United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, JULY 25, 2007 No. 120

# House of Representatives

The House met at 10 a.m.

Dr. Suzan Johnson Cook, Believers' Christian Fellowship Church, New York, New York, offered the following prayer:

Our God and our Creator, we come to You this day, rejoicing in our hearts for life and life more abundant. We ask You to guide us throughout this day, throughout all of our proceedings, that we may go forth with purpose, passion, and perseverance, representing the people who have both elected and put their trust in us. Please also bless our families as we are absent from them. Let no hurt, harm, nor danger come their way this day. May we now place our trust in You.

We ask also, God, that You keep ever before us our mission, our missives, and keep our minds focused, clear, and convicted to be servants as we represent our Nation, the United States of America.

Thank You for this opportunity to serve. Thank You for Your grace. Thank You for Your wisdom. Thank You for the honor and privilege to serve.

Bless also those amongst us who are candidates for office. Give them strength and keep them grounded in Thee. We also ask, O God, that You bless not only us, but those around this world, especially those who live in fear, poverty, and with injustice. May what we say and do make a difference that we may be a light to this world, as You shine through us.

This is our prayer in Your name and for Your sake. Amen.

## THE JOURNAL

The SPEAKER. 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. Will the gentleman from New York (Mr. TOWNS) come forward and lead the House in the Pledge of Allegiance.

Mr. TOWNS led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE SENATE

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

H.R. 2429. An act to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces.

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

S. Con. Res. 42. Concurrent resolution recognizing the need to pursue research into the causes, treatment, and eventual cure for idiopathic pulmonary fibrosis, supporting the designation of a National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

## WELCOMING DR. SUZAN JOHNSON COOK

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

Mr. TOWNS. Madam Speaker, I rise today to honor Rev. Dr. Suzan Johnson Cook. Rev. Cook is the pastor at the Believers' Christian Fellowship Church, which she founded in 1996 after serving as pastor of the Mariners' Temple Baptist Church in downtown Manhattan for 13 years. In 2002, Rev. Cook became the first woman elected president of the 10,000-member Hampton, Virginia, University Ministers Conference, which represents all the historically African American denominations. Her list of other ''firsts'' includes: first woman appointed Chaplain of the New York Police Department and the first female baptist minister from the Bronx to receive a White House fellowship.

A woman of promise, passion, diligence, and determination, Rev. Cook is the author of eight successful books. In 1997 Rev. Cook was featured by Ebony Magazine as one of the Nation's top 15 women in ministry.

Rev. Cook has toured nationally with Bishop T.D. Jakes and the ''God's Leading Ladies Conference.'' Her motto is ''If I can help somebody, then my living is not in vain.''

A faculty member and graduate of Harvard University, she also received a doctorate of ministry degree from Union Theological Seminary, a master of divinity degree from Union Theological Seminary, and a master of arts degree from Columbia University.

Rev. Cook is married to Ronald Cook, and they reside in New York City with their two sons.

Dr. Cook is a powerful orator and was recently described in the New York Times as ''Billy Graham and Oprah rolled into one.'' Her mentoring and leadership skills have now charged her to form The Woman in Ministry International Summit, which supports and advocates for women church leaders.

Madam Speaker, I would like to recognize this magnificent minister, scholar, and dynamic leader, and urge my colleagues to join me in paying tribute to this outstanding member of the clergy.



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ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 one-minute speeches on each side.

## THE FARM BILL

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

Mr. BLUMENAUER. Madam Speaker, we will face a very stark choice on the farm bill this week. The hollow claims of reform are exposed by the fact that it hardly saves any money at all and retains the complex system with special provisions to avoid what we say we want to do: concentrate on our family farms.

It preserves a system where five commodities, rice, cotton, wheat, soy beans, and corn, will continue to claim most of the money and dominate our farm policy. It is perverse because it continues to enrich those experts at farming the taxpayer while continuing to squeeze out the family farmers, driving up land prices and giving the big guys a competitive advantage. That is why the overwhelming majority of farmers favor a strict cap of $250,000 a year. You can ask independent experts, not lobbyists and associate members. Ask your own farmers.

Let's amend the committee bill, currently the least that can be done, with a vote for a series of amendments that will strengthen it and provide the sort of support our farmers deserve.

## INVITE ILLEGALS TO NEW HAVEN, CONNECTICUT

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

Mr. POE. Mr. Speaker, New Haven, Connecticut, has become exactly that: a new haven for illegal immigrants.

The city will be granting illegals an ID card that will allow them to access city services, such as parks, the library, and the ability to open bank accounts. This ID card for illegals will become the first of its kind in our Nation issued by a city.

Even though the American public is opposed to free-pass amnesty, this city doesn't understand it is still against the law to be in the United States illegally.

But New Haven doesn't seem to care. They have already recruited banks that will allow use of these cards. Yale Law School volunteered free legal services. All in the name of helping people get away with breaking the law.

New Haven, Connecticut, flaunts its encouragement of illegal entry. So since the Feds won't adequately enforce immigration laws and don't seem to know what to do with illegals, let's just invite all illegals to go to New Haven, Connecticut, where the city wants to have a safe sanctuary for them.

Mr. Speaker, there should be consequences for cities like New Haven, Connecticut, that are bastions for illegals. Cities that openly promote violations of Federal law should lose Federal funds.

And that's just the way it is.

## COMBAT TERRORISM, REDEPLOY FROM IRAQ

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

Mr. ELLISON. Mr. Speaker, the National Intelligence Estimate makes it clear that the United States confronts grave challenges to our national security. Al Qaeda grows stronger with each passing day and remains intent on inflicting harm on the American people and others around the world.

The NIE confirms what many of us in this Chamber already know: the war in Iraq has stretched resources thin and continues to distract from the global war on terror. It is nearly 5 years since President Bush proclaimed ''mission accomplished.'' In that time, over 3,600 Americans have lost their lives and 26,000 more have been wounded. Despite the courageous efforts of our men and women in uniform, Iraq today is a distraction from our mission to destroy the al Qaeda network. How many more lives must be lost until the President and our colleagues realize that we must change course?

Mr. Speaker, around the world right now, our brave troops are fighting to protect this country and win this war. If we are going to prosecute the war to the best of our ability, it is time to face facts and reevaluate our strategy and begin a gradual redeployment of our troops.

## SUCCESS FOR BULGARIA AND LIBYA

(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. Mr. Speaker, after serving nearly 8 years in a Libyan prison, five Bulgarian nurses yesterday were joyously released home to Sofia, Bulgaria, escorted by Cecilia Sarkozy, wife of the President of France, America's first ally. These nurses and a Palestinian doctor were sadly sentenced to life in prison for allegedly contaminating children with the AIDS virus.

This successful outcome could not have been achieved without the diligent efforts of the state of Qatar; the European Union; and the President of the French Republic, Nicolas Sarkozy. I commend their efforts to reach a peaceful result with Libya. This is positive for the people of Libya and the people of Bulgaria. This is a crucial achievement of extraordinary advances for North Africa and Southeast Europe, who will be partners with America.

As the co-Chair of the Congressional Bulgaria Caucus along with Congresswoman TAUSCHER of California, it is my privilege to work with Ambassador Elena Poptodorova. God bless the nurses of Bulgaria.

In conclusion, God bless our troops, and we will never forget September the 11th and the terrorist attack on Glasgow Airport.

## INTRODUCTION OF THE CHAMP ACT SHOULD RECEIVE BIPARTISAN SUPPORT IN HOUSE

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

Ms. SOLIS. Mr. Speaker, yesterday House Democrats introduced legislation that will provide additional low-income children with health insurance coverage they need and deserve. The Children's Health and Medicare Protection, or CHAMP, Act would reauthorize an extremely effective State Children's Health Insurance Program, known to many as the SCHIP program, which will expire September 30 if Congress does not act.

If SCHIP is allowed to expire, millions of our American children could lose their health insurance. In a letter issued last weekend, bipartisan Governors at the National Governors Association meeting called for urgent action to reauthorize SCHIP. They know, as do Democrats in Congress, that this program is vital for ensuring children in low-income families to have better access to health care. That is why passing the CHAMP Act is so important.

Mr. Speaker, SCHIP was created almost 10 years ago by this Congress with bipartisan support and now enjoys the support of many Governors across the other aisle. I hope Republicans in this body will listen to their gubernatorial colleagues and join us in passing the new CHAMP Act.

## THE NEW STRATEGY; IRAQ IS WORKING

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

Mr. BRADY of Texas. Mr. Speaker, traveling to Iraq this past weekend to see firsthand how the surge is working, I really expected the worst. Instead, I am very encouraged.

Communities all across Iraq are turning against al Qaeda and working with Iraqi and coalition forces to take back their cities. Half of Baghdad is no longer safe for insurgents. Al Qaeda is not down and out but clearly back on its heels, rejected by the very communities and religious leaders it claims to fight for.

Now make no mistake, there are still serious challenges, including high-profile bombings, the need for Iraq's Government to resolve key issues now, and Iran's continued support for terrorism. But I am convinced the new strategy is working, and we have impressive leaders and impressive troops in place to see even more progress.

Mr. Speaker, while Congress has the right to debate this war, it has the responsibility to help win it as well. That means letting this new strategy work through the end of the year, or the beginning of the next, if we are truly serious about a stable Iraq and a safer America.

□ 1015

## INTRODUCTION OF THE CHILDREN'S HEALTH AND MEDICARE PROTECTION ACT

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

Ms. WATSON. Mr. Speaker, as you just heard, this week House Democrats unveiled the Children's Health and Medicare Protection Act, a bill that reauthorizes SCHIP, ensures millions of children receive the care they need, and protects Medicare for America's seniors.

The introduction of the CHAMP program comes days after the National Governors Association, made up of both Democrats and Republicans, called for urgent action to reauthorize the SCHIP program. Unfortunately, while strengthening SCHIP has broad bipartisan support from our Nation's Governors and in the U.S. Senate, the Bush administration and some congressional Republicans oppose efforts to strengthen the program so it does not continuously run out of money. Instead, they are proposing to underfund the program significantly, which would cause millions of children to lose coverage.

Mr. Speaker, insuring America's children is an affordable goal. It costs less than $3.50 a day to cover a child through SCHIP.

## DANGER OF DEMOCRAT HEALTH CARE PLAN

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

Mr. PRICE of Georgia. Mr. Speaker, health care decisions are often the most personal and important decisions ever made, and those decisions should rightly be made by patients and doctors, not bureaucrats and insurance companies. So it's concerning that the Democrat leadership plan to move forward with a large expansion of Washington-controlled bureaucratic health care under the guise of providing care for children.

The House Democrat plan would cost $50 to $80 billion, and include children whose families have an annual income up to $82,000, making 71 percent of all children in America eligible for government-run socialized medicine, a level of income where 89 percent of children already have private health insurance. Why? Because these Washington politicians believe they can make better health care decisions for America's families. They don't trust patients, and they don't trust doctors.

As a physician I know that the best medical decisions are made by patients and families. The positive solution is patient-centered health care, making insurance available to all patients and families. Let's put patients in charge, not Washington. That's what Americans want.

## INTRODUCTION OF THE CHAMP ACT AND PROVIDING HEALTH CARE TO 5 MILLION MORE KIDS

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

Mr. BRALEY of Iowa. Mr. Speaker, the State Children's Health Insurance Program, or SCHIP, is one of the most important and worthwhile programs in our government. It was created with broad bipartisan support by Congress in 1997, and provides critical health care benefits to children whose parents either cannot afford insurance, or hold jobs where health insurance benefits are not provided. Today, 6 million children and low-income families have health care because of this SCHIP program.

This week, Democrats in this body introduced legislation known as the CHAMP Act, which would reauthorize SCHIP, preventing it from expiring on September 30, leaving these 6 million children without access to health care.

The CHAMP Act would also extend SCHIP coverage to 5 million additional uninsured American kids, and ensure that States have the tools to reach children who are eligible for the program, but are not enrolled.

Mr. Speaker, I urge my colleagues to support the CHAMP Act. By passing it, we will reauthorize SCHIP to protect health care benefits for up to 6 million children currently receiving them, and provide it to an additional 5 million who desperately need it.

## COPS

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

Mr. KELLER of Florida. Mr. Speaker, I rise today to talk about the appropriation bill before us today. This legislation addresses the violent crime problem head on by investing $100 million into the COPS program to put more cops on the street.

We need additional cops now more than ever. For example, in my hometown of Orlando, Florida, we experienced a 123 percent increase in the murder rate last year. Yesterday I received a letter from a 7-year-old boy in Orlando. He writes, ''My name is Santiago Valera. I am a 7-year-old boy. I live with my grandma. We live in Orlando, Florida. Every day bad people rob and kill good people. They even shot my Auntie Connie in her neck. I'm afraid to go outside and play. I don't want someone to kill my little brother or me or my grandma. Please help us.''

To Santiago and all the other little boys and girls of central Florida, please know that we hear your concerns, and help is on the way.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIRES). The Chair will remind Members to refrain from trafficking the well while other Members are under recognition.

## NO PERMANENT BASES IN IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Yesterday, the President of the United States went to South Carolina to address the United States military to convince them that the al Qaeda network in Iraq is part of the international network of al Qaeda. But as I rise to support the legislation that will appear on the floor today, No Permanent Bases in Iraq, I rise vigorously to support this important legislation, that I have co-sponsored.

The National Intelligence Estimate has been very clear, and that is that al Qaeda has become stronger because of our military presence in Iraq. It's time now to make the statement and the decision, no permanent military bases of the United States in Iraq.

Four thousand lives, almost, of our soldiers have been lost. They are our heroes. We claim they are our heroes. They've done their job. It is time now, Mr. President, to redeploy our soldiers in a safe manner and recognize the misdirected war in Iraq, political reconciliation is the answer.

It is time now for the Iraqis and the Prime Minister to stand up, along with the sister states in the region, and establish the reconciliation goverment for Iraq. Please support No Permanent Bases in Iraq.

## THE BIG THREE: MODEL CORPORATE CITIZENS

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

Mrs. MILLER of Michigan. Mr. Speaker, my friends on the other side of the aisle are often quick to criticize corporate America for everything from outsourcing jobs to poor health care and retirement benefits for their workers. However, we have some very responsible corporate citizens that we call the Big Three. And over the last century, the Big Three have been the leaders in providing health care benefits and retirement benefits as well for their workers. These efforts were actually crucial in building up the American middle class. GM, for example, spent $3.3 billion last year on health

benefits for their 432,000 retirees. In comparison, non-U.S. auto manufacturers spent roughly just $23 million for their 1,200 American workers and American retirees.

And one would think that after decades of commitment the Big Three have shown to the American worker that that would earn them the admiration and the sympathy of the Democratic leadership. Unfortunately, that does not seem to be the case. The Democratic leadership that should be holding up the domestic auto industry as models of corporate responsibility are instead trying to ram through increased CAFE standards that will put U.S. auto workers in the unemployment line and likely bankrupt U.S auto companies.

I urge my colleagues to reject these policies which will help our foreign competitors, and instead stand up for American jobs.

## IOWA NATIONAL GUARD 1ST BATTALION, 133RD INFANTRY

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

Mr. LOEBSACK. Mr. Speaker, I rise with great pride to welcome home the Iowa Army National Guard's 1st Battalion, 133rd Infantry. The Ironman Battalion returns to Iowa today after a 22-month deployment in support of Operation Iraqi Freedom.

While serving in al-Anbar province, the Ironman Battalion provided transportation security for more than one-third of the fuel used by coalition forces in Iraq.

It is with a heavy heart that I note that the 133rd Infantry lost two soldiers. I would like to extend my deepest sympathy to their families and loved ones.

Now that the 133rd has returned home, we must honor their service by providing for their health care and productive futures. Our commitment to these citizens must extend throughout their lives.

On behalf of the Second District of Iowa, I thank the soldiers of the 133rd Infantry for their service. It is with great pride and gratitude that we welcome them home today.

## RECOGNIZING THE SERVICE OF SECRETARY NICHOLSON OF THE DEPARTMENT OF VETERANS AFFAIRS

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

Mr. STEARNS. Mr. Speaker, last Tuesday, Secretary Jim Nicholson resigned from his position at the Department of Veterans Affairs.

