanco*, 258 F.3d 1356 (2001); *Greeley*, 50 F.3d 1009 (1995); *Chacon*, 48 F.3d 508 (1995); *Canfield*, No. 339–79 (Dec. 29, 1982); *Russell*, 231 Ct. Cl. 1022 (1982); *Melville*, 231 Ct. Cl. 776 (1982); *Howard*, 231 Ct. Cl. 507 (1981); *Smykowski*, 647 F.2d 1103 (1981); *Morrow*, 647 F.2d 1099 (1981); *Budd*, 225 Ct. Cl. 725 (1980); Harold, 634 F.2d 547 (1980). No opinion was issued in *Bice*, 227 Fed. App'x 927 (2007); *Porter*, 176 Fed. App'x 111 (2006); or *One Feather*, 132 Fed. App'x 840 (2005).

(10) Without opinion, in Bice, the Federal Circuit affirmed the Federal Claims Court judgment, which was based entirely on a misapplication of this same now-repealed regulation.

(11) In providing that the ''appeals from final decisions of the Bureau'' that it refers to specifically include those ''under any statute authorizing payment of benefits described under subpart 1'' of Pub. L. 90–351, title I, part L (i.e., the 2001 statutes), the legislation (among other things) is framed to counter the holding in *Winuk*, 77 Fed. Cl. at 220–21, that ''under the statute the [agency] is directed to expedite payment without further inquiry upon the requisite certification,'' as a result of which holding the Department was ordered by the court to accept as ''certified'' purported ''facts'' that were known not to be true, and, further, to accept such ''certification'' not as mere prima facie evidence (rebuttable by other evidence) of those purported ''facts,'' but as dispositive and binding on the Department, thus purporting to deny it its legal authority to render meaningful, substantive ''final decisions'' under those statutes.

HONORING BRADLEY NEW

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Bradley New of Gladstone, Missouri. Bradley is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active

part in the Boy Scouts of America, Troop 1354, and earning the most prestigious award of Eagle Scout.

Bradley has been very active with his troop, participating in many scout activities. Over the many years Bradley has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Bradley New for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF REPRESENTATIVE MICHAEL MCNULTY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. RANGEL. Madam Speaker, I rise today to recognize and celebrate the illustrious congressional career of a friend—a fellow New Yorker, Democrat, and member of Ways and Means—Representative MICHAEL MCNULTY, who for nearly 40 years has served his constituents in the Empire State superbly well. That four-decade-long résumé boasts posts as mayor of Green Island, New York, as a State assemblyman, and since 1988, a widely respected and beloved U.S. Congressman. He leaves us at the end of this year the same as he was when he first entered these Halls—unblemished in record and integrity, full of vigor and focus, impassioned about and preeminently concerned with the uplift of those he served.

As chairman of the Social Security Subcommittee, he maintained his unrelenting commitment to the program and the senior citizens whose livelihoods depend on it. Having worked with MIKE closely on the committee, I can vouch for his incredible work ethic and delicate parsing of the issues. The vivacity he brought to the job interwoven with his serious, reflective intellect has served the committee well—has served the country well. He is a fervent champion of working families, a man of impeccable credentials and record on those matters of import to the middle class.

On this day, his birthday, it is with honor that I join the chorus of colleagues, friends, and family who today laud his very many accomplishments. It is with cheer and celebration in our hearts that we wish MIKE well in retirement. His presence will still be felt in the next Congress: in the hearts of those he touched, on those issues he left an indelible mark, on the legacy he leaves behind for us all to emulate.

CITIZENSHIP DAY

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. HONDA. Madam Speaker, as chair of the Congressional Asian Pacific American Caucus, I rise to celebrate Citizenship Day.

Today, we celebrate our allegiance to the United States of America, a country that honors freedom, opportunity, and justice for all; whose promise of opportunity has inspired people—from around the world—throughout our history, to leave their homelands to take part in the American dream.

Citizenship Day gives us the opportunity to reflect upon our country and its dream.

From our founding and at our very core, America has always been a nation of immigrants, documented and undocumented, who have made great contributions to our Nation. They built our transcontinental railroad that injected new life and industry into the American West, and their entrepreneurship and labor spurred the economy in our early American cities.

By now, we should know that ''immigrant'' is not a dirty word. In 2006, the Boston Globe reported that immigrants started one in four venture-backed companies since 1990, and two in five in high technology. Foreign-born entrepreneurs have certainly made their mark in my district in Silicon Valley, helping to found companies including Intel, Ebay, Yahoo and Google.

Their contributions are also felt in the small business sector, as immigrants are one of the fastest-growing segments of small business owners in the U.S. Immigrant women are starting businesses at a rate 57 percent higher than native-born women. And immigrant men start businesses at a rate 71 percent higher than native-born men.

Looking toward our future with our aging workforce and our Social Security crisis, we need their contributions now more than ever. And despite this tough economy and in this tough economy, their entrepreneurial spirit is helping to keep our American dream alive.

After all, generation after generation of immigrants have taken oath to become American citizens with love of country and commitment to America's promise. The faster we embrace each generation, the faster they become integrated as new Americans, and the stronger we are as a truly united country.

That is why I introduced The Strengthening Communities through Education & Integration Act. The Act would invest in adult education programs for English-language learners, including civics programs that teach newcomers about the rights and responsibilities of citizenship. As a former principal and school teacher, I know the importance of investing in our youth. This bill would ensure that our Nation's children and schools have adequate funding and resources for vital literacy programs for English-language learners. It would assist schools with teacher recruitment for English-language learners. It would provide tax incentives for employers to offer training and ESL programs to their employees, and would support State and local initiatives in English-language and civics education.

My legislation is supported by a broad coalition of business groups, labor unions, literacy and education coalitions, immigrant advocacy organizations, Asian American and Hispanic advocates, and faith-based organizations, all who realize the importance of integrating new American communities.

In the spirit of Citizenship Day, I invite you to join me as a cosponsor of H.R. 6617.

HONORING JOSEPH RICHEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joseph Richey of Parkville, Missouri. Joseph is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1314, and earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many scout activities. Over the many years Joseph has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joseph Richey for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO BARRY GOTTEHRER, JOURNALIST, AUTHOR, NEW YORK CITY POLITICAL CRUSADER, AND FRIEND

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. EVERETT. Madam Speaker, during my four decades in journalism and politics, I've been blessed with many friends, but few have impacted me personally as much as Bronx-born journalist turned political crusader, Barry Gottehrer, who passed away in April at the age of 73.

Barry Gottehrer was what all good journalists aspire to be but few are fortunate enough to attain—a real force for change. During the racial turmoil of the mid 1960's, Barry Gottehrer combined a young reporter's burning ambition with a mission to force America's largest city to confront its darkest problems. He soon directly challenged the world he reported on, employing his skills as a gifted negotiator to unite a politically fractured city.

While at The New York Herald Tribune, Barry Gottehrer penned a powerful series of stories starkly but accurately profiling New York as a ''City in Crisis.'' According to The New York Times, his work was credited with bringing New York mayor John Lindsay to office. But that was just the beginning. Barry Gottehrer joined the Lindsay administration and reached out to dialogue with the unsavory from New York's criminal underworld to its street gangs.

Gottehrer's efforts to keep New York's disparate and sometimes warring factions from turning the city into chaos are chronicled in his 1975 book, ''The Mayor's Man.'' He summed up his work this way: '' . . . during those feverish days of the 1960s and early 1970s when hundreds of our cities went up in flames, when rebellion and disorder swept through our streets, our public schools, our college campuses . . . when the very fabric of our country seemed ready to shred, I was the Mayor's Man at the brink of this revolution—a white in

a world of black and brown, a moderate in a world of revolutionaries, trying to bring change where change seemed needed most, trying to buy time until the change would come.''

After feeling his power to affect change had reached its limit, Barry Gottehrer left New York's City Hall and went on to work in government affairs roles in New York and Washington, DC. His legacy lives on in his books and in the memory of those who marveled at his daring belief that working for good was not impossible. I was honored to have met Barry after coming to Congress and I will always be grateful for our friendship.

RECOGNIZING JEFFERY WEHR, AN ''AMERICAN STAR OF TEACHING''

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mrs. MCMORRIS RODGERS. Madam Speaker, I rise today to join with the community of Odessa, Washington in celebrating the accomplishments of Jeffrey Wehr. Today, the U.S. Department of Education is recognizing Mr. Wehr as an American Star of Teaching for his work as the science teacher at Odessa High School.

Mr. Wehr is known for being an exceptional motivator, challenging students daily to think and achieve at their highest levels. During his time as a teacher, he has increased enrollment in science courses and has inspired students to rethink how they view science. His students have also received numerous awards in science research and have dramatically improved their science scores on State assessments. It is important we have teachers like Mr. Wehr to train this country's next generation of scientists and engineers so we can remain competitive in a global marketplace.

Madam Speaker, I am so pleased to join with the U.S. Department of Education in recognizing his passion, dedication, and commitment to helping our students achieve their full potential. I commend Mr. Wehr for emphasizing the importance of receiving a science education. I invite my colleagues to join me in congratulating Mr. Wehr on this outstanding achievement.

HONORING THE LIFE AND WORK OF CONGRESSMAN JOHN SEIBERLING

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. REGULA. Mr. Speaker, I rise to express my condolences to the family and friends of Congressman John Seiberling and to pay tribute to his work here in the Congress. Congressman Seiberling passed away on August 2, 2008, at the age of 89.

John represented Ohio's 14th Congressional District, the district just north of the one I represent, from 1971 through 1987. He was an active member of the House Resources Committee and worked on a number of natural resource and environmental issues through this assignment. He cared deeply about the preservation of our national heritage and protecting the natural environment. He carried out these priorities through his work on the committee, but one effort in particular stands out as a legacy for the people of northeast Ohio.

As an innovator when it came to protecting natural resources and open space, John introduced legislation that would create a 33,000-acre national recreation area between the two population centers of Cleveland and Akron, Ohio. He asked me to serve as his partner as the Republican cosponsor of the legislation. We worked together to pass the bill, and on December 27, 1974, with President Gerald Ford's signature, the Cuyahoga Valley National Recreation Area was established.

Today, this area, now the Cuyahoga Valley National Park, is one of the most frequently visited national parks within the entire national park system and serves as a respite to the residents of the densely populated cities of Cleveland and Akron and their surrounding suburbs, as well as many national park visitors from other States.

John's innovation and vision in understanding that people thirst for open spaces in their communities brought about the Cuyahoga Valley National Park. Today it is a gift to the people of northeast Ohio and a true legacy of his work.

We are grateful for John's life and accomplishments and wish his family, especially his wife, Betty, who was his inspiring supporter, peace with his passing.

HONORING BRANDON MATSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brandon Matson of Blue Springs, Missouri. Brandon is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1058, and earning the most prestigious award of Eagle Scout.

Brandon has been very active with his troop, participating in many scout activities. Over the many years Brandon has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brandon Matson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

DEPARTMENT OF VETERANS AFFAIRS ENERGY SUSTAINABILITY ACT OF 2008

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. BUYER. Madam Speaker, today, I introduced the Department of Veterans Affairs Energy Sustainability Act of 2008, to establish within the Department of Veterans Affairs, VA, a strategic plan for energy sustainability and an Office of Energy Management. As our country looks to a new energy future, I believe it is vitally important to encourage smart energy use and take steps to become more aware of how we spend our money for our energy. The office would be under the direction of a Deputy Assistant Secretary, who would report to the Assistant Secretary for Management. The bill would also create an Energy Advisory Committee consisting of VA officials and private sector experts on energy management. Disabled veterans would also receive increased specially adaptive housing and auto grants for energy efficient systems and vehicles.

The Office of Energy Management, with the advice and recommendations of the Energy Advisory Committee, would be responsible for helping VA meet a number of specific goals such as compliance with Presidential Order 13423, VA Directive 0055, and formulating long term, sustainable energy plans for VA. The office would also establish a database to track VA's energy and water consumption. The bill would authorize the office to directly utilize the expertise of national laboratories, such as those at Lawrence Livermore and Oakridge.

Addressing our Nation's energy problem calls for multi-faceted solutions—including alternative fuels. My bill would authorize the installation of alternative fuel stations at VA facilities, and require a feasibility study regarding the installation of energy efficient and renewable energy systems in Department buildings. Such systems include solar technologies and energy efficient roof and building envelope systems that might utilize ballasted or vegetated roof systems.

In an effort to assist our Nation's veterans in their efforts to become more energy efficient, my bill would provide an additional amount of up to $10,000 for high efficiency systems for veterans who qualify for specially adaptive housing grants under section 2101 (a)(2) of title 38, United States Code. Additionally, it would provide veterans who qualify for a specially adapted auto grant, under section 3902(a) of title 38, United States Code, the additional amount necessary to purchase alternative fuel vehicles.

Finally, VA would be authorized to conduct a pilot program for the sale of air pollution emission reduction incentives, also known as emission reduction credits, and would be authorized to retain proceeds from the sales. America's veterans should benefit from the VA's efforts to produce cleaner energy.

Madam Speaker, as the cost of fossil fuels rise and resources become more scarce, our Nation must provide services for our veterans in an energy efficient manner. A sustainable energy program at VA will conserve energy and financial resources that can be used to provide care for our veterans. I encourage my colleagues to support the Department of Veterans Affairs Energy Sustainability Act of 2008.

PERSONAL EXPLANATION

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. BISHOP of New York. Madam Speaker, earlier today I was detained by a previously

scheduled commitment in my district. Due to my absence, I request unanimous consent for the record to reflect that had I been here, I would have voted in the following manner:

Rollcall vote No. 600, I would have voted "nay";

Rollcall vote No. 601, I would have voted "nay."

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mrs. MCCARTHY of New York. Madam Speaker, yesterday I was meeting with constituents off the House of Representatives campus and missed three votes. I would like the RECORD to reflect how I would have voted.

Rollcall No. 602 on suspending the rules and passing H. Res. 1335, celebrating the 120-year partnership between Government and State veterans homes, I would have voted "yea."

Rollcall No. 603 on suspending the rules and passing S. 2339, designating the Department of Veterans Affairs clinic in Alpena, Michigan, as the "Lieutenant Colonel Clement C. Van Wagoner Department of Veterans Affairs Clinic", I would have voted "yea."

Rollcall No. 604 on suspending the rules and passing H.R. 1594, designating the Department of Veterans Affairs Outpatient Clinic in Hermitage, Pennsylvania, as the Michael A. Marzano Department of Veterans Affairs Outpatient Clinic, I would have voted "yea."

GREAT LAKES LEGACY REAUTHORIZATION ACT OF 2008

SPEECH OF

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mrs. MILLER of Michigan. Madam Speaker, as we all know, the Great Lakes have suffered as a result of years of industrial pollution that entered their waters. Through the Clean Water Act and other important measures we have begun the work necessary to reverse that trend.

However, much work needs to be done. The 2007 State of the Great Lakes report recorded the status of the Great Lakes ecosystem as mixed. In other words, the ecosystem displays both good and degraded features. Stopping pollution from entering the water is one thing. Beginning the efforts to restore the ecosystem from the damage it incurred is another.

Undoing that damage will require an extensive amount of work. One of the best tools in our arsenal to achieve that goal is the Great Lakes Legacy Act. This act, which authorizes funds to clean up contaminated sediment sites in U.S. Areas of Concern (AOCs), was spearheaded by my Great Lakes State colleague, Mr. EHLERS.

The projects that are funded under this act are devoted to prevention and remediation of contaminated sediment. As a result of projects done under this act, nearly 800,000 cubic yards of contaminated sediments have been removed from AOCs. It is clear that this program has been successful and that is why it has been endorsed by numerous Great Lakes groups.

This program has been very good for the Great Lakes and we need to build on those successes to meet the challenges. While some great work has been done so far, we have only seen one spot de-listed as an Area of Concern; 31 Areas of Concern remain in the U.S. alone and 5 more are split between the U.S. and Canada. For these areas to be dealt with, it will take an incredible investment at the Federal level.

This legislation increases the authorization for this program up to $150 million annually. While I support that, I think we must also do our due diligence on the appropriations side of the ledger. Over the past few years, we seem to have settled at around the $30–35 million level, even though we are currently authorized at $50 million per year.

We also need to make sure that there is sufficient participation at the State and local level to complement Federal efforts. With the economy in Michigan being what it is, State and local governments are barely able in many cases to perform their basic functions, let alone take on ambitious restoration projects. This bill makes some improvements which will help in meeting the non-Federal requirements.

In closing, Madam Speaker, this has been a very successful program. I am glad to see that we are reauthorizing it at a higher level. I urge my colleagues to support this legislation.

HONORING SAMUEL ANDERSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Samuel Anderson of Blue Springs, Missouri. Samuel is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1696, and earning the most prestigious award of Eagle Scout.

Samuel has been very active with his troop, participating in many scout activities. Over the many years Samuel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Samuel Anderson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, on Monday, September 15, 2008, I was unavoidably detained and thus I missed rollcall votes Nos. 589 through 591. Had I been present, I would have voted in the following manner:

On rollcall vote No. 589 on H. Res. 1200, honoring the dedicated and outstanding work of military support groups across the country for their steadfast support of the members of our Armed Forces and their families, I would have voted "aye."

On rollcall vote No. 590, on H. Con. Res. 390, of which I am a cosponsor, honoring the 28th Infantry Division for serving and protecting the United States, I would have voted "aye."

On rollcall No. 591, H.R. 6889, to extend the authority of the Secretary of Education to ensure continued access to Federal student loans, for 1 year, I would have voted "aye."

IN HONOR OF THE REVEREND DR. WALTER A. JONES, SR., SENIOR PASTOR AND ORGANIZER OF THE MAJORITY BAPTIST CHURCH ST. ALBANS, NEW YORK

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. MEEKS of New York. Madam Speaker, it is with great pleasure that I rise to commemorate the retirement and service of a great man of God, a great American, a great New Yorker, a dear friend and one of my constituents, the Reverend Dr. Walter A. Jones, Sr., senior pastor and organizer of the Majority Baptist Church, in St. Albans, NY.

The Reverend Dr. Jones rose from humble beginnings to a position of honor and distinction among our Nation's Baptist ministers. As a man of the cloth, his service and commitment to his church and the community that it serves have helped to improve the quality of life and spiritual condition of the people who reside there.

The Reverend Dr. Jones is a product of his hometown primary schools in Spartansburg, SC, and is a graduate of both the Friendship College of Rock Hill, SC, and the City College of New York, and has studied psychology at York College in Jamaica, NY. Reverend Jones received his ministerial training at the New York Theological Seminary of New York City, and his initial theological education began under the guidance of his spiritual mother, the late Reverend Dr. Katherine Brazley.

The Reverend Dr. Jones is the former president of the Baptist Ministers Conference of Queens, and he is a member of the Baptist Ministers Conference of Greater New York. Additionally, Reverend Dr. Jones is a member of the Eastern Baptist Association, the Ministers Conference of Hampton University, the Empire Convention of New York State and the National Baptist Convention. The Reverend Dr. Jones is also a member of the American Baptist Churches of New York City.

The Reverend Dr. Jones is married to Mrs. Doris L. Hope-Jones and they are the proud parents of two sons and a daughter.

The Reverend Dr. Walter A. Jones, Sr., senior pastor and organizer of the Majority Baptist Church, in St. Albans, NY, has been a pillar of strength, vision and hope in the St. Albans community, and I congratulate him on his many years of service to the church and our community.

A TRIBUTE TO THE CIVILIAN CONSERVATION CORPS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mrs. EMERSON. Madam Speaker, today I am honored to join with you and recognize the 75th anniversary of one of the most successful New Deal programs initiated by President Franklin Delano Roosevelt. In the spring of 1933, while the United States was in the throes of the Great Depression, Congress and President Roosevelt created the Civilian Conservation Corps. CCC provided assistance to unemployed Americans by enrolling them in public works projects to better our Nation's infrastructure.

The diverse mission of the CCC directed its participants to conduct public works projects throughout the entire United States. This was not a hand-out, but a hand-up, earned by Americans looking for help in dire economic circumstances. The CCC had a positive result in our region by not only upgrading the infrastructure, but by providing a means where young men and women could help themselves by earning a good living and improving their communities. Nationally, the ranks of the CCC would eventually swell to over 500,000 enrollees at one time.

In southern Missouri, the CCC completed many projects. From cabins and trails at Big Spring, to a football stadium in Jackson, to sidewalks all over southern Missouri, the proof of the hard work and determination of CCC enrollees is still evident today. These projects instilled a strong work ethic into the participants of the CCC, which undoubtedly prepared this generation for the impending struggle that our Nation would face in World War II. Along with the work ethic implicit in the CCC, the program put enrollees to work in the community on basic education tasks like teaching, reading and writing to illiterate peers.

While the CCC ceased to exist after the start of World War II, the concepts and principles established by the program would be reflected in future programs like Job Corps. It is important for our Nation to reflect on the origins of the CCC and the how it has made our Nation a better place to live by bettering the lives of both the participants and our entire Nation.

40TH ANNIVERSARY OF SADDLEBACK COLLEGE

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GARY G. MILLER of California. Madam Speaker, on September 23, 2008, Saddleback College in Mission Viejo, CA will be celebrating 40 years of providing the communities across southern California with access to quality higher education. Since 1968, Saddleback College has provided access to learning opportunities that promote student success, intellectual growth, individual expression, and a dynamic and diverse environment of innovation and collegiality. I congratulate them on 40 years of success in giving students the skills they need to succeed in a dynamic economy.

The Saddleback College faculty and staff, renowned for its experience and expertise, work every day to help students succeed in beginning their bachelor's degrees and training for careers. They have given more than half million students an opportunity to explore the more than 300 academic programs and opportunities for lifelong learning through community education and emeritus classes for senior citizens.

In 1968, Governor Ronald Reagan, who spoke at the dedication of the new campus, stated, ''We are here today to dedicate something more than just another college: We are here to dedicate an institution of opportunity and fulfillment. It is the function of education to help each individual grow to the maximum extent of his capabilities, to help him fulfill his great potential—and it is our job as responsible citizens to provide that opportunity. That this community has decided to move ahead in providing this opportunity is an action which I commend—and an action which will provide great rewards for the community.''

I commend Saddleback's commitment to high educational standards, accountability, and results. I look forward to celebrating many more anniversaries with them in the years to come.

OUR NATION'S SECURITY IS IN GOOD HANDS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. WILSON of South Carolina. Madam Speaker, on September 16th, General Ray Odierno took command of Multi-National Force—Iraq. His predecessor, General David Petraeus will soon assume the role of Combatant Commander of the United States Central Command.

By any measure of success, General Petraeus' leadership of allied forces in Iraq has been extraordinary. Under his command and the surge of U.S. forces last year, the Iraqi military, its civilian leadership, and its economy have begun to turn around. Violence is down. Relative order has been restored to cities and towns across Iraq. And Al Qaeda has been dealt tremendous psychological and military setbacks.

The recent handover of Al Anbar Province to Iraqi control and the announcement from President George W. Bush that American troop levels in Iraq could be reduced in the beginning of next year are signs that our strategy is working. However, there is a difficult road ahead for the Iraqi people. I am grateful that General Odierno will be leading our forces and helping this young democracy overcome external and internal threats. Our soldiers, sailors, airmen, and Marines under his command and American families all around this Nation can be confident of General Odierno's proven record of steady and sound leadership.

Iraq is a different country today than it was just a little over a year ago. This is due to an Iraqi people who are fed up with the hopeless terrorism of militant extremists and have stood up against it. And, just as importantly, it is due to the incredible sacrifice of our troops under the command of General Petraeus. I know his wisdom and strength will serve him well and our Nation well as he assumes the command of CENTCOM.

The sacrifice of our troops on the ground in Iraq has been tremendous. The loss of life in the pursuit of a stable and secure Iraq has been difficult to bear for this Nation and, in particular, our military families. Americans should be eternally grateful for our brave troops and their families and for the freedoms and blessings they protect and defend. The best plan to protect American families and Iraqi families is to defeat terrorism overseas at the source.

HONORING CORIDEN BRYANT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Coriden Bryant of Blue Springs, Missouri. Coriden is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1306, and earning the most prestigious award of Eagle Scout.

Coriden has been very active with his troop, participating in many scout activities. Over the many years Coriden has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Coriden Bryant for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THANKS TO GIL BALDWIN FOR A JOB WELL DONE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, as Chairman of the Joint Committee on Printing, I would like to take this opportunity to recognize Mr. Ernest Gilman Baldwin, Associate Director for Program Management in the Office of the Chief Information Officer at the Government Printing Office. Gil, as he is known to his friends and colleagues, is retiring next month following 35 years of dedicated Federal service at the GPO in support of the Congress, Federal agencies, and the American public.

Beginning in the Congressional Record Index Office in 1973, Mr. Baldwin joined GPO's Superintendent of Documents organization in 1974. There he spent most of his career working with the Federal Depository Library Program (FDLP), the oldest and most respected free Government information program in the world, which makes available for public use the official publications of this House and of the Senate, as well as those of the executive and judicial branches. Mr. Baldwin rose through the ranks to become Director of Library Programs in 1998, along the way winning the respect and affection of GPO's staff and librarians in more than 1,200 depository libraries located in every State and congressional district.

While Director, Mr. Baldwin began the FDLP's transition to electronic document distribution, building a staff with an extraordinary ability to work in partnership with depository librarians and the citizens they serve. The transition to a more electronic FDLP has resulted in significantly increased public access to publications produced by the Government, extending the reach of the Federal Depository Library Program farther than at any time in its history. Mr. Baldwin managed this transition with eagerness, care, and a sense of adventure that inspired his staff and his colleagues in the library profession. In recognition of his leadership, he was honored in 2005 with the James Bennett Childs Award for lifetime contributions to the profession of Government documents librarianship, by the Government Documents Round Table of the American Library Association.

For the last 4 years, Mr. Baldwin has brought his experience and leadership to the team developing GPO's Federal Digital System (FDsys), which will bring to maturity GPO's long transition into the digital age.

Next month, Mr. Baldwin will retire from a long and distinguished career of public service. I ask my colleagues to join me in conveying our thanks and appreciation to Gil Baldwin, and our best wishes for a healthy and happy retirement.

INTRODUCTION OF THE AMERICA RESOLUTION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. CONAWAY. Madam Speaker, yesterday was Constitution Day. On that day, 221 years ago in a cramped hall in Philadelphia, 39 men signed their names to a document that would forever change the course of human events.

The United States Constitution is one of the most remarkable covenants ever authored by man. Grounded firmly in the Age of Enlightenment, the Constitution gave physical form to the radical ideas of Montesquieu, Locke, and Paine, who believed that the rights of man come from God and that legitimate governments arise from the consent of the governed. Our Founding Fathers blended these philosophies with common sense and tough compromises to create a new form of government dedicated to the ideas of liberty, the rule of law, civic responsibility, and popular sovereignty.

For over 200 years, the ideas the Founders wove through our Constitution have been considered sacred. Each Constitution Day presents us with an opportunity to pause and reflect on the extraordinary document these men drafted to provide us with a unified and stable Nation. In their wisdom, they sought to protect the rights and liberties of individuals by dividing power and authority between the States and the national government. The result is a system of shared roles designed to prevent any one element from gaining too much power.

Yet today, the document at the very foundation of our Republic is often considered only as an afterthought during our debates. Even though every Member, staffer, and officer of the House of Representatives has taken an oath to support and defend the Constitution and to bear true faith and allegiance to it, too often we ignore its many constraints on our authority in the name of political expediency.

It is essential that we never forget the guiding principles established in our Constitution and that is why yesterday I introduced the AMERICA Resolution, A Modest Effort to Read and Instill the Constitution Again.

The AMERICA resolution requires all staff and officers of the House to read the Constitution once a year and encourages all Members of Congress to do the same. Just as we require Members and staff to know how to act ethically, we should require Members and staff to know how to act constitutionally.

It is my hope that this small yearly effort will renew and deepen our appreciation for the genius of the Constitution and the divisions and constraints on power contained within it. The AMERICA Resolution is meant to remind lawmakers, and our staff that advises us, to stay within our country's founding framework as we conduct legislative business.

Today I call on all Members of Congress to join me and rededicate ourselves to our founding principles of limited, constrained governance as enshrined in our Constitution. By studying our founding document, we will continue the legacy of these great men and their groundbreaking ideas, as well as develop the habits of citizenship that keep the Constitution alive and relevant for a new generation of Americans.

I urge you all to join me and support the AMERICA Resolution.

TRIBUTE TO RAYMOND E. DAY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. MOORE of Kansas. Madam Speaker, I rise to honor the service and sacrifice of an honorable and proud American, Mr. Raymond E. Day. Mr. Day is an 84-year-old World War II veteran living in Kansas City, Missouri. In February 1945 Mr. Day was assigned to the 155th Machine Gunner's Battalion, 5th Marine Division during the assault on the island of Iwo Jima, as part of Operation Detachment.

The mission of Operation Detachment was to secure two strategic airfields, located on the well-defended and heavily fortified island. On February 23, just 4 days after arriving on Iwo Jima, Mr. Day's machine gun position took nearly a direct hit, knocking his gunner's mate, Irra Arrington, unconscious, and rendering the gun inoperable.

After successfully reviving Irra, the pair continued the fight, destroying several nearby enemy positions. The pair often dodged obstacles such as barbed wire and land mines and repeatedly came under relentless attack from Japanese small arms fire, mortar fire, and artillery barrages. Again, just a few short hours later, both men were injured when an enemy artillery round destroyed their position. Mr. Day was wounded by shrapnel in the hip and left leg.

Both men were evacuated to a nearby merchant marine vessel, treated for their wounds and returned to duty on the island. Mr. Day continued to fight, despite his wounds, risking death or permanent injury because that was his job, to keep the battlefront moving forward as American forces moved to secure the island.

Earlier this year, I was contacted by my constituent, Norman Polsky, with a request for assistance to obtain the Purple Heart medal for his friend, Raymond Day. After researching medical records, reviewing morning reports, I have learned that Raymond Day's files were destroyed during the 1973 fire at the National Personnel Records Center. There exists no record of Mr. Day's injuries or treatment for the wounds he sustained in action either in his medical records file or in existing morning reports.

It is a shame that Mr. Day is still without the Purple Heart Medal, despite the fact that the he bears the scars from the residuals of shrapnel embedded in his leg and hip, not to mention the painful memories that America's warriors guard so closely for a lifetime.

It is for these reasons that I ask my colleagues to join me in honoring Mr. Raymond E. Day. Without the service and sacrifice of Mr. Day, and the men and women of the ''greatest generation,'' our Nation would not be as resilient and flourishing as it is today. By continuing his mission, despite being wounded, Mr. Day lends great credit to himself, the 5th Marine Division, and the United States of America.

HONORING THE LIFE OF ERBY WALKER

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. LEWIS of Georgia. Madam Speaker, I rise today to pay tribute to one of Atlanta's greatest icons. A humble man who loved his job and worked hard to be the best he could be, Erby Walker became one of downtown Atlanta's most beloved figures. Presidents, celebrities, athletes and Atlantans alike came to know Erby Walker as the heart and soul of the Varsity, Atlanta's most famous drive-in diner and a downtown landmark.

Erby Walker started his career at the Varsity in 1952 sweeping up after customers at the tender age of 15.