As a highly decorated combat veteran, his experience in the Army for over 22 years gave him insight into the needs of veterans. He has implemented many reforms since assuming the leadership of the VA in February 2005. He established electronic medical records for the nearly 8 million people in the VA health care program. This enabled the successful transition of veterans from hospitals damaged by Hurricane Katrina and Rita.

In addition, Mr. Nicholson improved care for veterans with brain injuries and post-traumatic stress disorder, mandating screening of all returning veterans for signs of PTSD, and adding mental health services at more than 100 medical centers.

Secretary Nicholson also hired suicide prevention counselors at each of the VA's 153 facilities and established a 24-hour national suicide prevention hotline.

I want to thank Secretary Nicholson for his commitment and leadership, and wish him well in his future endeavors. God bless him.

## JAMES MADISON'S ''POLITICAL OBSERVATIONS''

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

Mr. HALL of New York. Mr. Speaker, I would like to quote from James Madison, chief author of the Constitution, from remarks he wrote on April 20, 1795, which sound as though they could have been written today.

''Of all the enemies of true liberty, war is, perhaps, the most to be dreaded because it compromises and develops the germ of every other. War is the parent of armies; from these proceed debts and taxes. And armies and debts and taxes are the known instruments for bringing the many under the domination of the few.

''In war, too, the discretionary power of the executive is extended. Its influence in dealing out offices, honors and emoluments is multiplied; and all the means of seducing the minds are added to those of subduing the force of the people. This same malignant aspect in republicanism may be traced in the inequality of fortunes, and the opportunities of fraud, growing out of a state of war, and in the degeneracy of manner and of morals engendered in both. No nation can preserve its freedom in the midst of continual war. War is, in fact, the true nurse of executive aggrandizement.''

## COMMENDING COLLIN COUNTY SCHOOLS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to congratulate the prestigious independent school districts in Collin County, Texas, for their sterling reputation and superior education.

Forbes Magazine, long-time experts on all things money, recently ranked the public schools in Collin County as second in the entire Nation for the best education for your dollar. What a tremendous distinction.

The students' overall average score was 1102 on the college entrance exam, and the schools boast a 92.2 percent graduation rate. This demonstrates that knowledgeable teachers, community pride, parental involvement and top-quality schools are all working together to achieve academic success.

I want to personally commend the cities of Allen, Frisco, McKinney, Plano and Wylie and their independent school districts for this exceptional award and national recognition for what they do best, teaching our kids and making the future of Texas and the United States even brighter.

Congratulations to all concerned.

## NO PERMANENT MILITARY BASES IN IRAQ

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

Mr. MORAN of Virginia. Mr. Speaker, our intelligence agencies have confirmed that al Qaeda is stronger in numbers and effectiveness than it has ever been. And that's because 5 years ago, when we had bin Laden cornered and crippled, we outsourced the job of capturing him. And then we diverted our focus and our resources to Iraq, which turned out to be his greatest dream realized because it gave him so many propaganda tools as a rallying cry and a recruiting tool. And that's just what happened.

And now, when President Bush says that he envisions a military presence in Iraq similar to South Korea, well, we've been in South Korea for 50 years, this plays into their propaganda. We need to make clear there will be no permanent military bases in Iraq; that we are not there as occupiers, but rather as liberators.

Let's start getting serious about winning this global war on terrorism. We can start today by passing the resolution declaring that the Congress is unequivocally opposed to permanent military bases in Iraq.

□ 1030

## SUPPORT FUNDING FOR COMMUNITY ORIENTED POLICING SERVICES

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

Mr. REICHERT. Mr. Speaker, I rise in strong support this morning of the funding levels included in the State and local law enforcement in H.R. 3093. This legislation reverses a dangerous downward trend in the Community Oriented Policing Services program, the COPS program.

Specifically, it increases the COPS budget to $725 million, which is a $183

million increase over last year. It also includes $80 million in additional money for the Byrne grant system.

I was the sheriff in Seattle up until 2½ years ago for the last 8 years of my career. I was in law enforcement 33 years. As a sheriff, I used the Byrne Grant funds. I used the COPS money. We worked together with our communities. We worked together with business. We made our communities safe. It is a vital program, a useful program, a necessary program.

Mr. Speaker, we cannot have freedom, we cannot feel safe in our neighborhoods until we know we are safe, until we know our law enforcement is there to protect us. The COPS grant does that.

## THE CHAMP ACT

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

Mr. PALLONE. Mr. Speaker, yesterday, we introduced the CHAMP Act, an essential package that addresses the health care needs of our children and seniors while also meeting the needs of our doctors. I am particularly proud of our efforts to ensure that 11 million children receive the health care coverage they need to lead healthier lives.

Today, we are at a crossroads on children's health. Studies show that if we ensure that children receive preventative health care in their formative years, they will lead healthier lives. But over the last year, the number of uninsured children has increased for the first time in a decade. That is why it is so important to strengthen SCHIP.

This is not an expansion of the program. Today we are reaching 6 million children. Under the CHAMP Act, we will reach an additional 5 million children who are already eligible.

Over the past 10 years, SCHIP has received strong bipartisan support because it serves as a lifeline to those most vulnerable among us, our children. It has always received strong bipartisan support. At a time when the number of uninsured is increasing, I would hope Republicans would join us in passing this legislation.

## CONGRATULATIONS TO THE LONGEST MARRIED COUPLE IN THE UNITED STATES

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

Mrs. BACHMANN. Mr. Speaker, today it is an honor for me to congratulate the longest married couple in the United States, married for 82½ incredible years. They live in my district, Clarence and Mayme Vail of Hugo, Minnesota. They have six wonderful children, 39 grandchildren, 101 great-grandchildren, and 40 great-great-grandchildren. It is almost beyond belief.

At 101 and 99 years of age, what is the Vails' secret to success? Clarence says ''Avoid debt, strive for simple, clean living, no public arguments, feed your faith, and accept your spouse as is.'' Then Clarence went on to say, ''Pick a good woman and let her lead the way.'' That is good advice from a humble Minnesotan.

Congratulations, Clarence and Mayme Vail of Hugo, Minnesota, on 82½ years of marriage; the longest married couple in the United States. Congratulations, lovebirds.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

## LIMITING USE OF FUNDS TO ESTABLISH ANY MILITARY INSTALLATION OR BASE IN IRAQ

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2929) to limit the use of funds to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq or to exercise United States economic control of the oil resources of Iraq.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2929

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

**SECTION 1. FINDINGS.**

Congress finds the following:

(1) On May 30, 2007, Tony Snow, the President's press secretary, said that President Bush envisions a United States military presence in Iraq ''as we have in South Korea'', where American troops have been stationed for more than 50 years.

(2) On June 1, 2007, Secretary of Defense Robert Gates elaborated on the President's idea of a ''long and enduring presence'' in Iraq, of which the ''Korea model'' is one example.

(3) These statements run counter to previous statements issued by the President and other administration officials.

(4) On April 13, 2004, the President said, ''As a proud and independent people, Iraqis do not support an indefinite occupation and neither does America.''.

(5) On February 6, 2007, Secretary Robert Gates stated in testimony before Congress, ''we certainly have no desire for permanent bases in Iraq.''.

(6) On February 16, 2006, Secretary of Defense Donald Rumsfeld stated in testimony before Congress, ''We have no desire to have our forces permanently in that country. We have no plans or discussions underway to have permanent bases in that country.''.

(7) On March 24, 2006, the United States Ambassador to Iraq, Zalmay Kahilzad stated that the United States has ''no goal of establishing permanent bases in Iraq.''.

(8) On October 25, 2006, the President stated, ''Any decisions on permanency in Iraq will be made by the Iraqi government.'', in response to a question whether the United States wanted to maintain permanent military bases in Iraq.

(9) On February 6, 2007, Secretary Gates said, ''We will make that decision, sir'' in response to the question: ''Is that still our policy, that we're going to be there [Iraq] as long as the [Iraqi] government asks us to be there? . . . Is our presence left up to the Iraqis or do we make the decision?''.

(10) The perception that the United States intends to permanently occupy Iraq aids insurgent groups in recruiting supporters and fuels violent activity.

(11) A clear statement that the United States does not seek a long-term or permanent presence in Iraq would send a strong signal to the people of Iraq and the international community that the United States fully supports the efforts of the Iraqi people to exercise full national sovereignty, including control over security and public safety.

(12) The Iraq Study Group Report recommends: ''The President should state that the United States does not seek permanent military bases in Iraq. If the Iraqi government were to request a temporary base or bases, then the United States government could consider that request as it would in the case of any other government.''; and ''The President should restate that the United States does not seek to control Iraq's oil.''.

(13) The House of Representatives has passed 6 separate bills prohibiting or expressing opposition to the establishment of permanent military bases in Iraq including three of which have been enacted into law by the President: Public Law 109–289, Public Law 109–364, Public Law 110–28.

**SEC. 2. STATEMENT OF POLICY.**

It is the policy of the United States not to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq and not to exercise United States control of the oil resources of Iraq.

**SEC. 3. LIMITATION ON USE OF FUNDS.**

No funds made available by any Act of Congress shall 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; and

(2) to exercise United States economic control of the oil resources of Iraq.

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

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2929.

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

There was no objection.

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

Mr. Speaker, there have been many justifications for why we went to war in Iraq. Take your pick: We invaded to capture Saddam's weapons of mass destruction, or we invaded to oppose a

dictator and bring democracy and human equal rights to the Iraqi people, or we invaded to fight al Qaeda and prevent them from attacking us here.

So many reasons have been offered that you can mix and match one from column A, two from column B.

Whatever your favorite reason for invading Iraq, the one reason that was never offered was that we are invading Iraq to occupy their land, establish permanent bases and control their oil. Yet, among Iraqis, this perception is that the establishment of permanent bases is precisely why we invaded. The insurgents use that perception to recruit fighters and incite attacks on our troops.

The bill before us today, introduced by our colleagues, BARBARA LEE and TOM ALLEN, along with JIM MORAN and DAVID PRICE, will help combat that perception. It states that it is the policy of the United States not to establish permanent bases in Iraq and not to control Iraq's oil resources.

Mr. Speaker, this is not the first time that the House has spoken on the issue. Six separate times the House has passed legislation prohibiting or expressing opposition to the establishment of permanent military bases in Iraq. Three of those bills have been signed into law. Yet, from the President, we continue to get mixed messages.

In May, the President's spokesman talked about a U.S. presence in Iraq that looked like our presence in South Korea. Last month, Secretary Gates suggested that the President was considering a long and enduring presence in Iraq.

Whatever your position on the war, I don't think anyone here in this House believes that we should be in Iraq for over 50 years. In case anyone needed any further convincing that pursuing a long-term presence in Iraq is unwise, the Iraq Study Group was unequivocal on the point of permanent bases. ''The President should state that the United States does not seek permanent military bases in Iraq''. But instead of standing down when the Iraqis stand up, the President seems intent on putting down roots. It is the wrong policy yet again.

The Lee-Allen bill will send an important message again that the United States has no interest in permanent bases.

Mr. Speaker, I urge all of our colleagues to support it.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as has been said, this legislation cites the fact that the House of Representatives has passed six, one, two, three, four, five, six separate bills prohibiting or expressing opposition to the establishment of permanent military bases in Iraq, including three, one, two, three, which have been enacted into law by the President.

In fact, the language contained in H.R. 2929, which is before us today, is nearly identical to the language adopted under a Republican-controlled Congress in section 1519 of the John Warner National Defense Authorization Act for Fiscal Year 2007.

This is the bill before us today. This is the law.

The fiscal year 2007 bill states:

''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 economic control of the oil resources of Iraq.''

That is law. That has been passed a couple of times. And now the bill before us this morning says this:

''No funds made available by any Act of Congress shall 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; and

(2) to exercise United States economic control of the oil resources in Iraq.''

Once, twice, three times. We can pass it again. But why are we here? Why are we spending valuable time, Mr. Speaker, debating an issue that the Congress on a bipartisan basis already has agreed to, once, twice, three times, four times, five times, six times? The majority's attempts to score political points on a range of issues, including particularly Iraq policy, has already paralyzed precious months of military planning and congressional business, including the 9/11 bill.

It was only last night when the majority conferees finally agreed to incorporate into the 9/11 conference report critical language offered by the ranking member of the Homeland Security Committee, my good friend Mr. KING of New York, which would provide immunity to passengers and commuters who report suspicious activities.

In a post-9/11 world, Mr. Speaker, passenger vigilance is essential to our Nation's security. An alert citizenry is our first line of defense against those who may seek to do us harm.

Yet, some of our colleagues, rather than supporting or encouraging such personal commitment and involvement from our citizens, would have preferred to leave them vulnerable to frivolous lawsuits and, instead, engage in debates on legislative items and policy already enacted into law and discussed once, twice, three times, four times, five times and six times.

However, since we are having this ''Groundhog Day'' discussion, it is important to once again note that there are no permanent United States bases overseas. Rather, the scope and the duration of U.S. basing rights are determined by individual agreements and entered into with host governments throughout the world.

It is also important to clarify that a policy position that does not support permanent bases in Iraq does not translate into either a prohibition against the American troop presence in Iraq, we could have that discussion on another bill, or a prohibition against the existence of any U.S. military installation in that country.

But that is not what is before us today. The bill before us in its ''findings'' section states that the Iraq Study Group Report recommends that ''the President should state that the United States does not seek permanent military bases in Iraq.''

Correct.

The bill also specifically highlights the other component of that recommendation, which says, ''If the Iraqi Government were to request a temporary base or bases, then the United States Government could consider that request as it would be in the case of any other government.''

This legislation therefore accepts the prospect of a negotiated agreement for a future relationship with the Government of Iraq to, among other things, allow U.S. military and security forces to operate from U.S. installations within Iraq, including through a possible status of forces agreement that would define the legal status of U.S. personnel in Iraq and would define the rights and responsibilities between the United States and the Government of Iraq. Furthermore, this legislation before us today does not prohibit the United States from entering into the interoperability agreements that allow the United States and Iraq to share common infrastructure and bases.

Mr. Speaker, I do not object to this legislation. We have supported it before and look forward to supporting it again.

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

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentlewoman from California (Ms. LEE), the chief sponsor of the resolution.

Ms. LEE. Mr. Speaker, I want to thank the gentleman for yielding and for his leadership. Also, I would like to thank our Speaker, our leadership, Chairman SKELTON, Chairman LANTOS, Congresswoman ILEANA ROS-LEHTINEN and others for really bringing this critical measure to a vote today.

What this legislation does is really simple. It does what the Iraq Study Group and other experts have recommended that we do. It makes a clear state of policy that the United States does not intend to maintain an open-ended military presence in Iraq and that we will not exercise control over Iraqi oil, and it backs up that policy with the power of the purse.

□ 1045

And the President and his administration to this date, and I mean to this

date, have not made a clear statement of this policy. Putting Congress on record with this clear statement helps take the target off our troops' backs; it supports our goals of handing over responsibility for security and public safety to Iraqi forces.

Mr. Speaker, the perception that the United States plans to maintain a permanent military presence in Iraq strengthens the insurgency and fuels the violence against our troops. That is why experts ranging from former adviser to the Coalition Provisional Authority Larry Diamond to the Iraq Study Group have called on the President to make a clear statement of policy that the United States does not intend to maintain permanent military bases or an open-ended military presence in Iraq.

Unfortunately, the administration has refused to do that. In fact, there are conflicting accounts as to who will decide if we stay in Iraq permanently. When the President was asked that question at a press conference last October he said: ''Any decisions on permanency in Iraq will be made by the Iraqi Government.'' But when Secretary Gates was asked is our presence left up to the Iraqis, or do we make the decision in testimony before the Senate this February, Secretary Gates said, we will make this decision.

More recently the administration has further muddied the waters by saying that they envision a United States military presence in Iraq similar to that we have in South Korea where American troops have been stationed for more than 50 years and won't be leaving anytime soon.