Back then the diner was segregated—whites worked the counter, blacks worked in the back—but in 1964 the diner was integrated and Erby Walker was promoted to the counter, the first black man to work there. And work he did. He worked so hard that the owners of the Varsity sent Erby and his family to Disney World, all expenses paid—twice. He received awards, honors and recognitions—he was even inducted into the Atlanta Convention and Visitors Bureau Hospitality Hall of Fame.

It was Erby who first asked, ''What'll ya have?''—a question still asked today when customers approach the counter and just one of the many phrases Erby coined as he shaped the Varsity into a place as famous for its unique vernacular as for its food.

Over the years, I have brought many friends to the Varsity. When I brought former President Clinton, Erby greeted him warmly, saying, ''What'll ya have, Mr. President?''

Erby Walker loved his job; he loved the Varsity and, most of all, he loved Atlanta and the thousands of customers she brought to his

counter every day. Madam Speaker, Erby Walker was an Atlanta icon and his service to his community must not be forgotten.

HONORING READE MONTGOMERY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Reade Montgomery of Blue Springs, Missouri. Reade is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1058, and earning the most prestigious award of Eagle Scout.

Reade has been very active with his troop, participating in many scout activities. Over the many years Reade has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Reade Montgomery for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE PRAIRIE ROSE CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION SALUTES CONSTITUTION WEEK

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. MOORE of Kansas. Madam Speaker, the week of September 17–23 has been officially designated as Constitution Week. This marks the 221st anniversary of the signing of our Constitution.

The guardian of our liberties, our Constitution established our republic as a self-governing Nation dedicated to rule by law. This document is the cornerstone of our freedom. It was written to protect every American from the abuse of power by government. Without that restraint, our founders believed the republic would perish.

The ideals upon which our Constitution is based are reinforced each day by the success of our political system to which it gave birth. The success of our way of government requires an enlightened citizenry.

Constitution week provides an opportunity for all Americans to recall the achievements of our founders, the nature of limited government, and the rights, privileges and responsibilities of citizenship. It provides us the opportunity to be better informed about our rights, freedoms and duties as citizens.

Madam Speaker, at this time I particularly want to take note of the outstanding work of the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution, which is actively involved in the Third Congressional District in events this week commemorating Constitution Week. The Prairie Rose Chapter has been involved with this effort in our communities for a number of years and I commend them for doing so.

Our Constitution has served us well for over 200 years, but it will continue as a strong, vibrant, and vital foundation for freedom only so long as the American people remain dedicated to the basic principles on which it rests. Thus, as the United States continues into its third century of constitutional democracy, let us renew our commitment to, in the words of our Constitution's preamble: ''form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity. . . .'' I know that the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution joins with me in urging all Americans to renew their commitment to, and understanding of, our Constitution, particularly during our current time of crisis, when Americans are fighting overseas to defend our liberties here at home.

HONORING BRANDON MESSINA

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brandon Messina of Blue Springs, Missouri. Brandon is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1175, and earning the most prestigious award of Eagle Scout.

Brandon has been very active with his troop, participating in many scout activities. Over the many years Brandon has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brandon Messina for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING 75 YEARS OF EFFECTIVE STATE-BASED ALCOHOL REGULATION

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. STUPAK. Mr. Speaker, I rise in support of H. Con. Res. 415, which would celebrate 75 years of effective state-based alcohol regulation since the repeal of Prohibition.

On May 5, 2008, I introduced H. Con. Res. 341 with the gentleman from North Carolina, Mr. COBLE, to recognize the 75th anniversary of the repeal of Prohibition and to commemorate the effective state-based regulation of alcohol.

This legislation has 98 cosponsors.

In order to bring the resolution to the floor today, Mr. COBLE and I re-introduced it as H. Con. Res. 415.

I thank the gentleman from North Carolina for working with me on this important resolution.

In 1919, the 18th amendment prohibited ''the manufacture, sale or transportation of intoxicating liquors.''

During Prohibition, the United States experienced a dramatic increase in illegal activity including unsafe black market alcohol production, a growth in organized crime, and increasing noncompliance with alcohol laws.

It was not uncommon for consumers to fall victim to counterfeit or tainted alcohol, with disastrous results including blindness or brain damage.

For example, the patent medicine Jamaica ginger, or ''Jake,'' was often consumed by those desiring to circumvent the ban on alcohol. In response, the Treasury Department mandated changes in the formula to make it undrinkable.

In an attempt to fool government testing, unscrupulous vendors would sometimes adulterate their Jake with an industrial plasticizer. As a result, tens of thousands of victims suffered paralysis of their feet and hands—usually, this paralysis was permanent.

Other amateur distillers used old automobile radiators to distill liquor, and the resulting product was dangerously high in lead salts—which usually led to fatal lead poisoning.

On December 5, 1933, the United States ratified the 21st amendment, repealing Prohibition and restoring the control of alcohol regulation to the States.

For 75 years, this regulatory system has allowed each state to adopt individual laws that fit the beliefs of the residents of each State.

State lawmakers, regulators, law enforcement officers, and public health officials in each State have developed and implemented effective policies that have protected consumers and encouraged safe and responsible consumption.

While the United States now enjoys the safest and most responsible alcohol distribution network in the world, cases of tainted or counterfeit alcohol continue to occur across the globe.

Just yesterday in the United Kingdom, a police raid found 1,100 bottles of fake vodka that may blind consumers, many using the SPAR Imperial label.

British officials believe it is likely that more of the vodka is on the market. Small shops and stores in particular have been told to be on the lookout.

The potential for counterfeit alcohol and unscrupulous vendors remains a threat throughout the world today, and presents a real danger to consumers.

The state-based system for regulating alcohol in the United States has served as one of the safest and most responsible systems for protecting consumers from tainted or counterfeit alcohol.

I think it is fitting to salute the State lawmakers, regulators, law enforcement officers, and public health officials that have made this regulatory system successful.

I'd like to thank the Judiciary Committee, specifically Chairman JOHN CONYERS and Ranking Member LAMAR SMITH, for their support in allowing us to consider this resolution today.

I urge my colleagues to join me in recognizing the 75th anniversary of the repeal of Prohibition, and in commemorating the effective state-based system of alcohol regulation.

Vote ''yes'' on this important resolution.

VETERAN VOTING SUPPORT ACT

SPEECH OF

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of H.R. 6625, the Veteran Voting Support Act. I want to thank my colleague, Chairman BRADY, for sponsoring this important legislation.

We have a special duty to make it easier, not harder, for all our citizens to participate in this great democracy. I was utterly appalled to learn that earlier this year, the Department of Veterans Affairs was blocking non-partisan voter registration organizations from its facilities.

Congressional and public outrage forced the VA to revise its policy. However, their ''new'' directive still falls short of providing the voting assistance our veterans deserve. This is simply unacceptable. H.R. 6625 requires the VA to actively offer voter registration and assistance opportunities to our veterans.

Every day our soldiers risk life and limb to protect our liberties and defend our freedoms. When they come home, we owe them the most sacred of freedoms—the right to vote. We must do everything in our power to help them register and participate in this historic election.

HONORING JAMES BLEDSOE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize James Bledsoe of Blue Springs, Missouri. James is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1763, and earning the most prestigious award of Eagle Scout.

James has been very active with his troop, participating in many scout activities. Over the many years James has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending James Bledsoe for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ADA AMENDMENTS ACT OF 2008

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 2008

Mr. GEORGE MILLER of California. Madam Speaker, I rise today in strong support of final passage of S. 3406, the ADA Amendments Act of 2008.

Since 1990, the Americans with Disabilities Act has provided protection from discrimination for millions of productive, hard-working Americans so that they may fully participate in our Nation's schools, communities and workplaces.

Among other rights, the law guaranteed that workers with disabilities would be judged on their merits and not on an employer's prejudice.

But since the ADA's enactment, several Supreme Court rulings have dramatically reduced the number of individuals with disabilities who are protected from discrimination under the law.

Workers like Carey McClure, an electrician with muscular dystrophy who testified before our committee in January, have been determined by an employer be ''too disabled'' to do a job, yet courts have said that these individuals are not disabled enough. This is the terrible ''catch-22'' that Congress will change with passage of this bill.

S. 3406, like H.R. 3195 passed in June, remedies this situation in several ways by reversing flawed court decisions to restore the original congressional intent of the ADA. Workers with disabilities who have been discriminated against will no longer be denied their civil rights as a result of these erroneous court decisions.

We expect that individuals will find it much easier to meet the determination of disability under the amended ADA.

In order to achieve the remedial purpose of the ADA as a civil rights law, S. 3406 re-establishes the scope of protection to be generous and inclusive. The bill returns the proper emphasis to whether discrimination occurred rather than on whether an individual's impairment qualifies as a disability.

S. 3406 ensures that individuals who reduce the impact of their impairments through means such as hearing aids, medications, or learned behavioral modifications will be considered in their unmitigated state.

For people with epilepsy, or diabetes, or other conditions who have successfully managed a disability, this means the end of the ''catch-22'' that Carey McClure and so many others have encountered when seeking justice.

For our returning war veterans with disabilities, S. 3406 will ensure their transition back to civilian life will not include another battle here at home—a battle against discrimination on the basis of disability.

And students with physical or mental impairments will have access to the accommodations and modifications they need to successfully pursue an education.

Much of the language contained in S. 3406 is identical to the House-passed H.R. 3195. This includes provisions concerning mitigating measures, episodic conditions, major life activities, treatment of claims under the ''regarded as'' prong, regulatory authority for the definition of disability, and the conforming amendments to Section 504 of the Rehabilitation Act.

In the House Committee Reports on H.R. 3195, we clarify that an individual who is ''regarded as having such an impairment'' under the third prong of the definition is not subject to the functional test (i.e., required to establish that the perceived or actual impairment substantially limits a major life activity) set forth in the first prong. Thus, an individual with an actual or perceived impairment who is disqualified from a job, program, or service and alleges that the adverse action was based upon his or her impairment is covered by the ADA as a member of the protected class, and therefore entitled to bring a claim.

In clarifying the scope of protection under the third prong of the definition, we also established that reasonable accommodations or modifications do not need to be provided for those individuals who qualify for coverage only because they have been ''regarded as'' having a disability. We are confident, as is the Senate, that individuals who need accommodations or modifications will receive them because those individuals will now qualify for coverage under the first or second prongs (under the less demanding interpretation of ''substantial limitation'') when accommodations or modifications are still required. Our clarification regarding the provision of modifications here does not shield qualification standards, tests, or other selection criteria from challenge by an individual who is disqualified based on such standard, test, or criteria. As is currently required under the ADA, any standard, test, or other selection criteria that results in disqualification of an individual because of an impairment can be challenged by that individual and must be shown to be job-related and consistent with business necessity or necessary for the program or service in question.

Other small differences in the findings and purposes in S. 3406, as well as the rule of construction related to the broad coverage of the act, correspond to similar language in H.R. 3195 and support the objectives as described in the House Committee Education and Labor Report.

As such, our committee report continues to reflect the intent of the legislation and should be regarded as a valid interpretation, with one exception—the definition of ''materially restricts.''

This difference between the two bills resides in the attempt to correct the current interpretation of ''substantially limits.''

The EEOC regulations define the term ''substantially limits'' as ''unable to perform'' or ''significantly restricted.'' In the Toyota case (Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002)), the Supreme Court interpreted ''substantially limits'' to mean ''prevents or severely restricts.''

Both the House and the Senate clearly expect the courts and the agencies to apply a less demanding standard when interpreting ''substantially limits,'' even though the two chambers took divergent, but not inconsistent, approaches.

S. 3406 rejects both of these definitions as too demanding and too narrow, and directs the courts and the agencies to interpret the term ''substantially limits'' consistently with the findings and purposes of the ADA Amendments Act.

H.R. 3195 defines ''substantially limits'' to mean ''materially restricts.'' While the committee believed inclusion of this language would send a strong signal that ''while the limitation imposed by an impairment must be important, it need not rise to the level of severely restricting or significantly restricting the ability to perform a major life activity'' (House Committee on Education and Labor Report 110–730 part 1, at 9), our colleagues in the Senate disagreed.

In his statement, Senator KENNEDY notes that the term ''materially restricts,'' and the House committee report's references to a

spectrum or range of severity ''set an inappropriately high standard for the determination of whether an individual is substantially limited in a major life activity and pose the risk of confusing the threshold determination of who is covered by the act.'' (154 Cong. Rec. S8355 (daily ed September 11, 2008)). This was certainly not our intention.

We also agree with the Senate managers that ''such terms encourage the courts to engage in an inappropriate level of scrutiny as to the severity of an impairment when determining whether an individual has a disability.'' (Senate Statement of Managers to Accompany S. 3406, Endnote 14.) We intend that the ADA Amendments will have the opposite effect, by reducing the depth of analysis related to the severity of the limitation of the impairment and returning the focus to the question of discrimination.

S. 3406 also includes a restatement of current law related to fundamental alterations in order to assure institutions of higher education that the ADA Amendments Act does not change the principle that entities need not make modifications to policies, practices or procedures that would fundamentally alter the nature of programs or services, as is true under current law.

For example, a university would not be expected to eliminate academic requirements essential to the instruction being pursued by a student, although the school may be required to make modifications in order to enable students with disabilities to meet those academic requirements. Current regulations provide that ''Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.'' (Senate Statement of Managers to Accompany S. 3406, Endnote 14)

Educational, testing, certification and licensing entities covered by the ADA also maintain discretion to establish appropriate and reasonable documentation requirements related to the determination of disability, as is true under current law. In June 2008, the Department of Justice offered that ''a testing entity should accept without further inquiry documentation provided by a qualified professional who has made an individualized assessment of the applicant. Appropriate documentation may include a letter from a qualified professional or evidence of a prior diagnosis, accommodation, or classification, such as eligibility for a special education program.'' (Examinations and Courses, 73 Federal Register 34539 (June 17, 2008))

Once an individual has established that he or she experiences (or has a record of) a physical or mental impairment that substantially limits a major life activity, such individual is entitled to reasonable and appropriate modifications in policies, practices or procedures so long as the modifications in question do not fundamentally alter the nature of the program or service.

We expect that the less demanding standard applied to the definition of disability will allow students and licensure candidates with documented disabilities to more readily access appropriate accommodations on examinations when needed.

Last, we must remember that the ADA definition of disability applies also to our public elementary and secondary schools. We believe that most schools currently operate in a manner consistent with the original congressional intent of Section 504 of the Rehabilitation Act and the ADA and should be minimally affected by the change in definition. We do not anticipate a need for extensive changes to the current regulations and published guidance provided by the Office of Civil Rights at the Department of Education.

This legislation has broad support: Democrats and Republicans, employers, civil rights groups, and advocates for individuals with disabilities. I'm pleased we were able to work together to get to this point.

In particular, I would like to thank the members of the Employer and Disability Alliance, including the Leadership Conference on Civil Rights, the Epilepsy Foundation, the American Association of People with Disabilities, the Bazelon Center for Mental Health Law, the U.S. Chamber of Commerce, HR Policy Association, the National Association of Manufacturers, and the Society for Human Resource Management for their hard work and long hours of negotiation with each other and with our staff.

Of course, much credit is due to Majority Leader HOYER and Congressman SENSENBRENNER for their leadership and tenacity in the House; and Senator HARKIN, Senator KENNEDY and Senator HATCH for their skill in moving this legislation through the Senate with unanimous support.

It is time to restore the original intent of the ADA and ensure that the tens of millions of Americans with disabilities who want to work, attend school, and fully participate in our communities will have the chance to do so.

I look forward to passage of this legislation.

HONORING CHRISTOPHER SAVING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher Saving of Parkville, Missouri. Christopher is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1395, and earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many scout activities. Over the many years Christopher has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Christopher Saving for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. BARTLETT of Maryland. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 6599, FY 09 Military Construction and Veterans Affairs Appropriations.

Bill Number: H.R. 6599.