We must soundly reject the vision of an open-ended occupation as bad policy which undermines the safety of our troops, and we must recognize it for what it is: Another recruiting posture for terrorists.

To those who raise objections or want to suggest this is only a symbolic measure, or raise semantic questions about what a permanent base is, let me say this: This is a serious issue, and I think we should all recognize how much is at stake.

The question is simple: Do we support an endless occupation, or do we oppose it? We may disagree on many things about Iraq, but I hope we can agree that an endless occupation is not the answer. Let's make that commitment today. Let's put the so-called Korea model to bed, and let's tell our young men and women that when they come home, they will all come home. Let's pass this legislation, and I want to thank Congresswomen WOOLSEY and WATERS, and Congressmen PRICE and ALLEN for their support.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

If I could point out that the most recent reincarnation of this very same issue was passed earlier this year in this very House, and I would like to read verbatim what it said. I was proud to vote for it, and I will vote for it.

Sec. 1222. Continuation of prohibition on establishment of permanent military installations in Iraq or United States control over oil resources of Iraq.

Section 1519 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2444) is amended by inserting after ''this Act'' the following: ''or any other Act for any fiscal year''.

Mr. Speaker, with that I am pleased to yield with great pleasure such time as he may consume to a great American, the ranking member of the Armed Services Committee, the gentleman from California (Mr. HUNTER), who has also voted for this measure six times.

Mr. HUNTER. Mr. Speaker, I want to thank the gentlelady for her leadership and also thank the author of this measure and simply point out that we have already passed this measure, and we did pass it on our defense bill last year.

Very simply, no American troops are permanently stationed in countries around the world by virtue of the fact that we station them with the permission of the host country. The idea that we are going to insist or enforce, or unilaterally lodge American troops in Iraq is not something that is contemplated by anybody.

I just say to the gentlelady that we may have a time in the future, and we have dozens and dozens of countries around the world which on a regular basis give us permission to move our troops across their land area. We may have a time in the future, for example, 5 or 10 years from now, when we have to have an early warning for a missile strike from Iran to Israel.

I know that the gentlelady wouldn't object to American forces going in and establishing an early warning station so that we can save the lives of people living in Tel Aviv from a strike similar to the Scud strike that Saddam Hussein launched in the early 1990s at Israel.

We may have a time when we have to project American forces for a contingency around the world, and when you do that, regardless of what country you are talking about of the dozens of countries that host us on a regular basis, you go through a protocol. You contact the country. You receive their official permission going through their government, and that describes the parameters of the American presence that will be there, how long it will be there, what the usage will be, whether it is an airfield or a radar station.

But there could be a time, should Iran develop weapons of mass destruction or continue on this path to develop weapons of mass destruction and at some point attack a neighbor or prepare to attack a neighbor, and it could well be in the interest of the United States, for example, to have early warning capability should Iran want to make a strike on a country like Israel when that request will be made. And hopefully it would be responded to affirmatively by the free nation of Iraq.

I support this legislation, and I will vote for it again, as I voted for it six times. But I would hope that Members would understand and realize that we use dozens and dozens of assets around the world which are all done permissively by the host nations.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 2 minutes to the distinguished coauthor of the resolution before us, the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 2929, the Lee-Allen bill to ban permanent bases in Iraq.

Regardless of one's position on U.S. military operations, we can all agree on the need for the Iraqi Government to succeed. The perception that the United States plans a permanent presence in Iraq fuels the resentment against our troops and complicates the path towards political reconciliation in Iraq. Too many Iraqis believe that we intend to stay in their country indefinitely.

A clear statement by Congress, not part of a larger bill, that we do not intend a long-term or permanent military presence in Iraq is necessary to send a strong signal to the Iraqi people and to the world. It supports our goal of handing over responsibility for security and public safety to Iraqi forces.

Passage last year of prohibitions on permanent bases in Iraq based on legislation I wrote with the gentlewoman from California (Ms. LEE) marked perhaps the first time Congress legislated to change the direction of our Iraq policy. In total, three ''no permanent base'' provisions have been enacted. H.R. 2929 make these permanent. Twice the House has rejected amendments to weaken these provisions.

Recent statements by administration officials, however, are troubling. The White House Press Secretary said recently the President envisions a United States military presence in Iraq ''as we have in South Korea,'' where American troops have been based for more than 50 years. Secretary of Defense Robert Gates made similar comments.

H.R. 2929 reaffirms that the United States has a clear and consistent policy against a permanent U.S. military presence in Iraq. I urge its adoption.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, today we are sending a clear message that our commitment to the Iraqi people will be ongoing, but that our military presence will not be permanent. Over and over this Congress and the American people have clearly called for an end to the occupation in Iraq. We are calling for bold action, action to bring our troops home and return Iraq to the Iraqi people.

The actions of this administration have clearly put our troops in danger.

Troops were sent in without adequate training, and even yet without appropriate equipment, and now our heroic soldiers are being returned to extended and repeated tours of duty. All of this is unacceptable, and now the administration says they want to leave the troops there for future Presidents to sort out the mess.

We say ''no way.'' No more putting our troops in danger, and no permanent bases. Show the American people, show the Iraqis, show the international community we have no plans to occupy Iraq. Vote ''yes'' on the Lee amendment.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve the balance of my time.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 1 minute to the cosponsor of the resolution, the gentleman from North Carolina (Mr. PRICE).

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

Mr. PRICE of North Carolina. Mr. Speaker, I rise as a sponsor of this important legislation to prohibit the establishment of permanent U.S. bases in Iraq.

We have passed similar legislation before by a wide margin. The first time was a few weeks after I questioned General Abizaid in an appropriations hearing. He could not unequivocally disavow permanent bases, and so the House stepped in and asserted its prerogative on foreign policy by prohibiting permanent bases in Iraq.

Now, my colleagues might understandably ask, why are we voting on this bill again today? The reason is that the Bush administration continues to stubbornly reject the will of Congress, of the Iraq Study Group, and of the American people.

Defense Secretary Gates recently stated his goal of ''a long and enduring presence'' in Iraq. President Bush has stated his vision for a presence ''as we have in South Korea,'' where U.S. troops remain 50 years after an armistice. That kind of rhetoric suggests that they have not yet gotten the message, and it seriously damages our cause.

The Iraqi people and the American people need assurance that there is light at the end of the tunnel, that occupation is not a permanent state of affairs. So I urge my colleagues to support this legislation today, and to once again unequivocally state that the U.S. will not establish permanent bases in Iraq, because this administration and the world need to understand that America's misadventure in Iraq must and will come to an end.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Virginia (Mr. MORAN), a cosponsor of the resolution.

Mr. MORAN of Virginia. Mr. Speaker, I thank my good friend from New York.

I wish those on the Republican side that are objecting to this resolution would ask the President what is it about the word ''no'' that you don't understand? How many times do we have to say that there will be no permanent military bases in Iraq?

Sure, we have said it in legislation before, but as recently as last month the Secretary of Defense elaborated on the President's statement about envisioning a long and enduring military presence in Iraq similar to the Korean model. Well, imagine how that plays into the propaganda of our enemy. No wonder al Qaeda is gaining in strength and effectiveness. No wonder people are believing in what they are saying, because we are playing into their hands. They are saying we are there as occupiers of an oil-rich Arab country.

We believe that we went there as liberators, those who supported the war. But gosh sakes, don't play into al Qaeda's strength. Take away this recruiting tool and this rallying cry.

Let's pass this resolution today and say clearly and unequivocally: No permanent military bases in Iraq, period.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to strongly support H.R. 2929, a bill to prohibit permanent bases in Iraq, and I thank the gentlewoman from California (Ms. LEE) and the gentleman from Maine (Mr. ALLEN) for their persistent leadership on this important issue.

The House passed the Responsible Redeployment from Iraq this month to get our troops out of Iraq by April. The question now is not whether we will redeploy our troops, but when and how.

This resolution makes it emphatically clear to the Iraqi people and to President Bush that we do not intend to keep troops in Iraq indefinitely.

□ 1100

The United States must not be seen as an occupier. Otherwise, our presence there will be used to recruit insurgents, to keep Iraq entrenched in violence and to create an even more dangerous environment for our troops.

This House, too, has already expressed its opposition to permanent bases, but today, we do it clearly with bipartisan support and send a very clear statement. I urge all of our colleagues to listen to the will of the American people, of the Iraqi people, and to support H.R. 2929.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 1 minute to the distinguished gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise in strong support of H.R. 2929.

From the beginning of the President's invasion and occupation of Iraq, he has insisted that the United States has no intention of permanently occupying that country. I think there is no better way to reassure both our friends and our adversaries that the United States does not intend to become an imperial occupier of Iraq than to make clear that the U.S. will not build permanent military bases there.

The American people are seeking clear assurance that their government has a plan for leaving Iraq. If the President fails to embrace this legislation, it would only confirm for many Americans that the President has no strategy for bringing our troops home and, in fact, intends to keep them there forever.

I urge my colleagues to support this bill. I hope the President will listen to the American people and sign it into law.

Mr. ACKERMAN. Mr. Speaker, it is now my pleasure to yield 3 minutes to the distinguished chairman of the Foreign Affairs Committee, the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I want to thank my friend for yielding.

I want to thank my good friend and colleague from the Bay Area, BARBARA LEE, for bringing this timely legislation before us today.

The last thing Congress and the American people want in Iraq is to keep U.S. troops there permanently. We need a rational and reasonable exit strategy. Yet the administration has signaled that it intends, instead, to put down roots in Iraqi soil, soil that is already soaked with the blood of our soldiers and countless Iraqis.

Mr. Speaker, enough is enough. Building huge military bases in Iraq to last the ages is not the answer. We want to bring our servicemen and servicewomen home to Nebraska and Idaho and California. Our legislation will prohibit spending funds to establish permanent military bases in Iraq, and I support it wholeheartedly.

Let me be clear. This measure does not prohibit us from protecting our embassy and other vital interests and fighting terrorism. It only ensures that our troops do not put down permanent roots.

The administration has drawn a parallel between our proposed, sustained presence in Iraq and the U.S. obligation to South Korea after the Korean War. Mr. Speaker, we have been in South Korea for more than 54 years, and I hope we won't be as long as that in Iraq.

The Korean peninsula for over half a century was vital to our security interests during the Cold War, but Iraq is not Korea. It is now beyond question that our national security is being harmed, not helped, by our continuing vast footprint in Iraq.

As long as huge numbers of our forces are there, the Iraqi Government will limp along, failing to undertake the far-reaching political and security changes desperately needed to promote lasting stability in that long-suffering country.

And it will only anger the Iraqi people to promote the erroneous impression that our troops will be there permanently. In fact, a commitment not

to establish permanent bases may facilitate an earlier, safer, more orderly exit, as it will reassure Iraqis that our intention is not to have a permanent presence in that country.

I, therefore, strongly support this resolution to ensure that the administration heads in the right direction in Iraq.

Mr. ACKERMAN. Mr. Speaker, I would respectfully request of the gentlewoman, the distinguished ranking member of the committee, if she would be kind enough to yield us 3 minutes of her time.

Ms. ROS-LEHTINEN. Absolutely. I would love to yield you 3 minutes. We have two speakers, Mr. POE, who is already here, and Mr. ROHRABACHER. I just want to make sure that they would have enough time. But once they're done, I would be glad to yield you the time.

Mr. ACKERMAN. Sure. Why don't you take that time now.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm pleased to yield such time as he may consume to my distinguished colleague from Texas, a member of our Foreign Affairs Committee, Judge POE, who is very cognizant of Public Law 109–364, which already says that they will have no permanent military bases in Iraq.

Mr. POE. Mr. Speaker, I want to thank the gentlelady from Florida for yielding me the time.

There has been a consistent message that has been put forth by Congress that we are not interested in permanent bases in Iraq, but that should not diminish our need to have a presence there at this time. We must not jeopardize United States security interests. At issue here is the definition of the word ''permanent.'' No one can quite agree on what that really means.

This bill is similar to one we passed earlier when we passed language in the supplemental on this topic. The point is, we do not intend to be in Iraq permanently. We are not interested in Iraqi oil.

I do believe our military is stretched too thin throughout the world. We literally have a U.S. troop presence in almost every country on the globe, from military bases in Germany to Korea and other places in between. Some of those bases seem like they are permanent because we have been in those areas for so long. Our troops in those nations remain an issue of really another debate.

The issue here is over permanent basing in Iraq. We should have installations or naval ships in an area where our troops can quickly deploy, and Iraq really should be no different. But we've never set out to occupy any nation. We are not an imperial Nation. We do not intend to violate the sovereignty of another nation by occupying it. This has always been United States policy. The United States came to liberate, not conquer, Iraq, and this is our policy.

In a letter one of my colleagues addressed to Chairman Peter Pace, Chairman of the Joint Chiefs of Staff, General Pace was asked his thoughts on the need to have the U.S. enter into and retain the ability to enter into agreed military basing rights agreements with Iraq and in Iraq. In his response, General Pace stated it's the intention of the United States military to ''work closely with Iraq's sovereign government to decide the terms and what foreign military forces . . . will remain in Iraq.''

Historically, basing rights agreements have been a necessary part of diplomatic relations with foreign governments, but they've always been agreed to by the United States and that other nation. These agreements outline guidelines and conditions for operating American military bases and troops worldwide.

It is both common and responsible for the United States to enter into temporary basing agreements with other countries hosting our troops. This is being done in every country hosting United States troops, and the representative Government of Iraq should not really be an exception. And we should continue to work with them on temporary basing, but not permanent basing.

We shouldn't somehow put Iraq in some type of different category than we have other allies in the world, but we should make it clear that our basing rights are only temporary. So, designating that we may have temporary basing rights is only logical in Iraq, but a permanent presence in Iraq is not desired. And it has been the statement of this Congress before.

So I support this legislation.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield 1 minute to the distinguished gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I'm proud to be a cosponsor of this legislation and salute the bill's sponsor, BARBARA LEE from California, as a courageous and clear voice in this Congress.

It's interesting listening to this debate that there seems to be no disagreement about a resolution that will help build stability in Iraq, as others have said. It will make clear that the U.S. is not an occupying force, and it will deny al Qaeda a key recruiting tool.

It is also clear that we are not prohibiting a U.S. presence in the region, even a U.S. temporary presence in Iraq. We have bases in other neighboring countries and the Middle East, and we will have an over-the-horizon force.

I'm really surprised that not only is the White House refusing to follow the law, but those senior White House officials with whom I've spoken numerous times about this issue all seem to agree we don't need a permanent military presence, and yet, stubbornly, they refuse to make clear that we won't have one.

Pass this resolution. Let's do the right thing. Congress, as an article I body, needs to get this White House to follow the law.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), the ranking member on the Subcommittee on International Operations.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this resolution.

Let me note, I have all along argued, and I think the people on our side of the aisle have argued, that we are not in Iraq in order to have permanent bases or any other such thing. American efforts in Iraq have been totally based on benevolent and noble motives, and I would hope that this is well-understood and appreciated by the people of Iraq themselves.

The fact is that there is some confusion because, during the public debate on what American foreign policy should be, far too often we have heard in the hype of emotions the charges, even from people in this body, that America is being imperialistic. I mean, that word ''imperialism'' has actually sprung up in several hearings that I've been at as a Member of Congress. That is an insult to American military personnel. We can honestly disagree about what's going on in Iraq without having to debase the people of the United States of America by claiming we're imperialists like the former empires in Russia and Germany, et cetera.

No, I think we've been benevolent from the beginning. Our people wanted to come in, to liberate Iraq from a bloody tyrant who slaughtered hundreds of thousands of his own people. We came there to help the people of Iraq and hopefully establish a democratic government. Now, whether or not we succeed or not, I'm not sure. I would hope the majority of people in Iraq appreciate that, and today, we are reaffirming to them we are not there to have any permanent presence.

I, in fact, will be proposing legislation this coming week which suggests, as a sense of the House, and I would ask the Speaker of the House to be aware of this, that we need to have a sense of the House resolution calling on the Iraqi Government to have a referendum of whether they want the American troops that are there today to begin an immediate withdrawal or whether they would like American troops to stay there until order has been restored and order has been brought to the people of Iraq. I think that if the Iraqi people vote that we should have an immediate withdrawal, we should go. We should go. But if the people of Iraq decide they appreciate and want us to be there to help them fight off radical Islamists and others who would impose their brand of dictatorship on the people of Iraq, well, then, perhaps we should take into consideration that the Iraqi people want us there.

So I will be proposing legislation later on in the week calling for this referendum, and in the meantime, let us reaffirm with this legislation that it had never been the intent of the United

States of America to use Iraq as a permanent base for America's military presence in that region.

I thank you very much for your leadership, Madam Speaker. Thank you for your leadership in this, and I appreciate you are an activist. Since I've been in this Congress, you have always been an activist, and we have been on the same side in that activism.

Mr. ACKERMAN. Mr. Speaker, if the distinguished minority leader of the full committee is prepared to close, we have one final speaker.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, were we seen as occupiers in Haiti, in Bosnia? Do we not, as some have said on Iraq, have a sustained military presence in these countries? Did we not intervene in Haiti to restore democracy and remain to prevent the increased violence?

In fact, as our distinguished Speaker, whom we'll be hearing from in just a few moments, when she argued for a sustained U.S. deployment in Bosnia, Speaker PELOSI said, Is the Bosnian mission without danger and risk? No. With strong leadership there are always risks. These risks have been minimized. They are risks for peace, risks for ending years of bloodshed, risks for freedom. We risk far more by failing to act.

□ 1115

We risk far more if we allow the tenuous peace to collapse and watch the flames of war ignite again. I agreed with Speaker PELOSI then when she said that on December 13 of 1995, and I agreed with her when she said on September 19 of 1994, when advocating for a sustained U.S. presence in Haiti, the Speaker said, setting a date certain for troop withdrawal will unnecessarily endanger both our troops on the ground and our efforts at promoting democracy in Haiti.

I say that we have no less at stake here in Iraq. The bill before us, as we have said before, is a fine bill. We support what it seeks to do because, in fact, it is law. It is already United States law.

We want to make sure that the Iraqi people have the same level of commitment that we have shown to other oppressed people throughout the world. We should not ignore the consequences of a rapid withdrawal from Iraq in a vitally important region of the world.

But, like I have said, this is not the issue addressed in this bill. Some have remarked about the greater issue of Iraq in their discourse today. On the bill before us, it is already public law. We have passed it six times in the House. It has been law three times, and we have no objection to the bill becoming law a fourth time, a fifth time or a sixth time.

With that, Mr. Speaker, I yield back the balance of our time.

Mr. ACKERMAN. Mr. Speaker, it is my pleasure to yield the balance of our time to the distinguished gentlewoman from California, Speaker PELOSI.

Ms. PELOSI. I want to thank the gentleman for yielding and to acknowledge the exceptional leadership of my colleagues from California, Congresswoman BARBARA LEE and Congresswoman LYNN WOOLSEY, for their leadership on this issue, and Congresswoman BARBARA LEE's authorship of this legislation. Congresswoman BARBARA LEE, Congresswoman LYNN WOOLSEY, Congressman TOM ALLEN, Congressman DAVID PRICE, Congresswoman MAXINE WATERS have all been important in the leadership of bringing this legislation to the floor and continuing our debate on the involvement in Iraq.

The legislation is timely and a key part of our strategy for a new direction in Iraq. Thank you all.

I am very pleased to join our distinguished colleagues on the minority in support of this legislation. Yes, I have had the privilege of working with Mr. ROHRABACHER, with Ranking Member ROS-LEHTINEN and others, Mr. WOLF and Mr. SMITH, over the years on issues that relate to human rights throughout the world. I respect them for their leadership in so many arenas. It has been a privilege to work with them. I am so glad they are supporting this legislation today.

Mr. Speaker, I think it's very important for us to measure any initiative in relationship to the war in Iraq against the backdrop of what does this do to contribute to a vision for stability in the Middle East, whether we are talking about no permanent bases, whether we are talking about redeploying our troops out of Iraq, a change of mission there, to leave troops only for specific limited purposes. This is what the generals have told us. General Odom, for one, has said any vision for stability in the Middle East must begin with the redeployment of troops out of Iraq. So, too, this issue today, no permanent bases.

Yes, our colleagues are correct that this has been brought before the Congress before and has been passed into law, but the fact is that it may not have been heard adequately by the administration and certainly not by the people in the region.

This legislation clearly signals that the United States does not seek a permanent military presence in Iraq. This action is necessary to clarify confusing and contradictory statements from the administration regarding our Nation's long-term strategic relationship with Iraq.

In its final report, the bipartisan Iraq Study Group recommended that the United States clearly state that our Nation does not seek permanent military bases in Iraq or to control Iraq's oil. It did so to help shape ''a positive climate for . . . diplomatic efforts,'' which are essential to ending the U.S. presence in Iraq and bringing greater stability to the Middle East.

While the administration has previously indicated it would not seek permanent bases in Iraq, recent statements raise contrary questions. Administration officials have remarked that the President envisioned a continued military presence in Iraq similar to our presence in Korea, where U.S. forces have been stationed for more than 50 years.

The American people have made it clear in the election that they want a new direction in Iraq that brings the troops home. The Iraqi people and regional powers must also be reassured that the United States does not seek to exploit Iraq either by building permanent military facilities there or by exercising control over its oil. We can make that statement by passing this legislation overwhelmingly today as part of our strategy for a new direction in Iraq and for stability in the Middle East.

The President's remarks in South Carolina yesterday were really saddening. Just when you think you have seen it all, just when you think you have heard it all, the President mentioned al Qaeda nearly 100 times to justify his course of action in Iraq. Let us remove all doubt. This Congress, every single person here, is committed to fight the war on terror, but let us not misrepresent what the troops in Iraq are doing.

Everyone who examines the situation with the knowledge says we do not belong in a civil war in Iraq. So, again, the President's statements give great cause for grave concern. They crystallized why the Congress must continue to pressure the administration to change course in Iraq. Yet again, President Bush mischaracterized the facts on the ground in Iraq and the latest intelligence on the real threat of international terrorism.

Just yesterday news reports were that the administration plans a continued substantial troop presence in Iraq through the summer of 2009; heaven knows, beyond then.

As the latest National Intelligence Estimate reveals, the war in Iraq has not made America safer or turned the tide against terrorism. In fact, while we have been tied down in Iraq, al Qaeda has been regenerated, has regenerated its ability to attack the United States while enjoying safe haven in vital areas of our ally in the war on terrorism, Pakistan.

The President's Iraq policy is unacceptable to the American people, and to Democrats in Congress, because it has allowed al Qaeda to regain its footing, reinforce its numbers, and refocus on another spectacular and deadly attack on the United States. That is why we must change direction in Iraq and do it now before it is too late.

America cannot afford another 2 years of war in Iraq. We have already lost more than 3,600 brave Americans to this bloody conflict. There can be no discussion of the situation in Iraq without pausing to remember and acknowledge the sacrifice, the courage and the patriotism of our men and

women in uniform and their families who have sacrificed so much for our country. We thank them, we honor them, and we think they deserve better than no plan for a redeployment of troops out of Iraq.

We have lost 4 years that could have been spent bolstering Homeland Security, strengthening counterterrorism efforts, and focusing all of the resources at our disposal on combating the terrorist threat. Today's vote can again make clear to the President, and to the administration, to the American people, to the people in the Middle East, to the people in Iraq that the American people are opposed to a permanent military presence in Iraq.

The American people are demanding a new direction. The Democratic Congress will go on record every day, if necessary, to register a judgment in opposition to the course of action that the President is taking in Iraq. The Democratic Congress will go on record every day, if necessary, to fight for a redeployment of our forces as a central element of a new direction strategy for Iraq.

I urge my colleagues to vote in overwhelming numbers for this important legislation.

Again, I thank our colleagues, Congresswoman BARBARA LEE, Congresswoman LYNN WOOLSEY, Congressman TOM ALLEN, Congresswoman MAXINE WATERS, and Congressman DAVID PRICE and all the others who played such an important role in bringing this legislation to the floor.

Mr. BISHOP of New York. Mr. Speaker, I rise today in strong support of the H.R. 2929, which I voted for, and which overwhelmingly passed the House of Representatives. This common-sense legislation limits the use of funds to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq or to exercise United States economic control over the oil resources of Iraq.

In December 2006, the bipartisan Iraq Study Group released its recommendations for U.S. policy in Iraq. Included in those recommendations were two important provisions—the first advises the President against seeking permanent military bases in Iraq and the second encourages the Iraqi Government to take control of their own oil resources.

Accordingly, H.R. 2929 solidifies those recommendations and sends a very clear message to the Iraqi people that the United States is not an occupying force. The perception that the United States plans to keep a permanent military presence in Iraq and use its oil resources has only fueled the insurgency and violence against our troops. That has been exacerbated by President Bush's recent comments that our military presence in Iraq could extend 50 years into the future. In response, this legislation puts Congress on record opposing any permanent bases or attempts to control Iraq's oil revenues and helps take the target off our troops' backs.

Mr. Speaker, I oppose this war. I believe it is long past time to bring our troops home and end our involvement in this civil war. Although our withdrawal from Iraq will not happen tomorrow, this legislation is one way we can help put an end to our involvement today.

Mr. LARSON of Connecticut. Mr. Speaker, I would like to thank the distinguished Congresswoman from California, BARBARA LEE for her work on H.R. 2929, which bans permanent military bases from being established in Iraq. She has long been a voice on ending the war in Iraq and I commend her and the work of Congresswoman MAXINE WATERS and Congresswoman LYNN WOOLSEY for their fortitude on this issue. I would also like to recognize Congressman TOM ALLEN and Congressman DAVID PRICE for their commitment and contributions to the bill.

In-line with the Iraq Study Group report, this bill would prohibit the establishment of permanent U.S. military bases. It would also prohibit the United States from exercising control over Iraqi oil resources. This bill signals a larger issue and bigger picture—our presence in Iraq is not permanent. Let it be clear to the Bush Administration and the Iraqi people that this Congress will not support an open-ended military occupation in Iraq.

The American people have spoken. The American Congress has acted. If necessary, we will go on the record everyday until we bring the troops home—we owe it to them and their families. I am proud to support this bill and I urge my colleagues to join me.

Mr. HOLT. Mr. Speaker, I rise in support of this bill.

This week, the White House announced that it foresees American troops in Iraq into at least 2009, and the President has even gone so far as to suggest that our presence in Iraq may evolve to look like our presence in South Korea. We've had troops stationed in South Korea—on permanent bases—for over 50 years. This resolution says clearly to the President and the people of Iraq that we will not turn our temporary presence in Iraq into a permanent one. The Congress should take whatever additional measures are necessary to ensure that no funds are expended for the construction of permanent bases in that country, and to that end I urge my colleagues to vote for this measure.

The SPEAKER pro tempore (Mr. TIERNEY). The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and pass the bill, H.R. 2929.

The question was taken.

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

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

The yeas and nays were ordered.

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

## SECOND HIGHER EDUCATION EXTENSION ACT of 2007

Mr. HINOJOSA. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1868) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1868

*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 ''Second Higher Education Extension Act of 2007''.

**SEC. 2. EXTENSION OF PROGRAMS.**

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''July 31, 2007'' and inserting ''October 31, 2007''.

**SEC. 3. RULE OF CONSTRUCTION.**

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The SPEAKER pro tempore (Mrs. CAPPS). Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from New York (Mr. KUHL) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Madam Speaker, I request 5 legislative days during which Members may insert materials relevant to S. 1868 into the RECORD.

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

There was no objection.

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

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

Mr. HINOJOSA. Madam Speaker, I rise in strong support of S. 1868, a bill to extend the Higher Education Act through October 31, 2007.

This bill is very straightforward. It simply extends the current programs authorized under the Higher Education Act until October 31, 2007, giving us the time to fully consider and complete the reauthorization before us in the 110th Congress.

We are making progress. We have passed a historic investment in student financial aid in the College Cost Reduction Act. We have also laid the groundwork to reauthorize the other core higher education programs, including teacher preparation, developing and strengthening institutions, college readiness and outreach programs, including international education, graduate education and others. We put out a call for recommendations and received over 85 responses from individuals, organizations, and coalitions from across the Nation. We hear them loud and clear.

I am looking forward to working with all of my colleagues in the House to produce a strong reauthorization of the Higher Education Act that will earn broad support.

I would like to thank Congressman McKEON, ranking member of the full committee, and Congressman RIC KELLER, ranking member of the Subcommittee on Higher Education, Lifelong Learning and Competitiveness, as well as our chairman, GEORGE MILLER, for working together with me to expedite this extension.

I respectfully urge all my colleagues to pass this legislation overwhelmingly.

Madam Speaker, I reserve the balance of my time.

Mr. KUHL of New York. Madam Speaker, for the last several years my colleagues on the Education and Labor Committee have worked to renew, and indeed improve, the Higher Education Act.

Last Congress, we passed H.R. 609, the College Access and Opportunity Act, which made important reforms to the Pell Grant program, the Perkins loan program, and provided more accountability in the area of college costs. Unfortunately, the Senate was not able to act, and the legislation died.

□ 1130

This Congress, the House has passed the reforms to address some of the problems that have arisen in the student loan industry and has passed legislation that made changes to the mandatory spending programs under the Higher Education Act through the reconciliation process. As of yesterday, the Senate has passed both the reconciliation bill and the Higher Education Act reauthorization bill.

The latest extension of the Higher Education Act expires on July 31, 2007. Today, we are passing another extension through October 31, 2007. It is my hope that the House will soon renew the remaining Higher Education Act, but in the meantime Congress must once again act to extend this bill, which we have done so previously on several occasions with bipartisan support. So today I rise in support of legislation to do so once again.

S. 1868, the second Higher Education Act of 2007, will ensure that vital Federal college access and student aid programs continue, I repeat continue, to serve those students who depend upon them. This legislation extends the Higher Education Act for a brief time, just 3 months. At the same time, S. 1868 also gives Congress additional time to complete a review of the remaining higher education programs as well.

Madam Speaker, I encourage my colleagues to support this bill before us today and work with us in the coming months to complete a fundamental reform package so that we can better serve the American students pursuing a college education.

I yield back the balance of my time.

Mr. HINOJOSA. Madam Speaker, I want to thank Congressman KUHL from New York for his positive remarks on S. 1868, and together we are going to ask that our colleagues join us and pass this legislation overwhelmingly.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the Senate bill, S. 1868.

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

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF H.R. 3093, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 562 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 562

*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. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, 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. 3093 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.

SEC. 3. The chairman of the Committee on Appropriations is authorized, on behalf of the Committee, to file a supplemental report to accompany H.R. 3093.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from New York (Mr. ARCURI) is recognized for 1 hour.

Mr. ARCURI. For purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

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

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

There was no objection.

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

House Resolution 562 provides an open rule for consideration of H.R. 3093, the Departments of Commerce, Justice, Science, and Related Agencies Appropriations Act of 2008.

I want to thank the distinguished chairman of the committee and ranking member for reporting out a bill that not only does not pay lip service but makes critical investment in our Nation's communities.

The bill provides $725 million for Community Oriented Policing Services, more commonly known as the COPS program, 25 percent above the current funding level. As a former prosecutor, I know how vitally important these programs are in assisting local law enforcement to hire and train law enforcement officers to participate in community policing, purchase and deploy new crime fighting technologies, and develop and test new and innovative policing strategies.

The administration had proposed to modify the COPS program into a new discretionary grant program, but the committee has chosen instead to keep COPS as a separate dedicated grant program. This is a proven model for getting these grants to the communities that need them, and I applaud the committee for preserving this program.

The bill includes $303 million for Economic Development Administration, the EDA. The EDA administers several economic development programs including public work grants for upgrading infrastructure, planning, and trade adjustment assistance for communities that bear the burden of jobs outsourced to other countries.

Additionally, the legislation would direct the EDA to consider with favorable bias grant proposals which incorporate green technologies and strategies that would reduce energy consumption, reduce harmful gas emissions, and contribute to sustainability.