Account: Air National Guard/United States Air Force.

Legal Name of Requesting Entity: Air National Guard/A7 Programming Division.

Address of Requesting Entity: Maryland Air National Guard, Martin State Airport, Baltimore, Maryland.

Description of Request: Provide an earmark asking for $6,300,000 which was appropriated $7,900,000 to replace fire station and ASE facilities at Martin State Airport, Baltimore, MD. The fire station must be located such that it can support crash and fire rescue mission generated by flying operations and by the joint use agreement between the Air National Guard and Maryland Aviation Authority. The 175th Wing of the Air National Guard requires an adequately sized and properly operating fire station. Currently the base fire station is less than 50 percent of authorized use. This funding would provide construction for 21,100 square foot fire station complete with concrete foundation and floor slab, steel frame masonry walls with standing seam insulated metal roof or ''green'' roof, as well as, interior mechanical, electrical, and fire protection systems.

HONORING THE SERVICE OF LT. RICHARD W. BOYD

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor a dedicated public servant in Chester County, Pennsylvania, who is retiring after 28 years of loyal and dedicated service to the residents and businesses of East Whiteland Township.

Lt. Richard W. Boyd joined the East Whiteland Police Department as a patrol officer in 1980, rising through the ranks to become a lieutenant in November 2002.

The lifelong Chester County resident also worked as an officer in West Grove and Kennett Square in the 1970's. Described by colleagues as a ''straight arrow'', Lt. Boyd earned the respect of fellow officers with his commitment to protecting the community and a no-nonsense approach to public service each day he has pinned on a badge. His steadfast professionalism and compassion for others are hallmarks of his nearly three decades of service.

Lt. Boyd's career and accomplishments will be celebrated on Friday, September 19, 2008 during a dinner at the Downingtown Country Club.

Madam Speaker, I ask that my colleagues join me today in praising the outstanding service and dedication of Lt. Richard W. Boyd, and all those who take an oath to serve and protect their communities.

COMPREHENSIVE AMERICAN ENERGY SECURITY AND CONSUMER PROTECTION ACT

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

Mr. TIAHRT. Mr. Speaker, the American people have been speaking for months about the need to increase our domestic energy production. Never has the political will been so strong for the opening up of our domestic resources both on- and offshore. But, this Democrat-controlled Congress is not heeding the voice of its constituents and has failed them by bringing H.R. 6899 to the floor today.

Our Nation is currently facing one of the most significant energy challenges in its history. We are not producing enough energy to provide for our growing economy. This bill inadequately addresses this challenge because it keeps 88 percent of our known resources in the Outer Continental Shelf, OCS, off limits to new domestic energy exploration. If Congress is serious about energy independence and lowering the cost of fuel, this isn't the bill. America deserves a comprehensive, bipartisan energy bill that opens up our domestic resources, incentivizes the discovery of renewable technologies and encourages conservation. This is the policy that will lead America into energy independence in the long-term and bring down the price of gas in the short-term.

Before I get into why this bill fails our constituents, I want to point out a provision I do support. I was pleased the provision that makes it a Federal crime for oil companies with Federal leases to provide gifts to Government employees was inserted in this bill. I am deeply disappointed in recent revelations about improper activities between Federal employees and oil company representatives. And I support actions that would help prevent such improper activities from happening again. However, this bill fails miserably to incentivize the discovery of new technologies and domestic energy sources.

Why does this bill fail our constituents? The Democrat-controlled Congress hastily put together this 290-page bill in the dark of night and brought it to the floor the very next morning. At 9:45 p.m. on September 15, 2008, H.R. 6899 was introduced. At 10 a.m., H.R. 6899 was brought to the House floor without any amendments and no committee input. This is not the process envisioned by our founders. Actually, when the Republicans held the majority in 2005, they allowed 23 Democrat amendments to be offered to the energy bill, H.R. 6. This bill fails our constituents because this leadership has shut out the voice of 48 percent of our constituents by not allowing any Republican amendments.

The bill opens with the words, ''Prohibition on Leasing.'' The Democrat's energy solution for the American people is a prohibition on leasing and limited new energy production that will help us achieve energy freedom. This bill will produce little if any new oil and gas since it locks up, by law, the first 50 miles of our coasts—on the Pacific coast that is over 97 percent of our known resources. Overall, 88 percent of all known resources offshore remain permanently locked under this bill. Instead of producing more American energy with American workers, the Democrats would rather rely on foreign nations to produce our oil and natural gas. This is economically and environmentally irresponsible.

In the 50–100 miles beyond the Atlantic and Pacific shores, the adjacent state must approve any lease. But what makes this provision even more unlikely to produce any new energy offshore is the fact that the bill does not share any of the royalties with adjacent states. Thus, it effectively removes any incentive for states to ''opt in'' while changing current policy on state revenue sharing.

Why is this bill failing our constituents? Our country holds the largest supply of clean coal in the world. But this bill does nothing to promote clean coal and coal to liquid technologies.

Why does this bill fail our constituents? Americans face a significant increase in our electricity rates in the coming months. This bill does nothing to increase our capacity; in fact, this bill imposes a new 15 percent renewable energy requirement on utilities. This bill fails our constituents because these new renewable energy requirements will be passed along to them in the form of higher monthly utility bills.

The American people deserve a rational, transparent debate about developing domestic energy resources. Congress should pass a bipartisan energy plan that includes conservation, production, and innovation to help America become energy independent. We desperately need energy freedom in America.

Why does this bill fail our constituents? This bill fails our constituents because it doesn't bring us any closer to energy independence. Instead of introducing a bill in the dark of night, this Democrat majority should bring up a bipartisan bill that has been vetted by both sides of the aisle. The Speaker has an abundance of legislative options that address our short-term and long-term energy needs. But she refuses to allow a full debate and vote on a comprehensive plan.

For instance, a bipartisan bill, H.R. 6709, the National Conservation, Environment and Energy Independence Act, has been introduced by Representative ABERCROMBIE (D–HI) and JOHN PETERSON (R–PA). I am a cosponsor of this bill. One of the principal areas of this legislation is production—the exploration for and extraction of oil and natural gas in places such as the Outer Continental Shelf. There's also a call to establish conservation and environmental reserve funds that will help to preserve and to maintain wildlife refuges and public parks and to develop alternative energy, including solar, wind, and biofuels. The production of oil and natural gas from within U.S. borders will serve as a bridge to the Nation's ''alternative energy future'' and will see to it that the royalties from the leasing and sale of that oil and natural gas go to alternative energy, environmental, and conservation projects.

A second option is H.R. 6566, the American Energy Act, of which I am also a cosponsor. The American Energy Act is an ''all of the above'' energy strategy that will increase the supply of American-made energy in environmentally sound ways. It will accomplish this by opening energy-rich deep ocean resources, Arctic coastal plain, and Inter-Mountain West oil shale resources for more environmentally safe oil and gas exploration. This bill will also improve energy conservation and efficiency by providing tax incentives for businesses and families that improve their energy efficiency. This legislation focuses heavily on the promotion of alternative and renewable energy technologies through spurring the development of alternative fuels by permanently extending the tax credit for alternative energy production, including wind, solar and hydrogen and promoting coal-to-liquids technology.

These are the policies that will lead America into energy independence. While I cannot support this bill today, if H.R. 6709, the bipartisan energy bill were to be brought to the House floor, I would vote ''yes.'' If H.R. 6566, an ''all of the above'' energy bill were brought to the House floor, I would vote ''yes.'' It is my hope that these bills will be brought to the floor of the House of Representatives before the 110th Congress adjourns. These are the bills that actually address and allow America to explore our own domestic resources and build a bridge to our future energy sources.

HONORING THE CAREER OF CHIEF JAMES J. MULLANE, JR.

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GERLACH. Madam Speaker, I rise today to congratulate retired Norristown Fire Department Chief James ''Jim'' J. Mullane, Jr., on his selection as president of the Firemen's Association of Pennsylvania. Jim's distinguished career as a firefighter started in April 1972 when he joined the Hancock Fire Company. He became assistant chief for the Norristown Fire Department in 1983 and served as chief from 1992 to 1993.

Jim also served as charter member and captain of the Norristown Dive Rescue Unit. In addition to protecting the community as a firefighter, Jim also was actively involved in the civic life of Norristown. He has been a member of the Norristown Zoning Hearing Board for the last 8 years and has held the post of chairman of that panel.

The members of the Firemen's Association of Pennsylvania have benefited from Jim's outstanding leadership and keen insight on emergency services issues since 1974. He has held the posts of southeast director, eastern vice president, senior vice president and chairman of an ad hoc committee instrumental in establishing Pennsylvania's Fire and Emergency Services Institute. The institute is a valuable tool for keeping fire departments and other first responders informed about grant opportunities and important State legislation.

Jim will be installed as association president on Friday, September 26, 2008, during the group's 129th convention in Gettysburg, Pennsylvania.

Madam Speaker, I ask my colleagues to join me in recognizing James J. Mullane, Jr., for attaining this well-deserved leadership post and for commitment and work on behalf of all firefighters who bravely put their lives on the line to protect residents and property each day.

CELEBRATING THE 221ST ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 1356, Celebrating the 221st anniversary of the signing of the Constitution of the United States of America and honoring the efforts of the 42 delegates who attended the majority of the Constitutional Convention meetings and the 39 signers, introduced by my distinguished colleague Representative GARRETT. This legislation acknowledges the significance of the ideals established by the Constitution, including the principle of a limited federal government with a system of checks and balances, and recognizes the Constitution as the source responsible for our nation's ability to withstand calamity and preserve stability.

Don't interfere with anything in the Constitution. That must be maintained, for it is the only safeguard of our liberties.—Abraham Lincoln

BACKGROUND

The members of the Constitutional Convention signed the United States Constitution on September 17, 1787 in Philadelphia, Pennsylvania. The Constitutional Convention convened in response to dissatisfaction with the Articles of Confederation and the need for a strong centralized government. After 4 months of secret debate and many compromises, the proposed Constitution was submitted to the States for approval. Although the vote was close in some States, the Constitution was eventually ratified and the new Federal government came into existence in 1789. The Constitution established the U.S. government as it exists today.

The Constitution represents the founding of our government as we know it today. For 221 years, the United States has fought to maintain a democracy that equally represents everyone that resides within the boundaries our Nation. Without this sacred document, the rules that govern our Nation would be obsolete. The concrete separation that ensures the stability of our government and thus, our Nation is due to the Constitution Convention that we recognize today.

TEXAS

Texas became a member of this great Nation in 1845. Since that moment, Texas has been proud to be a member of such a great Nation like the United States, and as a Representative for the 18th district of Texas I am proud to represent my constituents within the Legislative Branch of this government. It takes the help of every branch of governments at a number of different levels to accomplish all the things our government is capable of, and today, I am proud to be a Representative of Texas and the United States. It is a privilege to represent the people of my State and my district in Washington, DC.

CONCLUSION

I believe we must pass this resolution to demonstrate how proud we are to celebrate the success of our founding fathers and to acknowledge those who put our system of government on paper allowing the United States to become such a renowned Nation. This resolution encourages us to remember those intelligent men who put their hearts and souls into developing a system give equality and representation to all people, and as we stand together now, after 221 years, must recognize their important part in developing the Constitution that governs our great Nation today.

HONORING THE CENTENNIAL ANNIVERSARY OF BALA #1

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor Boy Scout Troop Bala #1 as they celebrate their Centennial Anniversary.

Bala #1 is based in Bala Cynwd, Montgomery County, Pennsylvania. The Troop is recognized as the first organized, oldest and continuously operating Boy Scout Troop in the United States, according to the Lower Merion Historical Society.

Founded in 1908, the Troop has enriched the lives of boys and young men through activities geared toward building character, developing leadership skills and instilling a commitment to serving others.

During the past 100 years, Scout leaders have mentored and trained more than 1,000 Scouts, including several Eagle Scouts and the first All-Eagle Scout Patrol in the United States.

The Troop owes much of its success during the past century to dedicated volunteers and Troop alumni such as Scoutmaster Bill Sawyer and Committee Chairman Al Vitiello, who graciously commit countless hours and endless effort to the organization.

Madam Speaker, I ask that my colleagues join me today in congratulating Boy Scout Troop Bala #1 on reaching a very special milestone and offering best wishes for continued success in mentoring generations of local youth and building a stronger community and nation.

THE DAILY 45: DENVER DAD KILLS AUTISTIC SON

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States. This year, on September 11, while the Nation memorialized more than 3,200 men, women, and children killed by terrorists; in the Denver town of Grand Junction, another child's life was senselessly taken, in part, because of the easy access to a gun.

Last Thursday night, while 13-year-old Jacob Grabe was sleeping, police report that his father, Allen Grabe, held a loaded gun to his son's face and discharged several rounds into his head, killing him instantly. Jacob was described by his mother as having a mild form of the neurological disorder similar to autism called Asperger's syndrome. Jacob's mother told police that her husband described his action this way, ''I had to kill him because you were ruining him.'' My heart goes out to Mrs. Grabe and this community on this tragic loss.

Americans of conscious must come together to stop the senseless death of ''The Daily 45.'' When will we say ''enough is enough, stop the killing!''

HONORING MOSES-LUDINGTON HOSPITAL

HON. KIRSTEN E. GILLIBRAND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mrs. GILLIBRAND. Madam Speaker, I rise today to honor the 100th anniversary of Moses-Ludington Hospital in Ticonderoga, New York. The hospital was founded in 1908 by Horace Moses, a businessman and Ticonderoga native, to provide medical care to the people of Ticonderoga and its surrounding area. The hospital began with 15 beds and has since grown to encompass a 24 hour emergency room, outpatient surgery, radiology, and dental services. It has the distinction of being the most remote Critical Access Hospital in New York State, providing valuable life-saving treatment to many of my rural constituents in Essex, Warren, and Hamilton Counties.

Although it remains a small rural hospital, Moses-Ludington Hospital employs 300 upstate New Yorkers and houses specialists in Cardiology, Dermatology, EMG testing, Hematology, Neurology, Oncology, Orthopedic Surgery, Orthopedics, Otolaryngology, Plastic Surgery, Podiatry, Sleep Apnea, and Sports Medicine. In addition, Moses-Ludington provides long-term and temporary rehabilitative care through Heritage Commons Residential Healthcare, housing for seniors and persons with disabilities who qualify for Federal housing assistance through Lord Howe Estates, and adult care through the Moses-Ludington Adult Care facility.

In conclusion, Madam Speaker, I offer my congratulations on behalf of the people of New York's 20th Congressional District to the entire Moses-Ludington community on this milestone. I wish them continued success as they work to provide high quality healthcare to the rural communities of upstate New York.

NATIONAL CAPITAL SECURITY AND SAFETY ACT

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 2008

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 6842) to require the District of Columbia to revise its laws regarding the use and possession of firearms as necessary to comply with the requirements of the decision of the Supreme Court in the case of District of Columbia v. Heller, in a manner that protects the security interests of the Federal Government and the people who work in, reside in, or visit the District of Columbia and does not undermine

the efforts of law enforcement, homeland security, and military officials to protect the Nation's Capital from crime and terrorism:

Mrs. MALONEY of New York. Mr. Chairman, I rise in strong support of H.R. 6842, the National Capital Security and Safety Act and in opposition of the Childers substitute. H.R. 6842 is a commonsense bill that requires the District of Columbia to revise its gun laws in order to comply with the recent decision of the Supreme Court in the case of District Columbia v. Heller within 6 months and does not violate Home Rule and the self governance of the District of Columbia.

Over 30 years ago, the District banned the ownership of handguns, making it among the stiffest bans in the Nation. Like many large metropolitan areas, gun violence contributes to the high crime rates in the District, but the ban has helped to reduce homicide rates. Instead of working to increase the number of guns in the District, we should be helping to stem the availability of these weapons and protecting District residents and visitors from the threat of violence. This Congress should not be dictating to the District of Columbia the laws that govern them when their own elected delegate does not even have the right to vote on her own bill or its substitute.