The bill provides $50 million, 52 percent more than the current funding, for the Weed and Seed program. The Weed and Seed program helps localities develop programs to weed out and deter crime, and then take the all-important step that is so often left out of seeding the formerly high crime areas with programs to promote neighborhood revitalization. The funds will be used to carry out this mission in cities, such as my home in Utica, New York, and

sponsor activities such as truancy prevention, conflict resolution, mentoring, and job training for at-risk youths.

Additionally, the bill, this resolution, provides for consideration and includes $40 million for grants, technical assistance, and training to State and local governments to develop dedicated drug courts that subject nonviolent offenders to an integrated mix of treatment, drug testing, incentives, and sanctions.

As a DA, I quickly learned that no matter what initiatives law enforcement took to reduce the supply of drugs, it never really affected the demand for drugs which never seemed to diminish and, therefore, created a seemingly endless market for drug dealers. But when my office established the county's drug court program, I realized the powerful effect that the program had in helping enrolled participants get control of their addiction and thereby reducing their demand for drugs. The appropriation of $40 million for drug court provided by H.R. 3093 is $30 million more than the current level, and I congratulate the committee for increasing funds for this vital and proven weapon on the war on drugs.

H.R. 3093 would also create incentives to fight illegal immigration. It would prohibit the Federal Government from using any of these funds on any entity that does not participate in the basic pilot program which allows employers to verify whether potential or current employees can legally work in the United States. This voluntary pilot program was created by the Illegal Immigration Reform and Responsibility Act of 1996 and allows employers to verify employment status through an automated system linked to the Social Security Administration and Department of Homeland Security data bases.

This legislation also includes $6.5 billion for the National Science Foundation. This level of funding will support the doubling of NSF's budget over the next 10 years, and represents a true commitment to investment in basic research and development, which will provide for innovation and future technologies. This commitment is an important part of the innovation agenda designed to maintain the United States' competitiveness.

H.R. 3093 also includes over $17.6 billion for the National Aeronautics and Space Administration. NASA's unique mission is to pioneer the future in space exploration, scientific discovery, and aeronautics research; and this appropriation enables them to accomplish this mission by restoring some of the cuts made by the administration to science, aeronautics, and education portfolios at the agency. This recommendation also provides for the continued efforts of NASA's Moon-Mars goals. The act calls on NASA to expand human knowledge, develop and operate advanced aeronautical and space-faring vehicles; encourage commercial use of space; coordinate with other U.S. agencies to maximize research results; cooperate with other nations in research and applications and to preserve U.S. preeminence in aeronautics and space.

This bill also prohibits the use of funds by the FBI to issue National Security Letters in contravention of the statutes authorizing their use. National Security Letters enable the FBI to secretly review customer records of suspected foreign agents without judicial review. In March, the Department of Justice Inspector General reported that the FBI agents had in numerous cases misused National Security Letters without complying with either statutes or DOJ guidelines governing their use. This widespread abuse of secret investigatory powers undermines the very notions of liberty and freedom from tyranny upon which this Nation was founded. The prohibition on use of funds contained in H.R. 3093 will ensure that such abuse does not continue.

Mr. Speaker, I have addressed only a handful of the important programs for which H.R. 3093 would appropriate funds. My remarks have focused on the criminal justice, NASA funding, and economic development aspects of the bill; but there are many other important areas addressed in this legislation. It provides funding for critical scientific research, including several programs which study global warming and climate change that the administration attempted to eliminate. The Appropriations Committee has approved a bill which would maintain the funding of this critical research, and I once again thank them for their work and welcome a chance to vote in favor of this legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentleman from New York (Mr. ARCURI) for yielding me the customary 30 minutes.

Mr. Speaker, this Commerce, Justice, Science appropriations bill provides more than $53.5 billion in discretionary spending for fiscal year 2008, which is over 6 percent more than last year's enacted level.

□ 1145

While I support some of the increases in this bill that support our national priorities, such as counterterrorism and crime-fighting initiatives, I'm concerned that this bill falls in line with the spend now, tax later philosophy of the Democrat majority. This philosophy, as outlined in the Democrats' budget plan, puts each taxpayer on the path toward an average $3,000 increase in their Federal tax bill. This, once again, is another burden for the average taxpayer to bear.

Rather than prioritizing spending and making the tough choices, this bill aims to solve our Nation's problems by simply spending more money. This also ignores real threats to our security that must be addressed.

So, Mr. Speaker, one very serious problem that must be addressed before Congress adjourns next week, and that is changing current law so that our Intelligence Community has the tools it needs to monitor the telephone conversations of foreign terrorists physically located in foreign countries.

Homeland Security Secretary Michael Chertoff earlier this month indicated that the United States remains vulnerable to another terrorist attack, and that recent chatter levels are near those levels prior to September 11, 2001. But because of our failure to respond to technological advances, current law ties the hands of our Intelligence Community since significant portions of our intelligence is being missed, intelligence that could prevent a future attack on our Nation.

If we expect our Intelligence Community to do everything in their power under the law to protect our Nation against a future attack, then we must give them the resources and tools they need to stay ahead of those who wish to harm us.

It is vital that we act immediately to modernize the Foreign Intelligence Surveillance Act in order to clarify that the United States no longer will be required to get a warrant to listen to terrorists who are not in the United States.

Let me repeat that, Mr. Speaker. In order to clarify, change the law in order to clarify that the United States no longer will be required to get a warrant to listen to terrorists who are not in the United States. Each minute we wait to act, our Intelligence Community could be missing vital information, increasing our risk of another attack on U.S. soil.

Therefore, Mr. Speaker, I will be asking my colleagues to defeat the previous question on the rule so that the Foreign Intelligence Surveillance Act can be immediately modernized.

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

Mr. ARCURI. Mr. Speaker, I thank my colleague from the Rules Committee, the gentleman from Washington (Mr. HASTINGS) for his comments, and I couldn't agree with him more. Clearly, the safety of our Nation from foreign enemies is critical, and it's something that needs to be a priority and is a priority with this Congress and prior Congresses.

But one thing that I think is critical that we can never forget is safety doesn't begin at our borders. Safety is something that we need to recognize within our borders as well, and this bill takes great strides in terms of ensuring that our children are safe when they go to school. It puts more police officers on the street. It increases funding for the DNA database to help us locate rapists and criminals who have committed crimes and locate them and

bring them to justice. It funds the drug court program, which is critical in terms of dealing with people who are addicted to drugs.

This bill takes a balanced approach to law enforcement, takes a balanced approach to what this country needs to keep our citizens safe, both internally and externally as well. And I believe that it is a very good bill, and that we should support it.

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

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield as much time as he may consume to the ranking member of the Rules Committee, Mr. DREIER from California.

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

Mr. DREIER. Mr. Speaker, I thank my very good friend from Pasco for yielding to me. And I thank him for his management of this rule, as well as my new friend from New York (Mr. ARCURI).

I have to say that I'm glad that there is bipartisan concern voiced about security, and I appreciate the remarks that my friend from New York has just made, Mr. Speaker, about the issue of ensuring that we provide security for our children and for anyone who possibly could face the challenge of being a victim of crime in this country.

The fact of the matter is I am very, very supportive of the notion that Mr. HASTINGS is putting forward here that we need to do everything that we can to prevent those who want to, en masse, kill us, as Americans, from being able to do that.

Now, it was 1978, Mr. Speaker, during the Cold War, that the Foreign Intelligence Surveillance Act was put into place. It was designed to deal with what today is very, very antiquated technology. I mean, I remember when we had this debate before about the notion of being able to follow one single telephone line that is out there. Well, when all we had were hard lines and one telephone line, courts would get a warrant to follow that one phone line because that's the only way people could communicate.

Well, Mr. Speaker, we all know that the world, when it comes to telecommunications, certainly is a heck of a lot different than it was 30 years ago, 29 years ago, 1978.

And what is it that we're saying?

Mr. HASTINGS is saying that, in recognition of the statements that were made most recently by the Secretary of Homeland Security Mr. Chertoff, that there is a higher level of chatter, and we need to do what we can to monitor it; coupled with statements made by the Director of National Intelligence, Director McConnell, who's made it very, very clear that we are today blind and deaf when it comes to the ability to monitor not people here in the United States, Mr. Speaker, we're talking about people who are foreigners and who are trying to do us in.

And so Mr. HASTINGS is simply saying that what we need to do is defeat the previous question so that we can make in order a chance for us to deal with the issue of modernization of that three-decade-old Foreign Intelligence Surveillance Act which today hamstrings us when it comes to the need for us to try and prevent terrorists from killing Americans. It's just that simple. And that kind of modification, that kind of modernization, that kind of reform is absolutely essential if we're going to have the tools necessary to successfully prosecute the war on terror.

And so I believe that every Member, Democrat and Republican alike, who's concerned about our need to ensure that people who are overseas and want to do us in, and that we cannot monitor, we should be able to do just that. And I think most thinking Americans believe that having the capability to monitor those in Iran, in Syria and in other countries who would want to do us in, that they should, in fact, be monitored, and we should get that information.

Now, this bill itself does, as my friend from Pasco has said, have a number of good things in it. It has some very, very important items that will help us deal with the challenge of crime that exists in this country, and obviously it provides very important funding for a high priority that I have, and that is NASA funding. The jet propulsion laboratory in La Canada Flint Ridge, California, is a very important facility which has made great strides with its Mars program and a wide range of other programs that they're involved in.

Mr. Speaker, this program also has funding for something that I believe is essential for us to realize, and it's on an issue that this place has debated time and time again, and it's one that we're still struggling over, and that is the issue of border security and the problem of illegal immigration.

Now, Mr. Speaker, I'm going to be offering an amendment when this bill proceeds which will allow us to actually increase the funding for what is known as the State Criminal Alien Assistance Program, SCAAP.

Now, one of the things we found, we put this program into place in the mid-1990s, and we found that State and local governments are, in fact, shouldering the responsibility, the financial burden, of the incarceration of people who are in this country illegally and commit crimes. In my county alone of Los Angeles, the cost is $150 million a year, according to my friend who's the sheriff of Los Angeles County. He's said that to me repeatedly; $150 million a year to incarcerate people who are in this country illegally and have perpetrated crimes against our citizenry.

It's not the responsibility of the City of Los Angeles, the County of Los Angeles or the State of California to shoulder that financial burden. The protection of international borders lies with the Federal Government, Washington, D.C., and that's why we have the SCAAP program.

We need to secure our borders. We need to take the responsibility for securing our borders. And because we have not done that yet, and I still am optimistic about our chance to do that, we need to make sure that we reimburse the States and counties and cities that are, in fact, responsible for the financial burden today of incarceration of those people who are in this country illegally and have perpetrated crimes against us.

And so I will be offering that amendment. We'll be transferring monies, Mr. Speaker, out of the administrative expenses of the Department of Commerce and the Department of Justice, and I hope that we will be able to have strong bipartisan support.

I will say I'm very proud that our California delegation has, in years past, come together, Republicans and Democrats, working together to increase the level of funding for the State Criminal Alien Assistance Program. Last year I was proud to have offered an amendment that had a $50 million increase for the SCAAP funding level that brought it to the $405 million level where it is today, and we had Democrats and Republicans joining in support of the amendment that I offered.

I hope very much, Mr. Speaker, that once again this year we'll have Democrats and Republicans who will join in support of the amendment that I will be offering that will have that increase in the funding level for SCAAP, so that we will be able to say to State and local governments that you are not going to be totally responsible for shouldering that burden.

So I thank my friend for yielding. I want to join, again, in urging a ''no'' vote on the previous question so that we can make this very important amendment in order for FISA reform. And I hope that when we do get to consideration of the bill itself, that we'll have strong bipartisan support for the very important amendment that I'm going to be offering to increase funding for SCAAP.

Mr. ARCURI. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia, the chairman of the CJS subcommittee, Mr. MOLLOHAN.

Mr. MOLLOHAN. Mr. Speaker, I rise today in support of the rule for consideration of the fiscal year 2008 appropriations bill for the Departments of Commerce, Justice, Science and related agencies.

I would first like to thank distinguished Chairwoman SLAUGHTER, Ranking Member DREIER and the entire Rules Committee for this open rule.

Mr. Speaker, we bring before you today a balanced appropriation bill that's responsive to Member input on both sides of the aisle and reflects the legislative priorities of this Congress. This bill is creative in addressing problems that face our Nation, such as the

rising crime rates that can only be addressed through additional law enforcement resources, the need for scientific research and discovery to inspire our youth and maintain our competitive edge in an increasingly competitive world economy, and the need for our country to understand and address the documented phenomena of global climate change.

In this diverse bill we have gone to great lengths to address these and many other issues, and, Mr. Speaker, I think the House will be pleased with the result. And again, I urge support for this rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 4 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL of Texas. Mr. Speaker, first I'd like to say, as a former Justice Department official who worked on national security, wiretaps or FISAs, I can think of no more important issues facing this country and this Congress than the modernization of the FISA statute. And I hope and I plead with my colleagues to support this measure.

I rise today to bring to the House's attention an issue dealing with changes to NASA's account structure required by H.R. 3093 and the challenges this provision will impose on NASA.

Title III of this bill increases the number of appropriations accounts that fund NASA from three to seven, and it requires conversion to this new structure in fiscal year 2008. Implementing this change will impose a tremendous burden on NASA's accounting system, at an unknown cost, and it's unclear what the net advantage of such a structural change, what that would be.

□ 1200

The current structure with three accounts coupled with customary congressional direction contained in the committee report language provides the agency unambiguous guidance regarding spending levels of the program, project, and in some cases at the activity level.

Since 2001, NASA has been implementing a new software package to standardize its accounting and financial software across all 11 of its centers, and at the same time NASA has been putting in place a new means of allocating overhead costs. These efforts have not yet been completed, and to now direct the agency to reformat its basic accounting system is especially burdensome and complex. It may also force the agency to reevaluate the manner in which it calculates overhead rates.

In a letter addressed to the House Appropriations leadership last month on the account structure change, NASA Administrator Mike Griffin stated that ''it would have a severe and extensive impact upon NASA's financial system'' and ''would make maintaining NASA's ability to execute in full cost exceedingly complex.''

H.R. 3093 also directs NASA to implement the account structure change in 2008, a task that NASA says it simply cannot do in the time permitted.

So I strongly urge the committee leadership to reflect carefully on the concerns raised by Administrator Griffin and to work with NASA in the weeks ahead to reach an agreement on a budget structure that allows for greater transparency without undermining NASA's current accounting system.

I would like to thank the chairman and ranking member of the Appropriations Committee for their hard work and for the resources provided to NASA in this bill.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont, my colleague from the Rules Committee (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, I thank my colleague from New York, my colleague from Washington, and colleagues on the Rules Committee.

Today, as you know, the House takes up the 10th of 12 appropriation measures, and this bill is all about continuing to make progress in America, in this Congress, in changing our domestic priorities. There are two points about this bill I want to address: first, law enforcement; second, science.

Law enforcement in our communities is the front line of protecting our communities. It is best done locally. This legislation, bipartisan, by the way, reverses 5 years of cuts to local law enforcement grants at a time when we need it. Violent crime, unfortunately, is on the rise. This funds our local law enforcement communities to do the job of building and maintaining safe communities. It does soundly reject the administration's proposed cuts to undo funding formulas that have been particularly helpful with the small State minimum.

The bill heavily invests in the safety and well-being of Americans, providing a total of $3.2 billion for State and local law enforcement efforts. $430 million will go to the Office on Violence Against Women. And, as you know, that strives to reduce the prevalence of violence committed against women. $100 million goes for the Cops on the Beat program, something that has been a major bipartisan success over the years.

The second issue is science. I want specifically to applaud the subcommittee for its support of the sciences and the emerging multidisciplinary field of service science. That combines disciplines like computer science, operations research, industrial engineering, business strategy, and management sciences to meet the 21st century needs of the workforce. The National Science Foundation should review what is currently being done in the area of service science and explore what more can be done.

The work of the NSF and the National Institute of Standards and Technology, NIST, is critical to fostering greater U.S. innovation and competitiveness in science, technology, engineering, and math. The investment in these agencies is an investment in that education and the development of the crucial multidisciplinary skills that are required to maintain our workforce and compete in the world economy.

As much more of our economy is service-based, we must ensure that our science agencies are focused on both research and education that promote innovation in service sectors such as education, health care, energy, telecommunications, and finance. The growing service sector in my State of Vermont is probably typical. It provides some of our best-paying jobs, nearly 80 percent of our employment. Last year we exported more than a half billion dollars in services, and 8,000 Vermonters were employed because of foreign investment in that sector.

This bill's investment in service-related research and STEM education through the NSF and NIST will foster innovation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from New Mexico (Mrs. WILSON), who is a leader in this body on national security issues.

Mrs. WILSON of New Mexico. Mr. Speaker, if the previous question is defeated today, we will offer an immediate amendment to reform the Foreign Intelligence Surveillance Act.

The reform is very, very simple. It doesn't affect most programs, but all it does is say that you do not need a warrant to listen to foreign communications by foreigners who are in foreign countries. That is all it says. But it is critical that we make this change, and it is critical that we make this change immediately.

I would say to my colleagues and to those Members of congressional staffs who are monitoring the proceedings on the floor here today, I have served in this Congress for 9 years. I served as a United States Air Force officer for 7 years and on the national security staff at the White House for 2. In my 9 years in the Congress, I have never been more concerned about Congress's failure to act than I am today.

This is absolutely critical to the country to fix, and the only people that can fix it are Members of the United States Congress. We cannot work around this law. We have to fix this law, and it is squarely in our laps to fix it.

The leadership on both sides of the aisle and the Committee on Intelligence on both sides of the aisle have been briefed in detail about the problems our intelligence community is facing, that we have blinded them and forced them to stick their fingers in their ears because of anomalies in technology that have changed faster than we have been willing to change

the law. And every one of us knows that it has already imperiled American lives. And yet this House sits here and does nothing, absolutely nothing, when we know that lives are at risk. We must allow our intelligence agencies to monitor terrorist communications without a warrant in the United States when they are listening to foreign communications.

How the heck did we get ourselves in this place in the first place? In 1978, almost all long-haul communications were over the air, and for foreign intelligence collection, you didn't need a warrant; almost all short-haul communications, local calls, were over a wire, and you did.

Now, because the technology has changed, the situation is completely reversed. Almost all local calls are over the air. There are 230 million cell phones in this country. But that is not where the foreign intelligence is. Now almost all long-haul communications are over a wire, and we are forcing our intelligence agencies to go to judges to get probable cause on some terrorist who is overseas communicating with another terrorist overseas just because the point of the wiretap is in the United States. This is stupid and it is imperiling American lives.

The danger is very serious. The Director of National Intelligence, Mr. MCCONNELL, testified in front of the Senate Intelligence Committee recently that ''We are actually missing a significant portion of what we should be getting.''

We all remember where we were the morning of 9/11. We remember whom we were with, what we were wearing, what we had for breakfast. But I wager nobody in this room remembers where they were when the British Government arrested 16 terrorists who were within 48 hours of walking onto airliners at Heathrow and blowing them up over the Atlantic. That happened a year ago in August. Within 48 hours, they were within 48 hours, and the tragedy would have been greater than on 9/11. It didn't happen and you don't remember it because American, British, and Pakistani intelligence detected the plot before it was carried out.

I have pleaded with my colleagues on the Intelligence Committee and with the leadership on both sides of the aisle in this House, and I pray to God that we will not need another 9/11 Commission after another national tragedy and they will be looking back and saying, Why didn't the Congress do something? They knew and they failed to act.

Today you have an opportunity to insist that this body act because we do know we are failing to protect this country.

I would urge my colleagues to defeat the previous question and to immediately consider amendments to the Foreign Intelligence Surveillance Act.

Mr. ARCURI. Mr. Speaker, I certainly appreciate the gentlewoman's passion and concern. We are all very concerned for the safety of our country.

But I think it is critical that we not forget the reason we are here today. We are here to debate a rule which is very concerned, which deals with a balanced approach to making our country safer domestically, to being concerned with putting more police officers on the street, for increasing funding for Drug Corps, for increasing funding for science and NASA. That is what we are here to do today. That is what we are here to debate, and I would strongly urge passage of this ruling.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I thank the gentleman for yielding time to me this morning for this rule.

I first want to thank the members of the committee and the subcommittee for their hard work on this very important bill, particularly including the part concerning NASA, which I want to speak about for just a minute. Chairman OBEY and Chairman MOLLOHAN have been tremendously dedicated to assisting me and making good things happen. I applaud them.

Mr. Speaker, my district includes NASA's Johnson Space Center, the crown jewel of the Nation's space program. The Johnson Space Center serves as a key component of the southeast Texas economy, employing the best and brightest minds who serve as leaders in the sciences, education, business, and human space exploration, not to mention the important roles they and their families play in our local communities. I will aggressively champion the work and dedication of these hard-working Americans and the many benefits they bring to all of our districts and our country.

Mr. Speaker, when we talk about fiscal responsibility and doing our best to practice good government, we must be mindful of programs that are important to fund, those that return more on the taxpayer dollar and are wise investments. And I can think of no better example than investing in our future and the future of NASA. Over the years, the math shows that every dollar invested in the space program is returned exponentially in the form of new products, new technologies, and new businesses. Relative to our entire Federal budget, NASA dollars' share comes to less than 1 percent, about six- or seven-tenths of a percent. By comparison, Americans spend over $45 billion a year on soft drinks.

NASA research and technologies have provided law enforcement with advanced equipment to detect suspicious liquids and substances, protective gear for chemical analysis, safer oxygen tanks for firefighters, equipment to treat children's cancer, improved cardiac care techniques, advanced aircraft technology for safer commercial flights, satellite technology to improve our understanding of the Earth's climate, and more accurate weather forecasting to better protect us from natural disasters.

So for less than one-third of our national soft drink budget, NASA pushes the boundaries of the final frontier, creating commerce, assisting with education, increasing our economic competitiveness, enhancing health care, monitoring climate change, building stronger bonds with our allies, and ensuring the survival of the human race.

So, Mr. Speaker, I kindly ask my colleagues, take a good look at the myriad ways NASA has benefited our great Nation. For me and for many of the folks who work at NASA and on NASA matters on a day-to-day basis, this isn't a Republican or Democratic issue; it is a matter of keeping America at the top of the space race and continuing the unparalleled legacy of achievement that so many NASA employees and partners have achieved.

□ 1215

So I look forward to continuing to work with the committee members, the conferees and all my colleagues to increase NASA funding. I appreciate the work of the Rules Committee, and I ask all of our colleagues to support this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Let me talk about this process of defeating the previous question so we can take up the amendment regarding the FISA Act.

This does not slow down the process at all. I want to repeat that, Mr. Speaker; this does not slow down the process at all. It simply makes in order, with the appropriate waivers, to discuss the amendment that was described by Mrs. WILSON from New Mexico.

This is a very, very serious issue. It has been described by a number of people how important this is to our Intelligence Community. And by definition, it falls into the area of secure knowledge. But for those that are on the committees of jurisdiction, those that hear this on a regular basis, we need to act on it sooner than later. And we can act on it today without slowing down the process whatsoever by defeating the previous question, voting ''no'' on the previous question.

I will be submitting an amendment that will be made in order, with the appropriate waivers, and we can debate the issue. It sounds to me, Mr. Speaker, that there is strong bipartisan support in order to achieve this end that has been described. We have the opportunity to do it now. We ought to do it before the August recess.

And so, Mr. Speaker, I am asking my colleagues to vote ''no'' on the previous question. By defeating the previous question, we will give Members the ability to vote today on the merits of changing current law to ensure our Intelligence Community has the tools that they need to help protect our Nation from a potentially imminent terrorist attack.

And with that, Mr. 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 Washington?

There was no objection.

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

Mr. ARCURI. Mr. Speaker, the Appropriations Committee has presented us with a bill that will provide funding agencies related to Commerce, Justice and Science for the fiscal year 2008.

The bill contains a higher overall allocation than was requested by the President, but with very good reason. By all measures this bill will have a real, tangible impact on all Americans, improving their daily lives in many ways. It funds the Economic Development Administration, Weed & Seed program, prescription drug monitoring, National Oceanic and Atmospheric Administration, the National Science Foundation, NASA, the Census Bureau, the National Institute of Standards and Technology, the U.S. Patent and Trademark Office, and community-oriented police services.

And I would just like to mention in that regard, from a personal perspective, in my community in which I live, there is a small police department, 20 officers; that as a result of the community-oriented police in New Hartford, New York, they were able to get three additional police officers, increase their technology significantly. That's a 15 percent increase in officers to that department. The COPS program makes our streets safer.

The Drug Corps program is a phenomenal program that this bill will continue to fund. And I would urge any of my colleagues in Congress to someday sit through a Drug Corps graduation program. When they see that, and they see the testimonies of the people who have finished, and listen to their families talk about how devastating drug addiction has been to their family and how this program has helped them, they would strongly support this bill and strongly support the Drug Corps program.

In short, H.R. 3093 provides critical funding for programs that keep our streets safe, our economy prosperous, and allows our scientists to continue studying global warming and climate change.

Mr. Speaker, I strongly urge a vote of ''yes'' on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 562 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution insert the following:

SEC. 4. Notwithstanding any other provision of this resolution, it shall be in order to consider the amendment printed in section 5 of this resolution if offered by Representative Hoekstra of Michigan or his designee. All points of order against consideration of the amendment printed in section 5 are waived.

SEC. 5. The amendment referred to in section 4 is as follows:

At the end of the bill (before the short title), insert the following: Subsection (f) of section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801) is amended to read as follows—

'(f) 'Electronic surveillance' means—

'(1) the installation or use of an electronic, mechanical, or other surveillance device for acquiring information by intentionally directing surveillance at a particular known person who is reasonably believed to be in the United States under circumstances in which that person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes; or

'(2) the intentional acquisition of the contents of any communication under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, if both the sender and all intended recipients are reasonably believed to be located within the United States.'.

(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.

Mr. ARCURI. Mr. 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. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of the resolution (if ordered); and suspending the rules with respect to H.R. 2929; H. Res. 345; and H. Con. Res. 187.

The vote was taken by electronic device, and there were—yeas 221, nays 195, not voting 15, as follows:

[Roll No. 716]

YEAS—221

| | | |
|---|---|---|
| Abercrombie | Clay | Farr |
| Ackerman | Cleaver | Fattah |
| Allen | Clyburn | Filner |
| Altmire | Cohen | Frank (MA) |
| Andrews | Conyers | Giffords |
| Arcuri | Cooper | Gillibrand |
| Baca | Costa | Gonzalez |
| Baird | Costello | Gordon |
| Baldwin | Courtney | Green, Al |
| Bean | Cramer | Green, Gene |
| Becerra | Crowley | Grijalva |
| Berkley | Cuellar | Gutierrez |
| Berman | Cummings | Hall (NY) |
| Berry | Davis (AL) | Hare |
| Bishop (GA) | Davis (CA) | Harman |
| Bishop (NY) | Davis (IL) | Hastings (FL) |
| Blumenauer | Davis, Lincoln | Herseth Sandlin |
| Boren | DeFazio | Higgins |
| Boswell | DeGette | Hill |
| Boucher | Delahunt | Hinchey |
| Boyd (FL) | DeLauro | Hinojosa |
| Boyda (KS) | Dicks | Hirono |
| Brady (PA) | Dingell | Hodes |
| Braley (IA) | Doggett | Holden |
| Brown, Corrine | Donnelly | Holt |
| Butterfield | Doyle | Honda |
| Capps | Edwards | Hooley |
| Capuano | Ellison | Hoyer |
| Cardoza | Ellsworth | Inslee |
| Carnahan | Emanuel | Jackson (IL) |
| Carney | Engel | Jackson-Lee (TX) |
| Castor | Eshoo | Jefferson |
| Chandler | Etheridge | |

Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—195

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

NOT VOTING—15

Baker
Bishop (UT)
Carson
Clarke
Cole (OK)
Cubin
Davis, Jo Ann
Israel
LaHood
Marshall
Melancon
Murtha
Stark
Wamp
Young (AK)

□ 1243

Mr. NEUGEBAUER, Mr. HELLER of Nevada and Mrs. MUSGRAVE changed their vote from ''yea'' to ''nay.''

Messrs. MARKEY, BOUCHER and MATHESON 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. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## LIMITING USE OF FUNDS TO ESTABLISH ANY MILITARY INSTALLATION OR BASE IN IRAQ

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2929, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and pass the bill, H.R. 2929.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 24, not voting 9, as follows:

[Roll No. 717]

YEAS—399

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
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
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
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, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)

Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—24

Bachus
Baker
Barrett (SC)
Barton (TX)
Blackburn
Brady (TX)
Burgess
Campbell (CA)
Cannon
Flake
Franks (AZ)
Gingrey
Hastert
Herger
Inglis (SC)
Jordan
King (IA)
Linder
Miller (FL)
Pearce
Sali
Shadegg
Thornberry
Turner

NOT VOTING—9

Carson
Clarke
Cubin
Davis, Jo Ann
LaHood
Marshall
Stark
Wamp
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1252

Mr. LAMBORN and Mr. MARCHANT changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. TURNER. Mr. Speaker, on rollcall No. 717, I am recorded as having noted "no", having intended to vote "yes."

## COMMEMORATING THE 200TH ANNIVERSARY OF THE ARCHDIOCESE OF NEW YORK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 345, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 345.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 8, as follows:

[Roll No. 718]

YEAS—423

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

NOT VOTING—8

Carson
Clarke
Cubin
Davis, Jo Ann
LaHood
Marshall
Wamp
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1258

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## EXPRESSING THE SENSE OF CONGRESS REGARDING THE DUMPING OF INDUSTRIAL WASTE INTO THE GREAT LAKES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 187, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and agree to the resolution, H. Con. Res. 187.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 26, answered ''present'' 2, not voting 16, as follows:

[Roll No. 719]

YEAS—387

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter

Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
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 (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—26

Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Brady (TX)
Burton (IN)
Buyer
Cannon
Cantor
Conaway
Culberson
Flake
Foxx
Franks (AZ)
Hensarling
Lamborn
Lungren, Daniel E.
Marchant
Miller, Gary
Pence
Poe
Royce
Shadegg
Simpson
Souder

ANSWERED ''PRESENT''—2

Gohmert
Sali

NOT VOTING—16

Abercrombie
Brown-Waite, Ginny
Carson
Clarke
Cubin
Davis, Jo Ann
Davis, Lincoln
Diaz-Balart, L.
Diaz-Balart, M.
Hobson
LaHood
Marshall
Peterson (PA)
Sensenbrenner
Wamp
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minute remaining in this vote.

□ 1305

Mrs. BLACKBURN changed her vote from ''yea'' to ''nay.''

Mr. JOHNSON of Georgia changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOTION TO GO TO CONFERENCE ON H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

Mr. OBERSTAR. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Transportation and Infrastructure, I move to take from the Speaker's table the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER pro tempore. Conferees will be appointed at a later time.

## GENERAL LEAVE

Mr. MOLLOHAN. 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. 3093 and that I may include tabular material on the same.

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

There was no objection.

## COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 562 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. 3093.

□ 1306

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. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. SNYDER 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 West Virginia (Mr. MOLLOHAN) and the gentleman from New Jersey (Mr. FRELINGHUYSEN) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, today we're considering the fiscal year 2008 appropriations bill for the Departments of Commerce, Justice, Science and Related Agencies.

Before I get into the substance of the bill, Mr. Chairman, I want to thank my ranking member, RODNEY FRELINGHUYSEN, for his important contributions to this bill. He's done an outstanding job. He's been a terrific partner, and I respect and appreciate the expertise that he brings to our subcommittee. He has a strong commitment to our law enforcement agencies and grant programs for at-risk individuals. Mr. Chairman, he's demonstrated a real desire to make sure that the U.S. has adequate resources to negotiate fair trade agreements and the means to obtain an accurate census. I thank him for his assistance. I sincerely also want to thank his personal staff, Katie Hazlett and Nancy Fox, and minority staff, Frank Cushing and Mike Ringler, for their help during this whole process.