The Childers substitute is dangerous. It both ignores the will of District residents and puts more guns on the street of our Nation's Capital. The Childers substitute repeals a ban on semi-automatic weapons and removes the ban on carrying these weapons in public, prohibits registration requirements for most guns, and drops criminal penalties for possessing an unregistered firearm.

Mr. Chairman, Congress must not strip the District of its power to regulate guns. We must not be reckless when it comes to protecting the citizens of D.C., our highest elected officials, and visitors to our Nation's Capital. I urge a vote in favor of the Norton bill and strongly urge a ''no'' vote on the Childers substitute which severely puts the safety of the District at risk.

TRIBUTE TO DAN CAMBRIDGE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to honor Dan Cambridge. Mr. Cambridge, a former advertising executive for Young and Rubicom in Des Moines, Iowa, has been named the new tourism director of Lexington, Missouri.

Mr. Cambridge graduated from the University of Iowa with a degree in journalism. It was soon after his completion of college that he began working for the Des Moines Register. He then spent over 20 years with a Young and Rubicom affiliate. Mr. Cambridge is excited to begin his new post in Lexington, and claims he envisions the tourism commission focusing on public relations angles with the city. Dan has experience with the Iowa Department of Economic Development and Tourism, and I know he will be a valuable asset to my hometown. Cambridge's son attended Wentworth Military Academy. His family now resides in the Kansas City metro area.

Madam Speaker, I trust that my colleagues will join me in congratulating Mr. Dan Cambridge on his new position in Lexington, Missouri, and in wishing him the very best.

H.R. 5840, THE INSURANCE INFORMATION ACT OF 2008, AND H.R. 5611, THE NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS REFORM ACT OF 2008

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mrs. BACHMANN. Madam Speaker, I am pleased that the House is considering two important bills today—H.R. 5840, the Insurance Information Act of 2008, and H.R. 5611, the National Association of Registered Agents and Brokers Reform Act of 2008. Both these bills will streamline aspects of the insurance industry to help ensure more consistency for agents, brokers, and consumers alike.

H.R. 5840, the Insurance Information Act of 2008, creates a new Office of Insurance Information (OII) under the U.S. Treasury to advise the President and Congress on insurance issues. Currently, all 50 states regulate insurance in their own unique manner. The OII will serve as a hub for data collection and will help guide policymakers working to alleviate undue burdens throughout the insurance regulatory regime.

As the new agency responsible for investigating and reporting on insurance issues, the OII will also coordinate Federal policy on international insurance matters. In today's global marketplace, this will help American insurance companies obtain better access to foreign markets and strengthen their positions as leaders in offering insurance products both here and overseas.

Additionally, H.R. 5611, the National Association of Registered Agents and Brokers Reform Act of 2008, creates the National Association of Registered Agents and Brokers, NARAB. Established as a nonprofit corporation to facilitate the nationwide licensing of insurance agents and brokers, NARAB will supervise and discipline individuals who wish to practice in multiple states.

This new, voluntary tool, which gives agents and brokers the opportunity to be licensed by individual states under the current system, injects much-needed uniformity for those agents and brokers whose businesses stretch from state to state. Consumers will obtain better services and financial products for lower costs while agents and brokers will avoid many of the headaches they currently face due to the myriad of state licensing standards with which they must currently comply.

Madam Speaker, I urge my colleagues to support these measures.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE TERRORIST ATTACKS LAUNCHED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

SPEECH OF

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 2008

Mr. MURPHY of Connecticut. Madam Speaker, I rise to support of H. Res. 1420 which honors the 7th anniversary of the terrorist attacks on the World Trade Cener, the Pentagon, and United Airliines Flight 93. On September 11, 2001, nearly 3,000 people died and thousands of others were injured, scarring families and communities across the Nation. The tragic events of that day also challenged our long-held sense of national security and forever-changed our Nation.

In the time following September 11, we also saw the best of the human spirit in the face of unimaginable tragedy. Americans from all over the country banded together and responded to the barbaric attacks with an outpouring of support and commitment to the families of 9/11 and to each other. Everyday heroes from all 50 States, including at least 308 from Connecticut and 64 from the Fifth District alone, put their lives and health on the line and traveled to New York to assist in the rescue and recovery efforts at Ground Zero. Families who lost loved ones on that fateful day dedicated their lives to honoring those killed and making sure that, as a Nation, we never forget. The Fetchets, from New Canaan, Connecticut, are just one example—they lost their son Brad during the attacks on the World Trade Center towers, and rather than resigning to mourning, they channeled their grief into resolve, founding VOICES of September 11th, an organization dedicated to advocating for those affected by the events of September 11, 2001.

Seven years later, with energy and the economy on the forefront of everyone's minds, the lessons of 9/11 seem less immediate; but in reality, we should draw upon the strength and cooperation our Nation showed during that time to solve the economic and national security problems we face today, and to ensure that the needs of 9/11 families and workers are met. I am proud to say that in 2007 we worked together to pass legislation that requires the enactment of the recommendations of the bipartisan 9/11 Commission, making our Nation safer and more secure. As we work to ensure that the new law is fully implemented, we must also not forget the thousands of people who still struggle every single day as a result of the attacks. As we all know, the collapse of the World Trade Center towers released a dangerous cocktail of toxins, putting hundreds of area workers, residents, rescue and recovery workers, and others in the area around Ground Zero at risk. Numerous studies have documented that many of those exposed to the toxins have developed lower and upper respiratory, gastrointestinal, and mental health conditions. With staggering medical bills and the inability to work due to illness, many of the heroes of 9/11 are now in severe financial distress. The Federal Government has a moral obligation to provide them with the care they desperately need and deserve.

I offer my condolences to the families and loved ones of those who died during the attacks as well as my sympathy and commitment to those who are sick as a result. We must remain vigilant in the face of terrorism, and, Madam Speaker, we must always remember the events that occurred on that tragic day 7 years ago.

ALLOWING TAIWAN TO PARTICIPATE IN UNITED NATIONS ACTIVITIES

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. GARRETT of New Jersey. Madam Speaker, when the United Nations General Assembly met earlier today, the Secretariat considered a request by several of Taiwan's diplomatic allies. These countries asked the United Nations to allow the Republic of China (Taiwan) and its 23 million citizens to have meaningful participation in the activities of the specialized agencies of the United Nations.

By excluding 23 million people from participation in UN-sponsored activities, the UN is effectively treating the people of Taiwan as less than equals when compared to citizens of other countries. The people of Taiwan enjoy the benefits of living in a country that has free elections, yet it is certainly unfair for them to be denied access to agencies such as the International Civil Aviation Organization.

In this global economy, no country and no people are an island. Information travels fast, epidemics spread equally fast. For instance, without membership in the World Health Organization, Taiwan is an overlooked area in the global epidemic surveillance network. Continued exclusion will only harm the international community.

Furthermore, Taiwan has the world's tenth largest shipping capacity, but it has no access to the meetings of the International Maritime Organization and can't acquire first-hand information. There are many other instances of the impracticalities of banning Taiwan's membership in the international society.

I am disappointed that the People's Republic of China again blocked Taiwan's request. Taiwan President Ma Ying-jeou has taken a number of steps to improve the relationship with Beijing, including permission of direct weekend charter flights between the mainland and the island. It is time for the People's Republic to reciprocate by granting Taiwan the ability to join certain UN agencies.

HONORING KAREN MANNING, MSN, RN, CNA, CRRN PRESIDENT OF THE ASSOCIATION OF REHABILITATION NURSES

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Ms. TSONGAS. Madam Speaker, today I pay tribute to Karen Manning, MSN, RN, CNA, CRRN, of Salem State College and president of the Association of Rehabilitation Nurses (ARN), a constituent from my congressional district. Ms. Manning will soon complete her year as the 2007–2008 national president of the ARN, a professional organization representing professional nurses who work to enhance the quality of life for those who are affected by physical disabilities or chronic illnesses. During her tenure as president at ARN, Ms. Manning has been a strong leader and advocate for rehabilitation nurses, as well as the patients ARN serves everyday.

Since 1974, ARN has been the leading source for the latest rehabilitation information, resources, professional development and career opportunities for rehabilitation nursing professionals. ARN members are nurses, with a broad range of clinical experience, dedicated to helping individuals affected by chronic illness or a physical disability adapt to their disabilities, achieve their greatest potential, and work toward productive, independent lives.

Presently, ARN comprises a nationwide network of more than 5,500 rehabilitation nurses who practice in many settings, including hospitals, rehabilitation facilities, home health agencies, subacute and long-term care facilities, and private companies.

A resident of Tewksbury, Massachusetts, Ms. Manning has earned her Bachelors of Science in Nursing from the University of Massachusetts Boston and her Masters of Science in Nursing, with a concentration in nursing management, from the University of Massachusetts Lowell in 1994. Ms. Manning is currently pursing her Doctorate degree in Education from Nova Southeastern University.

In addition to Ms. Manning's academic achievements, she has also authored chapters in both the Rehabilitation Nursing Core Curriculum and Safe Patient Handling and Movement in Rehabilitation—published in 2007 and 2008, respectively. She has presented numerous times on topics relating to current trends in rehabilitation, the future of nursing, and the future role of rehabilitation nurses.

Madam Speaker, I hope my colleagues will join me today in recognizing the outgoing president of the Association of Rehabilitation Nurses, Karen Manning, MSN, RN, CNA, CRRN, for her dedication and exemplary work in the field of rehabilitation nursing. We thank you Ms. Manning for your ongoing service to the healthcare profession.

CONGRATULATIONS TO THE CITIZENS TELEPHONE COMPANY AND LAFAYETTE COUNTY C–1 SCHOOL DISTRICT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to congratulate the Lafayette County C–1 School District on receiving a $37,000 grant and to commend the Citizens Telephone Company for their most generous contribution.

To celebrate the company's 100th anniversary of their first dial tone in Higginsville, MO., the Citizens Telephone Company awarded the Lafayette County C–1 School District a $37,000 check. This grant enables the school district to start offering new classes to Higginsville students that were not available before. Also, the grant establishes a ''Distance Learning'' Program. This allows students to communicate with teachers remotely, from different locations. Citizens Telephone Company has graciously provided monitors, cameras, and other devices to make this technology come to fruition. Now, students and teachers in the district can actually see and interact with each other from different locations.

Madam Speaker, I urge all Members of the House to join me in congratulating the school district and in commending the Citizens Telephone Company on its generosity.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is September 18, 2008 in the land of the free and the home of the brave, and before the sunset today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 13,023 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, cried and screamed as they died, but because it was amniotic fluid passing over the vocal cords instead of air, we couldn't hear them.

All of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.'' The phrase in the 14th Amendment capsulizes our entire Constitution. It says, ''No State shall deprive any person of life, liberty or property without due process of law.'' Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

So Madam Speaker, let me conclude this Sunset Memorial in the hope that perhaps someone new who heard it tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 13,023 days spent killing nearly 50 million unborn children in America is enough; and that it is time that we stood up together again, and remembered that we are the same America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust; and we are still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

Madam Speaker, as we consider the plight of unborn America tonight, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is September 18, 2008, 13,023 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children; this in the land of the free and the home of the brave.

INTRODUCTION OF REINSURANCE TAX LEGISLATION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. NEAL of Massachusetts. Madam Speaker, today I am pleased to come before the House to introduce legislation ending the advantage of offshore reinsurance entities over American companies. In the past, I have offered a number of bills to limit offshore tax avoidance and have even previously offered bipartisan legislation on the issue of foreign reinsurance specifically. I am here today to try a different approach to tackle the problem of excessive reinsurance to related foreign entities and I hope my colleagues will join me in this timely effort.

Now, some may question why it would be timely to offer this legislation considering that one of the largest U.S. insurance companies was just bailed out by the Fed. I think it is precisely the time to shore up the U.S. market. Already, the speculation has begun as to what parts of AIG will be sold off. A leading insurance industry research entity, Dowling & Partners, posed the question yesterday: ''Will the offshore tax issue be highlighted once again, with much of AIG's business potentially moving to competitors offshore?'' With the advantage of a no- or low-tax jurisdiction from which to operate, you can bet that foreign competitors are already eyeing purchases of the AIG business.

There is no doubt that there is a legitimate role for reinsurance. It is a fundamental business technique for risk management and is to be fostered. But just as Congress and Treasury have attempted to measure what is legitimate in sharing debt and earnings between affiliates, there have been attempts to appropriately characterize reinsurance between related entities. Unfortunately, as recent data shows, those attempts have been unsuccessful.

Since 1996, the amount of reinsurance sent to offshore affiliates has grown dramatically, from a total of $4 billion ceded in 1996 to $34 billion in 2007, including $19 billion alone to Bermuda affiliates. These insurance profits are shuttled out of the U.S. and then the investment income on those profits is also sheltered from U.S. taxes. It is easy to see why foreign reinsurers, with such a tax benefit, enjoy a significant market advantage.

Now we are beginning to see a new problem: the offshore affiliates are writing direct insurance here in the U.S. We have seen in the last decade a doubling in the growth of market share of direct premiums written by groups domiciled outside the U.S., from 5.1 percent to 10.9 percent, representing $54 billion in direct premiums written in 2006. Again, Bermuda-based companies represent the bulk of this growth, rising from 0.1 percent to 4 percent. And it should be noted that during this time, the percentage of premiums ceded to affiliates of non-U.S. based companies has grown from 13 percent to 67 percent. Bermuda is not the only jurisdiction favorable for reinsurance, and in fact earlier this year, one company moved from the Cayman Islands to Switzerland citing ''the security of a network of tax treaties,'' among other benefits.

Congress first recognized the problem of excessive reinsurance in 1984 and provided specific authority to Treasury under Section 845 of the tax code to reallocate items and make adjustments in reinsurance transactions in order to prevent tax avoidance or evasion. In 2003, the Treasury Department testified before Congress that the existing mechanisms were not sufficient. In 2004, Congress amended this provision to expand the authority of Treasury to not only reallocate among the parties to a reinsurance agreement but also to recharacterize items within or related to the agreement. Congress specifically cited the concern that these reinsurance transactions were being used inappropriately among U.S. and foreign related parties for tax evasion. Despite this grant of expanded authority, Treasury has still been unable to stem the tide moving offshore.

Recently, a coalition of U.S.-based insurance and reinsurance companies has been formed to express their concerns to Congress. With more than 150,000 employees and a trillion dollars in assets here in the U.S., I believe it is a message of concern that we should heed.

That is why I am filing legislation today to disallow deductions for excess reinsurance premiums with respect to U.S. risks paid to affiliated insurance companies that are not subject to U.S. tax. The excess amount will be determined by reference to an industry fraction, by line of business, which will measure the average amount of reinsurance sent to unrelated parties. The legislation provides Treasury the authority to carry out or prevent the avoidance of the provisions of this bill.

My colleagues may be thinking that this sounds similar to another provision in the code, and they would be right. The tax code currently tries to limit the amount of earnings stripping—that is, sending U.S. profits offshore through inflated interest deductions—by disallowing the interest deduction over a certain threshold. In the reinsurance context, U.S. affiliates of foreign based reinsurance entities may be sending offshore excessive amounts of reinsurance to strip those premiums out of the purview of the U.S. tax system. My bill limits the deduction for those premiums to the extent the reinsurance to a related party exceeds the industry average.

I hope that in the coming weeks, my colleagues and experts in the industry will carefully review this new proposal and provide constructive commentary on it. A fuller technical explanation of the bill will be posted on my website, which will provide some background on the industry as well as a technical description of the bill. Madame Speaker, I appreciate the opportunity to address the House on this important matter and I assure my colleagues that I will continue my efforts to combat offshore tax avoidance, regardless of what industry is impacted.

HONORING DOUGLAS KAPNICK

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. WALBERG. Madam Speaker, I rise today to honor Douglas Kapnick of Adrian, MI on the celebration of his retirement from Kapnick Insurance Group. For 43 years he has successfully operated the company and has contributed to various organizations within the area in an effort to give back to the community.

Upon graduating from the University of Michigan in 1965 with a Business Administration degree, Douglas Kapnick joined his father's insurance business, Kapnick and Company. From the beginning, he focused on expanding the agency beyond home and auto insurance and worked to extend its reach into Adrian's neighboring areas. In 1974 he bought the 15-person operation from his father, Elmer Kapnick, and in 1975, he was elected to serve as its president. As chairperson and chief executive officer, he succeeded in growing the business into one of the most respected insurance agencies in the Midwest.

In July 2001, the company doubled its benefits operation through the purchase of Harbors Benefits Services located in Ann Arbor, MI, and in 2005, it changed its name to Kapnick Insurance Group. The company has gained recognition as an innovative, well managed company with a reputation for providing quality service and creative solutions to its clients. The company's success can be traced to Douglas' inspiring leadership and ability to bring out the best in each employee. Carrying on the family tradition, Douglas Kapnick's two sons, Jim and Mike Kapnick, bought the company from him in 2006. On September 5, 2008, Douglas spent his last official day in the office.

In his personal and professional life, Douglas has devoted his time to giving back to the community. He has served as a member of the board of several community organizations such as YMCA, United Way, Lenawee Chamber of Commerce, and Croswell Opera House. Douglas has served several terms on the Adrian Public School's Board of Education, including 5 years as board president. He served 19 years as a trustee on Siena Heights University Board of Trustees, with 8 years as president, and continues as a chairperson. He has served as president for the Bank of Lenawee and Pavilion Bancorp. Douglas' life and service is a direct reflection of his longtime commitment to giving back to the community.

Douglas' contributions to the community have not gone unnoticed. He is one of only three recipients to receive the Lenawee Maple Leaf Award, the county's most prestigious award which is given in recognition of outstanding leadership, community service, and citizenship. In addition, he has been honored with a Lifetime Achievement Award from Hanover Insurance Company.

Madam Speaker, today I ask my colleagues to join me in recognizing Douglas Kapnick for 43-years of service to Adrian, MI and its surrounding areas. His ability to expand his father's company from a six-person operation to a company of 135 employees demonstrates his business expertise and good judgment. Additionally, he has devoted himself to serving his community, an endeavor that he will continue to practice long into his retirement. May others know of my high regard for Douglas Kapnick as well as my best wishes for him in the future.

RECOGNIZING THE LIFE AND PUBLIC SERVICE OF MAX CORBETT

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. NUNES. Madam Speaker, I rise today to recognize the life and public service of Max Corbett, a veteran, a teacher, and a powerful steward of our Nation's rich agricultural heritage.

Some people in this world become larger than life, not because of their physical size or presence, but because of the number of people they influence in their lifetime. Max Corbett, or Corbett as I called him, was both a father figure and big brother to many. His influence has been felt throughout the San Joaquin Valley and our country.

Corbett was born and raised on a dairy farm. In 1968 he enlisted to fight for his country in Vietnam where he earned a Purple Heart and a Bronze Star. Upon returning home, he attended college at California State University, Fresno, graduating in 1975.

Following college, Corbett moved to Tulare. It was here, in a rural San Joaquin Valley community, that he would touch the lives of several generations of farmers and help to transform agriculture education.

For more than 31 years, Corbett taught the next generation of farmers at Tulare High Schools—where he became chairman of the school's Agriculture Department. For 25 years, he was dairy and farm manager.

Always humble, Corbett praised the Tulare Future Farmers of America—unwilling to take credit for his own enormous impact. However, it was under his leadership that the Tulare FFA became one of California's most active chapters. Corbett also led the Tulare dairy team to win the 1984 national title.

Both as a coach, and community activist, Corbett fought every day to develop Ag leaders of the future. By 1989, he was recognized as one of 12 Teachers of Excellence for the entire State of California.

Corbett's proudest accomplishment can be found in his loving family. He enjoyed a 36-year marriage with wife, Mary, and was the father of three children, Michele, Max and James.

Max Corbett left his community of Tulare a far richer place than the one he found over 30 years ago, and for that we are blessed. He was a leader, a mentor, a patriot and above all else he was my friend.

HONORING THE LIFE AND SERVICE OF HAROLD WINTERS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. MCCOTTER. Madam Speaker, today I rise to honor and acknowledge Harold Winters, founder of the Western Wayne Youth Travelling Classic League, upon the 25th anniversary of its establishment.

Born in 1939, Harold grew up in Detroit, Michigan, graduating from Redford High in 1956. He moved to Canton in 1971, and is married to Maria Winters. Harold worked for Ford Motor Company for 32 years, retiring in 1997. For 48 years, Harold Winters has shown exceptional dedication to being involved in his community. A 36 year member of Divine Savior Catholic Church, he has acted as an advocate and counselor, regularly sending inspirational messages to encourage people of all ages. During the 1970s, Harold helped raise funds for efforts to combat muscular dystrophy. Harold remains a lifelong member of the Benevolent and Protective Order of the Elks and a member of the Friends of Charter Township of Canton Library.

From 1983 to the present, Harold has served as the Executive Director of the Western Wayne Youth Travelling Classic League. His initiative began a league which enabled youth in the area to compete, learn about sportsmanship, and be involved in their communities in a constructive way. Furthermore, the league has generously provided more than 30,000 dollars in scholarships to young athletes since its inception.

Madam Speaker, over the years, Harold has served his community selflessly and acted as the inspiration for the Western Wayne Youth Travelling Classic. His service has spanned forty years and influenced his community in numerous ways. Today, I ask my colleagues to join me in honoring Harold Winters' public spirit, dedication, and service to his community.

CONGRATULATING JOSEPH LITTLE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Joseph Little for being honored by the Council for Opportunity in Education for his educational achievements and career accomplishments. I am especially pleased to recognize Joseph because he is not only a worthy recipient, but a proud veteran and former Army Ranger. This recognition stems from the outstanding success Joseph has achieved while participating in Arizona State University's Veterans Upward Bound program.

When Joseph was discharged from the Army after the Vietnam war, he had severe physical and emotional injuries. It took Joseph 50 surgeries and 30 years outside the education arena until he was ready to return and realize his dream. Despite his doctors and vocational rehabilitation counselors telling him he would never be able to earn a degree, Joseph earned both a bachelor's degree and a master's degree in social work from Arizona State University. This recognition represents the tireless determination and stellar work ethic that led Joseph to overcome adversity and become the first member in his family to graduate from college.

Joseph has worked at the Phoenix Veterans Center since 1998 and puts his education to good use by working with veterans with post-traumatic stress disorder. He is currently helping fellow veterans ranging from those who served in World War II to those returning from recent conflicts.

As a member of the Committee on Veterans' Affairs, I am particularly proud to see Joseph chosen as one of six winners out of a national pool of 52 nominees. When our veterans return home to Arizona and need a helping hand, I feel confident knowing that he is there to assist them with whatever problems they may have. Joseph is an inspiration to me and to an increasing number of veterans. He personifies the persistence necessary to achieve one's dreams and the altruism that is a product of an inherent moral obligation to help others who are faced with the same obstacles he was able to overcome.

Once again, I congratulate Joseph for all that he has accomplished, and I am confident we will continue to see wonderful things from him in the future.

INTRODUCING THE MICROFINANCE CAPACITY BUILDING ACT OF 2008

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. BOOZMAN. Madam Speaker, today my colleague Mr. MEEKS and I are introducing the Microfinance Capacity Building Act of 2008. This bi-partisan effort aims to build the human capacity of microfinance networks working to empower the poor in developing countries across the globe.

Microcredit—the provision of small, collateral-free loans to the poor in developing nations enable poor families to increase their income and have an immediate and lasting impact on quality of life—the ability to afford food, shelter, education and healthcare. As business income increases, the business is able to expand, and the effect spreads beyond the family into the local community, through employment and contribution to the local economy. Thus, the benefits of microfinance help grow not just businesses, but stronger communities as well.

It is widely recognized that the lack of human capital is the greatest constraint to the growth of practitioner organizations in the microfinance industry. According to some industry estimates, in order to meet the anticipated demand for microfinance, the industry will have to hire 1.6 million new loan officers alone in Africa, Asia, Latin America and the Near East, assuming a loan officer to client ratio of 1:300. And that figure does not include the skilled middle and senior managers that microfinance organizations are struggling to find and retain.

The microfinance capacity-building activities supported by this legislation are intended to drive innovation and provide comprehensive solutions that address the lack of human capacity in developing countries, particularly in sub-Saharan Africa. These activities will provide a framework for a regional and sub-regional approach to maximizing economies of scale and should focus predominately on educating and training country nationals in order to build capacity in the microfinance industry in developing countries.

Through its strategic investment in building microfinance human capacity, this bill would make it possible for more of the world's poor to access financial services to enable them to start or expand a business, develop a steady income and create jobs for their neighbors.

MISSOURI NATIONAL GUARD ASSISTS HURRICANE VICTIMS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. SKELTON. Madam Speaker, let me take this opportunity to honor and acknowledge the fine members of the 1139th Military Police Company of the Missouri National Guard. Their brave efforts in Opelousas, Louisiana, are a true testament to their character and integrity with regard to helping fellow Americans in a time of need.

The Missouri National Guard arrived in Opelousas, an area hit very hard by Hurricane Gustav. Ninety percent of the town of 20,000 was without power, hundreds of trees and power lines were destroyed, and many citizens were without food or supplies. The Guard distributed food and ice to hundreds of hungry residents and patrolled possible looting targets throughout the evenings.

Madam Speaker, the Missouri National Guard Military Police Company 1139 deserves our respect and honor for their admirable efforts on the Gulf Coast. I ask my colleagues at this time to join me in acknowledging these fine individuals on a job well done.

''STEPHANIE TUBBS JONES GIFT OF LIFE MEDAL ACT OF 2008''

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. STARK. Madam Speaker, I rise today to introduce the ''Stephanie Tubbs Jones Gift of Life Medal Act of 2008'' with my colleague Mr. CAMP of Michigan. Representative Tubbs Jones' life ended as she lived it; by exemplifying concern for the welfare of others. She donated her organs in the waning hours of her life so that the lives of others could continue. In that spirit, this legislation creates a commemorative medal for organ donors and their families, recognizing the brave and selfless act of organ donation.

As I well know from my time on the Ways and Means Health Subcommittee, Representative Tubbs Jones worked tirelessly to remedy health disparities in our Nation. Organ donation is one area where dramatic health disparities exist, which makes this all the more of a fitting tribute. While minorities donate organs in proportion to their population, the rate of organ donations fails to keep pace with the need for transplants in the population.

Minority populations account for close to 50 percent of the nearly 100,000 people who are currently waiting for organ transplants. Since the national transplant waiting list began, over 80,000 donation-eligible Americans have died waiting for an organ to become available; in 2007 alone, over 6,500 people died for lack of a suitable organ. Donating an organ to someone whose life depends on it is laudable, and it should be recognized and encouraged. The Stephanie Tubbs Jones Gift of Life Medal Act sends a clear message that donating one's organs is an act that should receive the profound respect of our Nation.

I would like to thank Former Senate Majority Leader, and transplant surgeon, Dr. William H. Frist, for whom this bill was named in an earlier version in this Congress (H.R. 1765/S. 1062). Dr. Frist was a tireless advocate of organ donors and their families during his time in the Senate. He worked on behalf of the Gift of Life Medal Act for years and has expressed strong support for renaming the bill for Representative Tubbs Jones. We appreciate his graciousness in doing so.

This legislation directs the Treasury department to design and produce a commemorative medal that the Department of Health and Human Services will award to organ donors or to a surviving family member. Enactment of this legislation would have no cost to the Federal Government. Funding for the medals would be self-sufficient through charitable donations.

This is non-controversial, non-partisan legislation to increase the rate of organ donation while honoring the life and service of our colleague, Representative Tubbs Jones. I ask my colleagues to help bring an end to transplant waiting lists and recognize the enormous courage displayed by organ donors and their families. This bill honors these brave acts, while publicizing the critical need for increased organ donation. I urge swift passage of the Stephanie Tubbs Jones Gift of Life Medal Act.

INTEL HONORS LAGUNA ELEMENTARY WITH SCHOOL OF DISTINCTION AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. MITCHELL. Madam Speaker, I rise today to recognize Laguna Elementary School in my home state of Arizona. Laguna is being honored by the Intel Corporation for its impressive science education program. Every year, Intel honors schools that have shown outstanding effort in math and science. This year, Laguna Elementary won first place in Science Excellence for Elementary schools and was given one of the six Schools of Distinction awards.

The Intel Corporation awards grants and equipment to top U.S. schools that show determined excellence in math and science education. Winners receive $10,000 cash grants and over $100,000 in equipment for their schools. Schools that enter must show that they have exceeded national guidelines in breadth and scope of math and science education.

Laguna Elementary should be applauded for their innovative approach to learning. No longer is math about rote memorization of number tables. Instead, students at Laguna expand their learning through discovery, focusing on the inquiry process, and further their skills by developing questions regarding these subjects. Teachers, with parental and community input, have developed a curriculum that encourages ''interactive experiences,'' expanded use of technology, while addressing a diverse student population at the school.

Because of their innovative techniques, Laguna Elementary won $10,000 dollars in grant money, and $160,000 in training, computers, educational software and interactive white boards. This technology will further allow teachers to pinpoint where students are in the learning process and allow them flexibility in creating lesson plans.

Therefore, I commend Laguna Elementary administration, teachers, parents, and students for their accomplishments and efforts.

STATEMENT ON MAJOR GENERAL RANDALL D. MOSLEY'S RETIREMENT

HON. DENNIS R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. REHBERG. Madam Speaker, I rise today to recognize Major General Randall D. Mosley, Adjutant General for the State of Montana. General Mosley has served our nation and Montana for more than thirty eight years, recently retiring from the highest military position in the Montana National Guard. His long and distinguished career epitomizes each of the Army's core values and truly lives up to the Guard's motto of a ''Citizen Soldier.'' General Mosley not only answered the call of duty to serve his country, but he also worked tirelessly to support the community he lives in.

The challenges created by the deployment of thousands of Montana National Guard

members over the past five years demanded many changes in the way the Montana National Guard operates. Major General Mosley confronted these challenges with professionalism and complete dedication to the men and women under his command. He was instrumental in overhauling the process used for post deployment health assessments for Guard members returning home from combat deployments. Significant mental health resources have since been made available to Guardsmen and their families as well as organized events to help them transition back to everyday life. These changes are leading the way in how our country treats returning service men and women. For his efforts, Major General Mosley was recognized by the Under Secretary of Defense for Personnel and Readiness.

I can think of no better ambassador for the State of Montana. Over the past 14 years, Montana has worked with United States Central Command to develop a partnership with the country of Kyrgyzstan. Under General Mosley's leadership, the Montana National Guard has helped Kyrgyzstan train a capable force of noncommissioned officers. More importantly, Major General Mosley has helped Kyrgyzstan leadership understand the vital role military personnel plays in coordinating and assisting civilian government. Through his efforts the partnership between Montana and Kyrgyzstan has grown dramatically and will no doubt help their democratic future.

While I am sad to see him leave, I thank Major General Mosley for all he has done. Through all the challenges he has faced he has been an excellent commander and ambassador. I have no doubt the Montana National Guard's new leadership will continue his example.

HONORING JACKSON COUNTY COMMUNITY FOUNDATION

HON. TIMOTHY WALBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 2008

Mr. WALBERG. Madam Speaker, I rise today to honor the Jackson County Community Foundation of Jackson, Michigan on the celebration of its sixtieth anniversary. For years it has served the Jackson community and worked to improve the quality of each of its citizens' lives.