Mr. Chairman, I also want to express my thanks to Chairman DAVID OBEY who has done an excellent job leading the Appropriations Committee through a hectic year that began with a continuing resolution.

I also want to express my sincere gratitude to a tremendous subcommittee staff. This bill would not have been possible without the extreme hard work of Michelle Burkett, Meg

Thompson, Marjorie Duske, Tracey LaTurner, Dennis Dauphin and Jennifer Eskra, who sacrificed long hours many days to complete this bill.

I also appreciate the strong efforts and expertise of the full committee, including majority staff director Rob Nabors, John Daniel, David Reich, and Leslie Turner.

Lastly, I want to recognize my personal staff for their hard work, Sally Moorhead and Julie Aaronson, who have done a tremendous job working on the bill as well.

Now, Mr. Chairman, turning to the substance of the bill. Mr. Chairman, this bill totals $53.6 billion in spending and was formulated with input gathered from 24 hearings, including agencies that had not had a hearing since fiscal year 2005. We also heard expert testimony from outside witnesses regarding law enforcement needs, the importance of scientific research for our Nation's competitiveness, and the need for Federal investment in local and regional economic development.

Through these hearings, we developed a fair and bipartisan appropriations bill that responds to legislative priorities supported on both sides of the aisle. Those priorities include both programmatic funding and congressionally directed spending for projects in individual districts. Pursuant to the strong rules put in place by the House and the full Appropriations Committee this year, designated funding has been cut in half from the fiscal year 2006 enacted level, and oversight has been increased by examining closely and carefully each earmark request and the accompanying certification letters.

In several areas in the bill, Mr. Chairman, this subcommittee has eliminated earmarks and instead has created competitive accounts in which eligible entities may compete by submitting proposals to the agency for Federal funding. This process will increase transparency, spur innovative solutions, and allow programs nationwide to compete in the marketplace of ideas.

Mr. Chairman, I'm particularly pleased that this subcommittee, which funds the major science agencies for the Federal Government, has taken on the issue of climate change. This bill funds $1.9 billion worth of climate change initiatives, an increase of $164 million above the President's request. Now that the scientific community has determined that global warming and the resulting climate changes are real phenomena, we must identify steps to be taken and strategies to be adopted in response to global climate change, and this bill does so by funding new programs in the Department of Commerce, in NASA, and in the National Science Foundation. Some of the climate change initiatives in this bill include:

Funds to improve data collection associated with understanding global climate change, including restoring critically important sensors on the National Polar-orbiting Operating Environmental Satellite System, NPOESS;

Second, funding increases for competitive climate research grants in NOAA's operating, research and facilities account;

Third, two new education programs directed at climate change as recommended by the National Academies;

Fourth, additional funds to the Marine Mammal Commission for monitoring mammal adaptation to climate change;

And, finally, Mr. Chairman, $6 million in NOAA for an investigation and study by the National Academy of Sciences on climate change.

This climate change study by the National Academy of Sciences will be a science-driven report examining the climate change data that has been collected in the last decade to provide the Federal Government, the business sector and other interested parties with an understanding of what we know and what we don't know about climate change and the options for how to proceed in the future. This landmark study process will begin with a 3-day climate change summit, at which top experts in the field will gather to determine the study's scope and topics. This subcommittee will take great efforts in this process to assure that agency agendas and politics do not get in the way of good science guidance to this country which it needs to move forward.

Mr. Chairman, perhaps the most vital theme in this bill is law enforcement and protection for our communities. The job of funding the Department of Justice was made more challenging by funding holes in the President's inadequate budget request. In this bill, we increased funding for the Department of Justice above the President's request by $1.68 billion for a total funding for the Department of Justice of $23.9 billion.

The President requested $1.475 billion for State and local law enforcement. Well, this was $1.4 billion below the fiscal year 2007 enacted level, thus creating a huge hole in the bill.

□ 1315

The bill provides $3.195 billion for State and local law enforcement, and that is a 53 percent increase above the President's request and a 10 percent increase above fiscal year 2007 levels.

The President's request would eliminate the existing Office of Justice Program's formula program and discretionary grants, and create three vaguely defined initiatives to be administered under the sole discretion of the Attorney General. This bill rejects the administration's proposal and provides funds directly to State and local law enforcement.

Other key funding increases in the Department of Justice include two new competitive grant programs. The first is the Youth Mentoring Grants, funded at $100 million. The second, a $10 million program, will provide competitive grants to programs of national significance to prevent crime and improve the administration of justice or assist victims of crime. This bill provides $725 million for the Community Oriented Policing Services programs, which played a vital major role in reducing crime in the 1990s.

Within this total, $100 million is for restarting the COPS hiring program, which has not been funded since 2005. Many Members contacted the subcommittee and myself and the ranking member with regard to the COPS program. I am very pleased that we were able to restart this COPS hiring program, which was extremely effective in reducing that crime rate in the 1990s.

This bill also offers comprehensive funding to help State and local law enforcement address the methamphetamine epidemic, including $600 million in Justice Assistance Grants, $85 million for meth-specific COPS grants, $40 million for Drug Court programs, $10 million for State Prison Treatment Drug Programs, and $20.6 million for DEA Mobile Enforcement teams, which Mr. FRELINGHUYSEN was so instrumental in advocating. The President proposed to terminate all of these programs.

The bill also provides funding for Southwest Border Methamphetamine Enforcement. The bill increases funding for Violence Against Women Act, the VAWA programs, by $60 million for a total funding of $430 million, and rejects the President's proposal for VAWA's 14 grant programs. Tremendous interest among both the parties, Democrats, Republicans, for VAWA, and we are very pleased to bring a bill to the floor that can increase the violence against women programs by $60 million, I repeat, for a total of $430 million.

Lastly, within the Department of Justice, the bill provides $25.4 million and increases for several Federal law enforcement agencies to implement the Adam Walsh Act of 2006. Increased funding is provided in several accounts within the Department of Justice for the apprehension and prosecution of sex offenders. An increase of $14 million, for a total of $61.4 million, is also provided for the Missing Children programs.

Mr. Chairman, the Department of Commerce recommendation is $7 billion, a little over $7 billion, an increase of $497 million above the President's request.

In the bill the committee restores funding for a number of programs that the President cut or eliminated, including the Advanced Technology Program, the Manufacturing Extension Program, and the Public Telecommunications Facilities Program.

In the Census Bureau, funds were restored for the Survey of Income and Program Participation, an extremely important program with great interest among the body, and community partnership program has been restored as well. For the Economic Development

Administration, an increase of $100 million was provided to reverse a recent downward trend in funding. The bill also rejects the President's proposal to consolidate the economic development programs into a single regional development account.

Mr. Chairman, for the National Oceanic and Atmospheric Administration, the bill provides robust funding of almost $4 billion. The bill establishes competitive funding in the Coastal Estuarine and the Land Conservation Program and the Integrated Ocean Observing System, and also competitive funding in the education account.

In support of the Innovation Agenda, the committee funds the National Institute of Standards and Technology at $831 million, an increase of $190 million above the President's request, and provides $6.5 billion to the National Science Foundation to continue the goal of doubling the National Science Foundation funding in 10 years.

The bill also provides an increase of $72 million in National Science Foundation over the President's request for education programs.

In NASA, the bill provides $17.6 billion, an increase of $313 million above the President's request. This funding restores the cuts made by the administration in science and aeronautics and the education portfolios, and provides the funding in a new account structure to improve transparency and understandability of NASA's submissions.

We have tried in a small way to give NASA the increases that it needs where the President has been negligent. The President's budget request made an ambitious proposal in the Vision for Space Exploration for the United States to return to the moon and to eventually go to Mars; however, by all accounts, he did not fund his vision adequately. The most recent telling evidence of this shortfall is the fact that the President's proposal assumes the inability of the United States to access space for a gap of 4 years between when the space station retires and when the CEV launches on its first official flight, the crew exploration vehicle. This leaves the United States with no guaranteed source of transportation during that gap to the space station.

I want to make clear to Members that the gap has nothing to do with the continuing resolution of last year. Full ownership of this gap resides with the President. His unfunded mandate of the vision, as well as the fact that NASA had to pay for return to flight after the Columbia accident out of its own hide, has resulted in NASA being forced to rob Peter, science and aeronautics, to pay for Paul, shuttle, space station and exploration. In the end there is not enough for either Peter or Paul.

The President has to acknowledge his inadequate budget request in this area. We invite him to reinvigorate and legitimize the Vision for Space Exploration by asking for necessary funds for returning to the moon and for going to Mars eventually and for other key NASA missions through a budget amendment or through an adequate fiscal year 2009 request. Otherwise, limited U.S. access to space and stagnation of key NASA programs will be, in this area, the President's legacy, the President's legacy in space.

This bill makes positive changes in some of the smaller agencies. We have added $66 million above the President's request to the Legal Services Corporation for a total of $337 million. We have added $5 million to the EEOC to reduce the backlog of pending cases, and included a provision to eliminate the outsourcing of the EEOC call center. We have restored funding for the National Veterans Business Development Corporation, which was zeroed out in the President's request, and we have provided additional funds to the Marine Mammal Commission for monitoring mammal adaptation to climate change.

There are many worthwhile programs in this bill. This reviews the highlights of them, and this bill represents a responsible bipartisan approach to funding these priorities, and we are pleased to bring it to the body today.

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R. 3093)
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| TITLE I - DEPARTMENT OF COMMERCE | | | | | |
| International Trade Administration | | | | | |
| Operations and administration | 403,604 | 425,431 | 430,431 | +26,827 | +5,000 |
| Offsetting fee collections | -8,000 | -13,000 | -8,000 | --- | +5,000 |
| Direct appropriation | 395,604 | 412,431 | 422,431 | +26,827 | +10,000 |
| Bureau of Industry and Security | | | | | |
| Operations and administration | 60,815 | 64,009 | 64,009 | +3,194 | --- |
| CWC enforcement | 14,579 | 14,767 | 14,767 | +188 | --- |
| Total, Bureau of Industry and Security | 75,394 | 78,776 | 78,776 | +3,382 | --- |
| Economic Development Administration | | | | | |
| Economic development assistance programs | 250,741 | 170,000 | 270,000 | +19,259 | +100,000 |
| Salaries and expenses | 29,882 | 32,800 | 32,800 | +2,918 | --- |
| Total, Economic Development Administration | 280,623 | 202,800 | 302,800 | +22,177 | +100,000 |
| Minority business development | 29,725 | 28,701 | 31,225 | +1,500 | +2,524 |
| Economic and Statistical Analysis | 79,751 | 85,000 | 86,500 | +6,749 | +1,500 |
| Bureau of the Census | | | | | |
| Salaries and expenses | 196,647 | 202,838 | 196,838 | +191 | -6,000 |
| Periodic censuses and programs | 696,365 | 1,027,406 | 1,035,406 | +339,041 | +8,000 |
| Total, Bureau of the Census | 893,012 | 1,230,244 | 1,232,244 | +339,232 | +2,000 |
| National Telecommunications and Information Administration | | | | | |
| Salaries and expenses | 18,062 | 18,581 | 18,581 | +519 | --- |
| Public telecommunications facilities, planning and construction | 21,728 | --- | 21,728 | --- | +21,728 |
| Technology opportunities program | --- | --- | --- | --- | --- |
| Total, National Telecommunications and Information Administration | 39,790 | 18,581 | 40,309 | +519 | +21,728 |
| United States Patent and Trademark Office | | | | | |
| Current year fee funding | 1,771,000 | 1,915,500 | 1,915,500 | +144,500 | --- |
| Offsetting fee collections | -1,771,000 | -1,915,500 | -1,915,500 | -144,500 | --- |
| Total, Patent and Trademark Office | --- | --- | --- | --- | --- |
| Technology Administration | 2,020 | 1,557 | 1,000 | -1,020 | -557 |
| National Institute of Standards and Technology | | | | | |
| Scientific and technical research and services | 434,371 | 500,517 | 500,517 | +66,146 | --- |
| (Transfer out) | (-987) | (-12,500) | (-12,500) | (-11,513) | --- |
| Industrial technology services | 183,819 | 46,332 | 201,819 | +18,000 | +155,487 |
| Manufacturing Extension Partnerships | (104,757) | (46,332) | (108,757) | (+4,000) | (+62,425) |
| Advanced Technology Program | (79,062) | --- | (93,062) | (+14,000) | (+93,062) |
| Construction of research facilities | 58,686 | 93,865 | 128,865 | +70,179 | +35,000 |
| Working capital fund (by transfer) | (987) | (12,500) | (12,500) | (+11,513) | --- |
| Total, National Institute of Standards and Technology | 676,876 | 640,714 | 831,201 | +154,325 | +190,487 |

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R. 3093)
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| National Oceanic and Atmospheric Administration | | | | | |
| Operations, research, and facilities | 2,738,169 | 2,763,866 | 2,847,556 | +109,387 | +83,690 |
| Emergency appropriations (P.L. 110-28) | 170,400 | --- | --- | -170,400 | --- |
| Promote and Develop Fund (by transfer) | (79,000) | (77,000) | (77,000) | (-2,000) | --- |
| Coastal zone management transfer | 2,962 | 3,000 | 3,000 | +38 | --- |
| Subtotal | 2,911,531 | 2,766,866 | 2,850,556 | -60,975 | +83,690 |
| Procurement, acquisition and construction | 1,110,119 | 979,893 | 1,039,098 | -71,021 | +59,205 |
| Pacific coastal salmon recovery | 66,638 | 66,825 | 64,825 | -1,813 | -2,000 |
| Coastal zone management fund | -3,000 | -3,000 | -3,000 | --- | --- |
| Fisheries finance program account | -7,000 | -1,000 | -1,000 | +6,000 | --- |
| Total, National Oceanic and Atmospheric Administration | 4,078,288 | 3,809,584 | 3,950,479 | -127,809 | +140,895 |
| Departmental Management | | | | | |
| Salaries and expenses | 47,121 | 58,693 | 58,693 | +11,572 | --- |
| Travel and tourism | 3,949 | --- | --- | -3,949 | --- |
| HCHB renovation and modernization | --- | 4,300 | 3,364 | +3,364 | -936 |
| Office of Inspector General | 22,592 | 23,426 | 23,426 | +834 | --- |
| National Intellectual Property Law Enforcement Coordination Council | --- | 1,000 | 1,000 | +1,000 | --- |
| Total, Departmental Management | 73,662 | 87,419 | 86,483 | +12,821 | -936 |
| Total, title I, Department of Commerce | 6,624,745 | 6,595,807 | 7,063,448 | +438,703 | +467,641 |
| Appropriations | (6,454,345) | (6,595,807) | (7,063,448) | (+609,103) | (+467,641) |
| Emergency appropriations | (170,400) | --- | --- | (-170,400) | --- |
| (By transfer) | (79,987) | (89,500) | (89,500) | (+9,513) | --- |
| (Transfer out) | (-987) | (-12,500) | (-12,500) | (-11,513) | --- |
| TITLE II - DEPARTMENT OF JUSTICE | | | | | |
| General Administration | | | | | |
| Salaries and expenses | 97,832 | 104,777 | 104,777 | +6,945 | --- |
| Justice information sharing technology | 123,559 | 100,500 | 100,500 | -23,059 | --- |
| Tactical law enforcement wireless communications | 89,198 | 81,353 | 81,353 | -7,845 | --- |
| Total, General Administration | 310,589 | 286,630 | 286,630 | -23,959 | --- |
| Administrative review and appeals | 229,142 | 247,499 | 247,499 | +18,357 | --- |
| Office for Immigration Review (by transfer) | --- | (4,000) | (4,000) | (+4,000) | --- |
| Detention trustee | 1,225,816 | 1,294,226 | 1,260,872 | +35,056 | -33,354 |
| Office of Inspector General | 70,603 | 73,208 | 74,708 | +4,105 | +1,500 |
| Transfer from FBI (P.L. 110-28) (emergency) | (500) | --- | --- | (-500) | --- |
| United States Parole Commission | | | | | |
| Salaries and expenses | 11,509 | 12,194 | 12,194 | +685 | --- |
| Legal Activities | | | | | |
| General legal activities: direct appropriation | 677,154 | 750,584 | 750,584 | +73,430 | --- |
| Emergency appropriations (P.L. 110-28) | 1,648 | --- | --- | -1,648 | --- |
| Vaccine injury compensation trust fund (permanent) | 6,252 | 6,833 | 6,833 | +581 | --- |
| Antitrust Division | 147,819 | 155,097 | 155,097 | +7,278 | --- |
| Offsetting fee collections - current year | -129,000 | -139,000 | -139,000 | -10,000 | --- |
| Direct appropriation | 18,819 | 16,097 | 16,097 | -2,722 | --- |
| United States Attorneys | | | | | |
| Salaries and expenses | 1,654,886 | 1,747,822 | 1,747,822 | +92,936 | --- |
| Emergency appropriations (P.L. 110-28) | 5,000 | --- | --- | -5,000 | --- |