The Jackson County Community Foundation began in 1948 with the idea of assisting Jackson County residents in bettering their lives. In order to accomplish this goal the foundation is guided by several core beliefs including the realization that citizen involvement is essential for change, the idea that viable solutions are those which target the root cause of a problem, and the belief that diversity is key to community building efforts. The foundation focuses on using its own community's assets and strengths and strongly believes accountability is necessary to use community resources wisely. The foundation has a broad purpose which allows flexibility and enables it to serve needs quickly and efficiently.

The foundation has a permanent endowment that invests donations with the purpose of growing the principal and returning the earnings back to the community. This permanent endowment builds enduring community assets and allows donors to invest in the future of their own community. Donors can designate the funds to be used for specific items, such as scholarships or charities. Moreover, donors can assign the funds to an area of interest such as youth programs or education. In 2007, contributions to the foundation totaled more than $2 million and its endowment was over $24 million.

On September 6, 2008 a number of distinguished individuals gathered at the foundation Fall Gala to celebrate the Jackson County Community Foundation's success and its longtime contribution to the Jackson community. The theme of the evening was ''Looking Back—Moving Forward,'' and the foundation's long-standing influence on the community was celebrated. Several presentations were given as well as a short video to commemorate the past sixty years.

Madam Speaker, today I ask my colleagues to join me in recognizing Jackson County Community Foundation for its sixty years of service and leadership in Jackson County. The foundation excels at identifying and meeting the needs of its citizens and has made a lasting difference in Jackson County. May others know of my high regard for its esteemed service, as well as my best wishes for its future.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8963–S9168

Measures Introduced: Fourteen bills and four resolutions were introduced, as follows: S. 3514–3527, and S. Res. 665–668. **Page S9025**

Measures Reported:

S. 1070, to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, with an amendment in the nature of a substitute. (S. Rept. No. 110–470)

H.R. 3247, to improve the provision of disaster assistance for Hurricanes Katrina and Rita, with an amendment in the nature of a substitute. (S. Rept. No. 110–471)

S. 3155, to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, with an amendment in the nature of a substitute. (S. Rept. No. 110–472)

S. 2969, to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, with an amendment in the nature of a substitute. (S. Rept. No. 110–473)

S. Res. 540, recognizing the historical significance of the sloop-of-war USS Constellation as a reminder of the participation of the United States in the transatlantic slave trade and of the efforts of the United States to end the slave trade.

S. 3136, to encourage the entry of felony warrants into the NCIC database by States and provide additional resources for extradition, with amendments.

Pages S9024–25

Measures Passed:

National Save for Retirement Week: Committee on the Judiciary was discharged from further consideration of S. Res. 601, designating October 19 through October 25, 2008, as ''National Save for Retirement Week'', and the resolution was then agreed to. **Pages S9164–65**

Lander Trail 150th Anniversary: Committee on the Judiciary was discharged from further consideration of S. Res. 623, recognizing the importance of the role of the Lander Trail in the settlement of the American West on the 150th anniversary of the Lander Trail, and the resolution was then agreed to. **Pages S9164–65**

National Neighbor Day, National Good Neighbor Day, and National Neighborhood Day: Committee on the Judiciary was discharged from further consideration of S. Res. 650, recognizing the importance of National Neighbor Day, National Good Neighbor Day, and National Neighborhood Day, and the resolution was then agreed to. **Pages S9164–65**

National Prostate Cancer Awareness Month: Senate agreed to S. Res. 667, designating September 2008 as ''National Prostate Cancer Awareness Month''. **Pages S9164–65**

Bennett Freeze: Senate passed S. 531, to repeal section 10(f) of Public Law 93–531, commonly known as the ''Bennett Freeze''. **Pages S9165–66**

United States Fire Administration Reauthorization Act: Senate passed S. 2606, to reauthorize the United States Fire Administration, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S9166–67**

Casey (for Lieberman/Collins) Amendment No. 5631, in the nature of a substitute. **Page S9167**

Renewable Energy and Job Creation Act—Agreement: A unanimous-consent-time agreement was reached providing that on Tuesday, September 23, 2008, Senate begin consideration of H.R. 6049, to amend the Internal Revenue Code of 1986 to provide incentives for energy production and conservation, to extend certain expiring provisions, to provide individual income tax relief, and that the bill be considered under the following limitations: that there be 60 minutes of general debate on the bill, equally divided and controlled between the two Leaders, or their designees; provided further, that the only first-degree amendments in order be the following, with no other amendments in order, they be subject to an affirmative 60-vote threshold, that if

the amendment achieves that threshold, then it be agreed to, that if the amendment does not achieve that threshold, then it be withdrawn, and that each amendment be subject to a debate time limitation of 60 minutes, equally divided and controlled in the usual form: Baucus-Grassley amendment in the nature of a substitute relative to energy tax extenders with offset; Reid or designee perfecting amendment relative to AMT with offset; Baucus-Grassley perfecting amendment relative to tax extenders/AMT without full offset; that it be in order for Senator Conrad to raise a budget point of order against the amendment; and that once the debate time has been used or yielded back, a motion to waive the applicable point of order be considered to have been made; provided further, that if the motion to waive is successful, then the amendment be agreed to, and that if the motion to waive is not successful, the amendment be withdrawn; that Senator Conrad control up to 10 minutes of time during the debate on this amendment; provided further, that regardless of the outcome of the vote with respect to the Baucus-Grassley amendment in the nature of a substitute, that Senate vote on or in relation to the remaining 2 amendments covered in this agreement; that the votes on or in relation to the above-listed amendments occur in the order listed after the use or yielding back of time; that upon disposition of all amendments, the bill be read a third time, and Senate vote on passage of the bill, as amended, if amended; and that the motion to invoke cloture on the motion to proceed to consideration of the bill be withdrawn.

A unanimous-consent agreement was reached providing that the motion to proceed to consideration of H.R. 6049 be withdrawn. **Page S9009, S9167**

Advancing America's Priorities Act—Cloture: A unanimous-consent agreement was reached providing that the motion to invoke cloture on the motion to proceed to consideration of S. 3297, to advance America's priorities, be withdrawn.

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared on September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–64) **Pages S9022–23**

Nominations Received: Senate received the following nominations:

One Army nomination in the rank of general.

A routine list in the Army. **Page S9168**

Messages from the House: **Page S9023**

Measures Read the First Time: **Page S9023**

Executive Communications: **Pages S9023–24**

Additional Cosponsors: **Pages S9025–27**

Statements on Introduced Bills/Resolutions: **Pages S9027–40**

Additional Statements: **Pages S9015–22**

Amendments Submitted: **Pages S9040–42**

Authorities for Committees to Meet: **Page S9042**

Privileges of the Floor: **Page S9042**

Text of S. 3001, S. 3002, S. 3003, S. 3004 as Previously Passed: **Page S9042–S9164**

Recess: Senate convened at 10 a.m. and recessed at 8:49 p.m., until 3 p.m. on Monday, September 22, 2008. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9168.)

Committee Meetings

(Committees not listed did not meet)

TRANSPARENCY IN ACCOUNTING

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment concluded a hearing to examine transparency in accounting, proposed changes to accounting for off-balance-sheet entities, after receiving testimony from Lawrence W. Smith, Member, Financial Accounting Standards Board; John W. White, Director, Division of Corporation Finance, and James L. Kroeker, Deputy Chief Accountant, both of the U.S. Securities and Exchange Commission; Joseph R. Mason, Louisiana State University, New Orleans; Don Young, Young and Company LLC, Norwalk, Connecticut; Elizabeth F. Mooney, Capital Group Companies, San Francisco, California; and George P. Miller, American Securitization Forum, New York, New York.

BUS SAFETY

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security concluded an oversight hearing to examine bus safety, including S. 2326, to improve the safety of motorcoaches, after receiving testimony from Senator Brown; John Hill, Administrator, Federal Motor Carrier Safety Administration, and David Kelly, Acting Administrator, National Highway Traffic Safety Administration, both of the Department of Transportation; Mark V. Rosenker, Chairman, National Transportation Safety Board; Peter J. Pantuso, American Bus Association, and Jacqueline S. Gillan, Advocates for

Highway and Auto Safety, both of Washington, D.C.; Stephen Forman, West Brook Bus Crash Families, Beaumont, Texas; and John Betts, Bryan, Ohio.

FEDERAL FACILITIES CLEAN-UP

Committee on Environment and Public Works: Committee concluded an oversight hearing to examine toxic waste clean-up efforts at federal facilities, focusing on investigative federal agencies' clean-up activities, including funding and coordination with the Environmental Protection Agency (EPA) and states, after receiving testimony from Susan Parker Bodine, Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency; Wayne Arny, Deputy Under Secretary of Defense for Installations and Environment; Frank Marcinowski, Deputy Assistant Secretary of Energy for Regulatory Compliance, Office of Environmental Management; Shari T. Wilson, Maryland Department of the Environment, Baltimore; Bonnie Buthker, Ohio Environmental Protection Agency, Dayton; Elizabeth Limbrick, Interstate Technology Regulatory Council, Trenton, New Jersey; and Daniel Hirsch, Committee to Bridge the Gap, Ben Lomond, California.

NUCLEAR COOPERATION WITH INDIA

Committee on Foreign Relations: Committee concluded a hearing to examine the Agreement for Peaceful Nuclear Cooperation with India, after receiving testimony from William J. Burns, Under Secretary for Political Affairs, and John C. Rood, Acting Under Secretary for Arms Control and International Security, both of the Department of State.

HOMELAND SECURITY RISKS IN PRESIDENTIAL TRANSITION

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine the homeland security risks associated with the upcoming presidential transition, the Department of Homeland Security's (DHS) planning for the transition, and what remains to be done to prepare for the transition, after receiving testimony from Elaine C. Duke, Under Secretary of Homeland Security for Management; John Rollins, Specialist in Terrorism and National Security, Foreign Affairs, Defense and Trade Division, Congressional Research Service, Library of Congress; Frank J. Chellino, National Academy of Public Administration, Naples, Florida; and Patricia McGinnis, Council for Excellence in Government, Washington, D.C.

DECLINATION REPORTING

Committee on Indian Affairs: Committee concluded an oversight hearing to examine federal declinations from federal law enforcement officers and United States Attorneys' Offices to prosecute crimes in Indian country, including S. 3320, to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, after receiving testimony from Drew H. Wrigley, United States Attorney for the District of North Dakota, Department of Justice; William Patrick Ragsdale, Director, Office of Justice Services, Bureau of Indian Affairs, Department of the Interior; Thomas B. Heffelfinger, former United States Attorney for the District of Minnesota, Best and Flanagan, LLP, Minneapolis, Minnesota; M. Brent Leonhard, Confederated Tribes for the Umatilla Indian Reservation, Pendleton, Oregon; Janelle F. Doughty, Southern Ute Indian Tribe, Ignacio, Colorado; and Thomas W. Weissmuller, Mashantucket Pequot Tribal Nation, Mashantucket, Connecticut.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported S. Res. 540, recognizing the historical significance of the sloop-of-war USS Constellation as a reminder of the participation of the United States in the transatlantic slave trade and of the efforts of the United States to end the slave trade.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 42 public bills, H.R. 6936–6946, 6948–6978; 1 private bill, H.R. 6979; and 13 resolutions, H.J. Res. 98; H. Con. Res. 420–421; and H. Res. 1461–1470 were introduced. **Pages H8475–77**

Additional Cosponsors: **Pages H8477–78**

Reports Filed: Reports were filed today as follows:

H.R. 1650, to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads, with an amendment (H. Rept. 110–860, Pt. 1);

H.R. 6159, to provide for a land exchange involving certain National Forest System lands in the Mendocino National Forest in the State of California, with an amendment (H. Rept. 110–861); and

H.R. 6947, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2009 (H. Rept. 110–862).

Pages H8462, H8475

Speaker: Read a letter from the Speaker wherein she appointed Representative Tauscher to act as Speaker pro tempore for today. **Page H8399**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Chuck Coffelt, Gillett United Methodist Church, Gillett, Arkansas. **Page H8399**

Commodity Markets Transparency and Accountability Act of 2008: The House passed H.R. 6604, to amend the Commodity Exchange Act to bring greater transparency and accountability to commodity markets, by a recorded vote of 283 ayes to 133 noes, Roll No. 608. **Pages H8413–29**

Rejected the Moran (KS) motion to recommit the bill to the Committee on Agriculture with instructions to report the bill back to the House promptly with an amendment, by a yea-and-nay vote of 196 yeas to 221 nays, Roll No. 607. **Pages H8427–29**

Pursuant to the rule, the amendment in the nature of a substitute printed in H. Rept. 110–859 shall be considered as adopted. **Page H8416**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H8422**

H. Res. 1449, the rule providing for consideration of the bill, was agreed to by a recorded vote of 218 ayes to 190 noes, Roll No. 606, after agreeing to order the previous question by a yea-and-nay vote of 224 yeas to 187 nays, Roll No. 605. **Pages H8406–13**

Privileged Resolution: The House agreed to table H. Res. 1460, raising a question of the privileges of the House, by a yea-and-nay vote of 226 yeas to 176 nays with 11 voting "present", Roll No. 609. **Pages H8429–30**

No Child Left Inside Act of 2008: The House passed H.R. 3036, to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, by a yea-and-nay vote of 293 yeas to 109 nays, Roll No. 614. **Pages H8432–35, H8435–51**

Rejected the Price (GA) motion to recommit the bill to the Committee on Education and Labor with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 172 ayes to 230 noes, Roll No. 613. **Pages H8448–50**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Pages H8443, H8448**

Agreed to amend the title so as to read: "To reauthorize and enhance the National Environmental Education Act.". **Page H8451**

Accepted:

Welch (VT) amendment (No. 4 printed in H. Rept. 110–854) that allows municipalities to be eligible for the National Capacity Environmental Education Grant Program; **Pages H8445–47**

Courtney amendment (No. 5 printed in H. Rept. 110–854) that adds that applicants may describe on their application for federal grant funds how they have partnered, or intend to partner, with a State and local park and recreation department; and **Page H8447**

Sarbanes amendment (No. 1 printed in H. Rept. 110–854) that clarifies that funds issued under the National Capacity Environmental Education Grant Program may be used to address environmental justice issues that may arise in low income communities. The amendment also provides that funds may be used to develop and implement policy approaches to environmental education including specified topics (by a recorded vote of 383 ayes to 23 noes, Roll No. 612). **Pages H8444–45, H8447–48**

H. Res. 1441, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 221 yeas to 182 nays, Roll No. 611, after agreeing to order the previous question by a yea-and-nay vote of 227 yeas to 188 nays, Roll No. 610. **Pages H8402–05, H8430–32**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated on Wednesday, September 17th:

Great Lakes Legacy Reauthorization Act of 2008: H.R. 6460, amended, to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern, by a 2/3 recorded vote of 371 ayes to 20 noes, Roll No. 615. **Pages H8451–52**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday, September 22nd for morning hour debate. **Page H8454**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, September 24th. **Page H8454**

Order of Procedure: The House agreed by unanimous consent that the motions to suspend the rules relating to the following measures be considered as adopted in the form considered by the House on Wednesday, September 17th:

Supporting the goals and ideals of National Adoption Day and National Adoption Month: H. Res. 1432, to support the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, to celebrate children and families involved in adoption, to recognize current programs and efforts designed to promote adoption, and to encourage people in the United States to seek improved safety, permanency, and well-being for all children; **Page H8454**

Jacob M. Lowell Post Office Building Designation Act: H.R. 6681, to designate the facility of the United States Postal Service located at 300 Vine Street in New Lenox, Illinois, as the ''Jacob M. Lowell Post Office Building''; **Page H8454**

Mayor William ''Bill'' Sandberg Post Office Building Designation Act: H.R. 6229, to designate the facility of the United States Postal Service located at 2523 7th Avenue East in North Saint Paul, Minnesota, as the ''Mayor William 'Bill' Sandberg Post Office Building''; **Page H8454**

Army SPC Daniel Agami Post Office Building Designation Act: H.R. 6338, to designate the facility of the United States Postal Service located at 4233 West Hillsboro Boulevard in Coconut Creek, Florida, as the ''Army SPC Daniel Agami Post Office Building''; **Page H8454**

Mickey Mantle Post Office Building Designation Act: S. 171, to designate the facility of the United States Postal Service located at 301 Commerce Street in Commerce, Oklahoma, as the ''Mickey Mantle Post Office Building''—clearing the measure for the President; **Page H8454**

CeeCee Ross Lyles Post Office Building Designation Act: H.R. 6772, to designate the facility of the United States Postal Service located at 1717 Orange Avenue in Fort Pierce, Florida, as the ''CeeCee Ross Lyles Post Office Building''; **Page H8454**

Celebrating the 221st anniversary of the signing of the Constitution of the United States of America: H. Res. 1356, to celebrate the 221st anniversary of the signing of the Constitution of the United States of America; **Page H8454**

Recognizing North Platte, Nebraska, as ''Rail Town USA'': H. Con. Res. 408, to recognize North Platte, Nebraska, as ''Rail Town USA''; **Page H8454**

John F. Kennedy Center Reauthorization Act of 2008: Agreed to the Senate amendment to H.R. 3986, to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts—clearing the measure for the President; and **Page H8454**

Amending Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona: S. J. Res. 35, to amend Public Law 108–331 to provide for the construction and related activities in support of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) project in Arizona—clearing the measure for the President. **Page H8454**

Presidential Message: Read a message from the President wherein he notified Congress that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2008—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 110–148). **Page H8454**

Senate Messages: Messages received from the Senate today appear on pages H8402, H8432.

Senate Referrals: S. 3001, S. 3002, S. 3003, and S. 3004 were held at the desk. **Page H8432**

Quorum Calls—Votes: Six yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H8412–13, H8413, H8428–29, H8429, H8430, H9431, H8431–32, H8448, H8450, H8451, and H8451–52. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:53 p.m.

Committee Meetings

FOOD, CONSERVATION, AND ENERGY ACT

Committee on Agriculture: Ordered reported H.R. 6849, amended, To amend the commodity provisions for the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less.

LESSONS FOR COUNTERING AL QA'IDA AND THE WAY AHEAD

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on Lessons for Countering al Qa'ida and the Way Ahead. Testimony was heard from John Arquilla, Senior Fellow, Professor, Department of Defense Analysis, Naval Postgraduate School; and public witnesses.

AMERICA'S NEED FOR HEALTH REFORM

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''America's Need for Health Reform. Testimony was heard from Jon S. Corzine, Governor, State of New Jersey, and public witnesses.

SCIENTIFIC INTEGRITY AT THE EPA

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''Science Under Siege: Scientific Integrity at the Environmental Protection Agency.'' Testimony was heard from John B. Stephenson, Director, Natural Resources and Environment, GAO; the following officials of EPA: Marcus Peacock, Deputy Administrator; and George Gray, Assistant Administrator, Department of Environmental Protection; and public witnesses.

AUCTION RATE SECURITY MARKET—PROBLEMS AND POTENTIAL RESOLUTIONS

Committee on Financial Services: Held a hearing entitled ''Auction Rate Securities Market: A Review of Problems and Potential Resolutions.'' Testimony was heard from Linda Thomsen, Director, SEC; and public witnesses.

FAMILIES TORN APART; HUMAN RIGHT—U.S. RESTRICTIONS ON CUBAN—AMERICAN TRAVEL

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights, and Oversight held a hearing on Families Torn Apart: Human Rights and U.S. Restrictions on Cuban-American Travel. Testimony was heard from Representatives Emerson, LaHood and McCotter; and public witnesses.

MANAGEMENT MISSTEPS AND MISSED BENCHMARKS

Committee on Homeland Security: Concluded hearings entitled ''Management, Missteps, and Missed Benchmarks: Why the Virtual Fence Has Not Become a Realty.'' Testimony was heard from public witnesses.

CELL TAX FAIRNESS ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 5793; Cell Tax Fairness Act of 2008. Testimony was heard from Gail W. Mahoney, Commissioner, Jackson County, Michigan; and James Clayborne, State Senator, State of Illinois; and public witnesses.

STATE SECRET PROTECTION ACT

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Civil Liberties ordered reported H.R. 5607, amended, State Secret Protection Act of 2008, 10 a.m., 2141 Rayburn.

OFFICE OF JUSTICE PROGRAMS OVERSIGHT

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on the Department of Justice, Office of Justice Programs Oversight. Testimony was heard from Jeffrey Sedgewick, Acting Assistant Attorney General, Office of Justice Programs, Department of Justice; and public witnesses.

INVESTIGATIONS ON FEDERAL OIL AND GAS ROYALTY COLLECTIONS

Committee on Natural Resources: Held an oversight hearing on Recent Interior Department Inspector General Investigations on Federal Oil and Gas Royalty Collections. Testimony was heard from the following officials of the Department of the Interior: Dirk Kempthorne, Secretary of the Interior; and Earl Devaney, Inspector General.

FEDERAL COURT OPTIONS FOR AMERICAN SAMOA

Committee on Natural Resources: Subcommittee on Insular Affairs held an oversight hearing on the Federal Court Options for American Samoa. Testimony was heard from Stephen Sander, Acting Director, Office of Insular Affairs, Department of the Interior; William Jenkins, Jr., Director, Homeland Security and Justice, GAO; and the following officials of American Samoa: Lolo M. Moliga, President of the Senate and Savali T. Ale, Speaker of the House.

GAMING TAX CODE

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing on Gaming the Tax Code: Public Subsidies, Private Profits, and Big League Sports in New York. Testimony was heard from Stephen Larson, Associate Chief Counsel, Financial Institutions and Products, IRS, Department of the Treasury; and public witnesses.

ROLE OF SOCIAL SCIENCE IN PUBLIC HEALTH

Committee on Science and Technology: Subcommittee on Research and Science Education held a hearing on the Role of Social Sciences in Public Health. Testimony was heard from public witnesses.

MAKING HEALTH CARE REFORM WORK FOR SMALL BUSINESS

Committee on Small Business: Held a hearing entitled ''(Making Health Care Reform Work for Small Business.'' Testimony was heard from public witnesses.

TRANSPORTATION PLANNING

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Transportation Planning. Testimony was heard from public witnesses.

EMERGING CONTAMINANTS IN U.S. WATERS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Emerging Contaminants in U.S. Waters. Testimony was heard from Congresswoman Carolyn McCarthy; Benjamin Grumbles, Assistant Administrator, Water, EPA; and Matthew Larsen, Associate Director, Water, U.S. Geological Survey; and public witnesses.

EFFECTIVENESS OF VA'S TRAINING PERFORMANCE MANAGEMENT AND ACCOUNTABILITY

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing on Examining the Effectiveness of the Veterans Benefits Administration Training, Performance Management and Accountability. Testimony was heard from the following officials of the Department of Veterans' Affairs; Veterans Benefits Administration: Michael Walcoff, Deputy Under Secretary, Benefits; Dorothy MacKay, Director, Employee Development and Training; and Bradley Mayes, Director, Compensation and Pension Service; Daniel Bertoni, Director, Education, Workforce and Income Security Issues, GAO; and public witnesses.

POLICY OPTIONS TO PREVENT CLIMATE CHANGE

Committee on Ways and Means: Continued hearings on Policy Options to Prevent Climate Change. Testimony was heard from Peter Orszag, Director, COB; Michael Bloomberg, Mayor, New York City, New York; and public witnesses.

CYBER SECURITY

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Cyber Security. Testimony was heard from departmental witnesses.

RUSSIA

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence met in executive session to hold a hearing on Russia. Testimony was heard from departmental witnesses.

GREEN ROADS TO ECONOMIC RECOVERY

Select Committee on Energy Independence and Global Warming: Held a hearing entitled ''The Green Road to Economic Recovery.'' Testimony was heard from public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1101)*

S. 2837, to designate the United States courthouse located at 225 Cadman Plaza East, Brooklyn, New York, as the ''Theodore Roosevelt United States Courthouse''. Signed on September 17, 2008. (Public Law 110–319)

S. 2403, to designate the United States courthouse located in the 700 block of East Broad Street, Richmond, Virginia, as the ''Spottswood W. Robinson III and Robert R. Merhige, Jr., United States Courthouse''. Signed on September 18, 2008. (Public Law 110–320)

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 19, 2008

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of September 22 through September 26, 2008

Senate Chamber

To be announced.

Senate Committees

(Committee meetings are open unless otherwise indicated)

To be announced.

House Committees

Committee on Appropriations, September 24, Subcommittee on Legislative, on Capitol Visitor Center, oversight, 11 a.m., 2362A Rayburn.

Committee on Armed Services, September 23, Subcommittee on Oversight and Investigations, hearing on the Department of Defense's work with states, universities and students to transform the nation's foreign language capacity, 10 a.m., 2212 Rayburn.

September 23, Subcommittee on Military Personnel, hearing on Sexual Assault in the Military: Victim Support and Advocacy, 2 p.m., 2212 Rayburn.

September 24, full Committee, hearing on Consideration for an American Grand Strategy, 10 a.m., 2118 Rayburn.

September 24, Subcommittee on Military Personnel, hearing on Military Health System Governance: Health Affairs/TRICARE Management Activity Organization, 2 p.m., 2212 Rayburn.

Committee on the Budget, September 25, hearing on Budget Reform Proposals for the 111th Congress, 2 p.m., 210 Cannon.

September 26, full Committee, hearing on Federal Responses to Market Turmoil: What's the Impact on the Budget, 10 a.m., 210 Cannon.

Committee on Education and Labor, September 24, hearing on Child Labor Enforcement: Are We Adequately Protecting our Children? 11 a.m., 2175 Rayburn.

September 25, full Committee, hearing on Safeguarding Retiree Benefits, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, September 24, Subcommittee on Environment and Hazardous Materials, hearing on Hazardous Substance Releases and Reporting under the Comprehensive Environmental Response, compensation, and Liability Act of 1980 (CERCLA) and the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 10 a.m., 2123 Rayburn.

Committee on Financial Services, September 24, hearing on The Future of Financial Services: Exploring Solutions for the Market Crisis, 10 a.m., 2128 Rayburn.

September 25, Subcommittee on Oversight and Investigations, hearing to Review of Continuing Security Concerns at DOE's National Labs, 10 a.m., 2123 Rayburn.

September 25, full Committee, oversight hearing to Examine Recent Treasury and FHFA Actions Regarding the Housing GSE's, 12 p.m, 2128 Rayburn.

Committee on Foreign Affairs, September 23, Subcommittee on Western Hemisphere, hearing on the Hurricanes in Haiti: Disaster and Recovery, 10 a.m., 2172 Rayburn.

Committee on Homeland Security, September 24, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing on A Report Card on Homeland Security Information Sharing, 10 a.m., 311 Cannon.

Committee on House Administration, September 25, hearing on Ensuring the Rights of College Students to Vote, 1:30 p.m., 1310 Longworth.

Committee on the Judiciary, September 22, Subcommittee on Crime, Terrorism and Homeland Security, hearing on the following bills: H.R. 6713, E-fencing Enforcement Act of 2008; H.R. 6491, Organized Retail Crime Act of 2008; and S. 3434, Combating Organized Retail Crime Act of 2008, 4 p.m., 2141 Rayburn.

September 23, Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law, hearing on the Executive Office of Immigration Review, 10 a.m., 2141 Rayburn.

September 24, Subcommittee on the Constitution, Civil Rights and Civil Liberties, and the Subcommittee on Elections of the Committee on House Administration, joint hearing on Federal, State and Local Efforts to Prepare for the 2008 General Election, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, September 23, Subcommittee on Insular Affairs, oversight hearing on Identifying Labor Solutions for the Guam Military Build-Up, 2 p.m., 1324 Longworth.

September 24, Subcommittee on Fisheries, Wildlife and Oceans, oversight hearing on recent trends concerning annual budgets for the National Wildlife Refuge System and implications for management activities, 10 a.m., 1324 Longworth.

September 25, Subcommittee on Water and Power, hearing on the following legislation: H. R. 883, Oglala Sioux Tribe Angostura Irrigation Project Modernization and Development Act; H. R. 6754, White Mountain Apache Tribe Rural Water System Loan Authorization Act; H. R. 6768, To authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos; and legislation to authorize the Secretary of the Interior to establish a program to facilitate the transfer to non-Federal ownership of appropriate reclamation projects or facilities, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, September 23, Subcommittee on Domestic Policy, hearing on Necessary Reform to Pediatric Dental Care under Medicaid, 10 a.m., 2154 Rayburn.

September 24, full Committee, hearing on Implementation and Enforcement of the Clean Water Act, 10 a.m., 2154 Rayburn.

September 24, Subcommittee on Government Management, Organization, and Procurement, hearing on Passing the Baton: Preparing for the Presidential Transition, 2 p.m., 2247 Rayburn.

September 24, Subcommittee on Information Policy, Census and National Archives, hearing on How Information Policy Affects Competitive Viability in Minority Contracting, 2 p.m., 2154 Rayburn.

September 24, Subcommittee on National Security, and Foreign Affairs, hearing on Oversight of U.S.—Pakistan Relations: From Ad Hoc and Transactional to Strategic and Enduring, 2 p.m., 2203 Rayburn.

September 25, Subcommittee on Domestic Policy, hearing on Tumors and Cell Phone use: What the Science says, 2 p.m., 2154 Rayburn.

Committee on Small Business, September 24, Subcommittee on Contracting and Technology, hearing on Small Business Recovery from the Midwest Disasters of 2008, 2 p.m., 1539 Longworth.

September 25, full Committee, hearing on Small Business Competition Policy: Are Markets Open for Entrepreneurs? 10 a.m., 1539 Longworth.

Committee on Transportation and Infrastructure, September 23, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on FEMA's Response to the 2008 Hurricane Season and the National Housing Strategy, 2 p.m., 2167 Rayburn.

September 24, full Committee, hearing on National Mediation Board Oversight of Elections for Union Representation, 2 p.m., 2167 Rayburn.

September 25, Subcommittee on Aviation, hearing on Runway Safety: An Update, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, September 23, Subcommittee on Oversight and Investigations, hearing on Media Outreach to Veterans: An Update, 10 a.m., 2118 Rayburn.

September 24, Subcommittee on Economic Opportunity, to continue oversight hearings on G.I. Bill Implementation, 1 p.m., 340 Cannon.

Committee on Ways and Means, September 23, Subcommittee on Health, hearing on the Health of the Private Health Insurance Market, 10 a.m., 1100 Longworth.

September 24, Subcommittee on Oversight, hearing on Pension Benefit Guaranty Corporation, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, September 24, Subcommittee on Oversight and Investigations, executive, to meet on ongoing matters/reports, 10 a.m., H–405 Capitol.

September 24, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, consideration of Reports, Preview of Future Reports, and Discussion of agenda (110th/111th), 3 p.m., H–405.

September 25, full Committee, executive, to consider pending business, 1:30 p.m., H–405 Capitol.

September 24, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, briefing on Hot Spots, 8:45 a.m., H–405 Capitol.

Select Committee on Energy Independence and Global Warming, September 25, hearing on The Future of LIHEAP Funding: Will Families Get The Cold Shoulder this Winder? 9:30 a..m., room to be announced.

Next Meeting of the SENATE

3 p.m., Monday, September 22

Senate Chamber

Program for Monday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

10:30 a.m., Monday, September 22

House Chamber

Program for Monday: To be announced.

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