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R. 3093)
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| United States Trustee System Fund | 223,152 | 231,899 | 189,000 | -34,152 | -42,899 |
| Offsetting fee collections | -218,216 | -184,000 | -184,000 | +34,216 | --- |
| Interest on U.S. securities | -4,936 | -5,000 | -5,000 | -64 | --- |
| Direct appropriation | --- | 42,899 | --- | --- | -42,899 |
| Foreign Claims Settlement Commission | 1,561 | 1,709 | 1,709 | +148 | --- |
| United States Marshals Service | | | | | |
| Salaries and expenses | 812,070 | 899,875 | 883,766 | +71,696 | -16,109 |
| Emergency appropriations (P.L. 110-28) | 6,450 | --- | --- | -6,450 | --- |
| Construction | 6,846 | --- | 2,451 | -4,395 | +2,451 |
| Total, United States Marshals Service | 825,366 | 899,875 | 886,217 | +60,851 | -13,658 |
| Fees and expenses of witnesses | 171,000 | 168,300 | 168,300 | -2,700 | --- |
| Community Relations Service | 10,221 | 9,794 | 9,794 | -427 | --- |
| Assets forfeiture fund | 21,211 | 20,990 | 20,990 | -221 | --- |
| Total, Legal activities | 3,393,118 | 3,664,903 | 3,608,346 | +215,228 | -56,557 |
| Salaries and expenses, National Security Division | 66,970 | 78,056 | 78,056 | +11,086 | --- |
| Emergency appropriations (P.L. 110-28) | 1,736 | --- | --- | -1,736 | --- |
| Interagency Law Enforcement | | | | | |
| Interagency crime and drug enforcement | 497,935 | 509,154 | 509,154 | +11,219 | --- |
| Federal Bureau of Investigation | | | | | |
| Salaries and expenses | 3,729,518 | 4,041,370 | 4,189,531 | +460,013 | +148,161 |
| Emergency appropriations (P.L. 110-28) | 258,000 | --- | --- | -258,000 | --- |
| Transfer to OIG (P.L. 110-28) (emergency) | (-500) | --- | --- | (+500) | --- |
| Counterintelligence and national security | 2,259,663 | 2,308,580 | 2,308,580 | +48,917 | --- |
| Direct appropriation | 6,247,181 | 6,349,950 | 6,498,111 | +250,930 | +148,161 |
| Construction | 51,392 | 81,352 | 33,191 | -18,201 | -48,161 |
| Total, Federal Bureau of Investigation | 6,298,573 | 6,431,302 | 6,531,302 | +232,729 | +100,000 |
| Drug Enforcement Administration | | | | | |
| Salaries and expenses | 1,956,967 | 2,041,818 | 2,081,818 | +124,851 | +40,000 |
| Emergency appropriations (P.L. 110-28) | 16,166 | --- | --- | -16,166 | --- |
| Diversion control fund | -212,078 | -239,249 | -239,249 | -27,171 | --- |
| Total, Drug Enforcement Administration | 1,761,055 | 1,802,569 | 1,842,569 | +81,514 | +40,000 |
| Bureau of Alcohol, Tobacco, Firearms and Explosives | | | | | |
| Salaries and expenses | 984,097 | 1,013,980 | 1,013,980 | +29,883 | --- |
| Federal Prison System | | | | | |
| Salaries and expenses | 4,995,433 | 5,151,440 | 5,171,440 | +176,007 | +20,000 |
| Emergency appropriations (P.L. 110-28) | 17,000 | --- | --- | -17,000 | --- |
| Buildings and facilities | 432,425 | 210,003 | 95,003 | -337,422 | -115,000 |
| Federal Prison Industries, Incorporated (limitation on administrative expenses) | 3,322 | 2,477 | 2,477 | -845 | --- |
| Total, Federal Prison System | 5,448,180 | 5,363,920 | 5,268,920 | -179,260 | -95,000 |
| Violence against women office | 382,571 | 370,005 | 430,000 | +47,429 | +59,995 |

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R. 3093)
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| Office of Justice Programs | | | | | |
| Justice assistance | 238,340 | 167,269 | 250,000 | +11,660 | +82,731 |
| State and local law enforcement assistance | 1,236,804 | 550,000 | 1,315,000 | +78,196 | +765,000 |
| Emergency appropriations (P.L. 110-28) | 50,000 | --- | --- | -50,000 | --- |
| Weed and seed program fund | 49,361 | --- | --- | -49,361 | --- |
| Community oriented policing services | 541,838 | 32,308 | 725,000 | +183,162 | +692,692 |
| Juvenile justice programs | 338,361 | 280,000 | 399,900 | +61,539 | +119,900 |
| Public safety officers benefits: | | | | | |
| Death benefits | 65,000 | 66,000 | 66,000 | +1,000 | --- |
| Disability and education benefits | 8,834 | 9,100 | 9,100 | +266 | --- |
| Subtotal | 73,834 | 75,100 | 75,100 | +1,266 | --- |
| Total, Office of Justice Programs | 2,528,538 | 1,104,677 | 2,765,000 | +236,462 | +1,660,323 |
| Total, title II, Department of Justice | 23,210,432 | 22,252,323 | 23,929,230 | +718,798 | +1,676,907 |
| Appropriations | (22,854,432) | (22,252,323) | (23,929,230) | (+1,074,798) | (+1,676,907) |
| Emergency appropriations | (356,000) | --- | --- | (-356,000) | --- |
| TITLE III - SCIENCE | | | | | |
| Executive Office of the President | | | | | |
| Office of Science and Technology Policy | 5,528 | 5,515 | 5,515 | -13 | --- |
| National Aeronautics and Space Administration | | | | | |
| Science | --- | --- | 5,696,100 | +5,696,100 | +5,696,100 |
| Aeronautics | --- | --- | 700,000 | +700,000 | +700,000 |
| Exploration | --- | --- | 3,923,800 | +3,923,800 | +3,923,800 |
| Education | --- | --- | 220,300 | +220,300 | +220,300 |
| Cross-agency support programs | --- | --- | 356,000 | +356,000 | +356,000 |
| Space operations | --- | --- | 6,691,700 | +6,691,700 | +6,691,700 |
| Science, aeronautics and exploration | 10,086,482 | 10,483,100 | --- | -10,086,482 | -10,483,100 |
| Exploration capabilities | 6,145,594 | 6,791,700 | --- | -6,145,594 | -6,791,700 |
| Emergency appropriations (P.L. 110-28) | 20,000 | --- | --- | -20,000 | --- |
| Office of Inspector General | 32,224 | 34,600 | 34,600 | +2,376 | --- |
| Total, National Aeronautics and Space Administration | 16,284,300 | 17,309,400 | 17,622,500 | +1,338,200 | +313,100 |
| National Science Foundation | | | | | |
| Research and related activities (non-defense) | 4,598,430 | 5,064,690 | 5,072,690 | +474,260 | +8,000 |
| Defense function | 67,520 | 67,000 | 67,000 | -520 | --- |
| Subtotal | 4,665,950 | 5,131,690 | 5,139,690 | +473,740 | +8,000 |
| Major research equipment and facilities construction | 190,881 | 244,740 | 244,740 | +53,859 | --- |
| Education and human resources | 796,693 | 750,600 | 822,600 | +25,907 | +72,000 |
| Agency operations and award management | 248,245 | 285,590 | 285,590 | +37,345 | --- |
| National Science Board | 3,969 | 4,030 | 4,030 | +61 | --- |
| Office of Inspector General | 11,427 | 12,350 | 12,350 | +923 | --- |
| Total, National Science Foundation | 5,917,165 | 6,429,000 | 6,509,000 | +591,835 | +80,000 |
| Total, title III, Science | 22,206,993 | 23,743,915 | 24,137,015 | +1,930,022 | +393,100 |
| Appropriations | (22,186,993) | (23,743,915) | (24,137,015) | (+1,950,022) | (+393,100) |
| Emergency appropriations | (20,000) | --- | --- | (-20,000) | --- |
| TITLE IV - RELATED AGENCIES | | | | | |
| Antitrust Modernization Commission | 462 | --- | --- | -462 | --- |
| Commission on Civil Rights | 8,972 | 8,800 | 9,000 | +28 | +200 |
| Equal Employment Opportunity Commission | 328,746 | 327,748 | 332,748 | +4,002 | +5,000 |

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2008 (H.R. 3093)
(Amounts in thousands)

| | FY 2007 Enacted | FY 2008 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| International Trade Commission | 61,950 | 68,400 | 68,400 | +6,450 | --- |
| Payment to the Legal Services Corporation | 348,578 | 310,860 | 377,000 | +28,422 | +66,140 |
| Marine Mammal Commission | 2,896 | 2,299 | 3,000 | +104 | +701 |
| National Veterans Business Development Corporation | 1,481 | --- | 2,500 | +1,019 | +2,500 |
| Office of the U.S. Trade Representative | 44,207 | 44,407 | 48,407 | +4,200 | +4,000 |
| State Justice Institute | 3,455 | --- | 4,640 | +1,185 | +4,640 |
| Total, title IV, Related agencies | 800,747 | 762,514 | 845,695 | +44,948 | +83,181 |
| TITLE VI - RESCISSIONS | | | | | |
| DEPARTMENT OF COMMERCE | | | | | |
| National Institute of Standards and Technology | | | | | |
| Industrial technology services (rescission) | -7,000 | --- | --- | +7,000 | --- |
| National Oceanic and Atmospheric Administration | | | | | |
| Rescission | -25,000 | --- | --- | +25,000 | --- |
| Departmental Management | | | | | |
| Emergency steel guaranteed loan program account (rescission) | --- | -48,607 | --- | --- | +48,607 |
| Department-wide (rescission) | --- | --- | -41,848 | -41,848 | -41,848 |
| DEPARTMENT OF JUSTICE | | | | | |
| Violent crime reduction program (rescission) | -8,000 | --- | --- | +8,000 | --- |
| General Administration | | | | | |
| Working capital fund (rescission) | -2,500 | -41,000 | -41,000 | -38,500 | --- |
| Telecommunications Carrier Compliance Fund(rescission) | -39,000 | --- | --- | +39,000 | --- |
| Detention trustee | --- | --- | -135,000 | -135,000 | -135,000 |
| Legal Activities | | | | | |
| Assets forfeiture fund (rescission) | -170,000 | -240,000 | -240,000 | -70,000 | --- |
| Office of Justice Programs | | | | | |
| Office of Justice programs (rescission) | -78,000 | -87,500 | -87,500 | -9,500 | --- |
| Community oriented policing services (rescission) | -31,000 | -87,500 | -87,500 | -56,500 | --- |
| COPS violent crime reduction fund (rescission) | --- | --- | -10,278 | -10,278 | -10,278 |
| Department-wide (rescission) | --- | --- | -86,000 | -86,000 | -86,000 |
| NATIONAL AERONAUTICS AND SPACE ADMINISTRATION | | | | | |
| Agency-wide (rescission) | --- | --- | -69,832 | -69,832 | -69,832 |
| NATIONAL SCIENCE FOUNDATION | | | | | |
| Agency-wide (rescission) | --- | --- | -24,000 | -24,000 | -24,000 |
| Total, title VI, Rescissions | -360,500 | -504,607 | -822,958 | -462,458 | -318,351 |
| Grand total | 52,482,417 | 52,849,952 | 55,152,430 | +2,670,013 | +2,302,478 |
| Appropriations | (52,296,517) | (53,354,559) | (55,975,388) | (+3,678,871) | (+2,620,829) |
| Emergency appropriations | (546,400) | --- | --- | (-546,400) | --- |
| Rescissions | (-360,500) | (-504,607) | (-822,958) | (-462,458) | (-318,351) |
| (By transfer) | (80,487) | (93,500) | (93,500) | (+13,013) | --- |
| (Transfer out) | (-1,487) | (-12,500) | (-12,500) | (-11,013) | --- |

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

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to join my chairman, the gentleman from West Virginia (Mr. MOLLOHAN), in beginning the consideration of H.R. 3093, making appropriations for fiscal year 2008 for the Departments of Commerce and Justice, and Science, and Related Agencies. This bill provides funding for programs whose impact ranges from the safety of people in their homes and communities to the farthest reaches of space exploration.

The bill before the House today addresses a number of critical national needs and requirements. The chairman has done an outstanding job in balancing many competing interests and has put together a solid bill in a fair and even-handed manner. I appreciate his openness and responsiveness, as well as his thorough understanding of each and every program in this bill.

I would also like to thank all Members of the subcommittee for their help and assistance and their advocacy, and also the staff on both sides of the aisle who spent long, long hours in putting this bill and report together.

On the minority side Mike Ringler and Frank Cushing, who have been mentioned; and Nancy Fox and Katie Hazlett of my personal staff; and on the majority side, Michelle Burkett, Marjorie Duske, Tracey LaTurner, Meg Thompson, Dennis Dauphin, Jennifer Eskra; and, as the chairman has noted, his great personal staff, Sally Moorhead and Julia Aaronsen.

Mr. Chairman, the bill includes important increases to priority programs that all Members can support. Throughout our extensive hearing schedule, we heard about urgent funding requests, including the need to address a growing violent crime rate that has begun to rise again after many years of decline, and the need to boost our Nation's competitiveness through more investments in scientific research and science and math education.

However, I also believe we could have met the most pressing needs by prioritizing within a lower allocation, the allocation giving this subcommittee $53.5 billion, which is $3.2 billion, or 6.4 percent, over 2007; and $2.3 billion, or 4.5 percent, over the President's request. This very generous allocation allows everything to grow and is, I believe, more than sufficient to address the highest-priority needs in a satisfactory way.

By comparison, the House passed a CJS bill with an allocation that exceeded the President's request by less than a quarter of 1 percent last year. That bill addressed critical priorities and passed overwhelmingly on the House floor.

As others have stated about earlier bills, the size of the allocation this year may make it more difficult to produce a bill that will get signed into law, so I look forward to continuing to work together with the chairman towards that goal.

I would also like to briefly highlight some of the more important contents of the bill. For the Department of Commerce, the bill includes $7.1 billion, including the full requested level for the critical functions of the National Weather Service, and important investments in NOAA's ocean and climate research.

I appreciate the chairman has included funding in the bill to strongly support the trade agencies empowering the U.S. Trade Representative in the International Trade Administration to negotiate, verify and enforce trade agreements that are free and fair, and to ensure an even playing field for American businesses and workers.

Requested increases for NIST under the President's American Competitiveness Initiative are fully funded, as is the Manufacturing Extension Partnership at $108.8 million.

The bill also included $1.9 billion, or an 8½ percent increase, for the Patent and Trademark Office, and fully funds the request to support the ramp-up to the 2010 decennial census.

On the Justice side for the Department of Justice, the bill includes $23.7 billion, $1.7 billion above the request. The bill restores $1.7 billion to the administration proposed to reduce from State and local law enforcement accounts, including programs addressing violence against women, violent gangs, the meth epidemic, child exploitation and the continuing need for interoperable law enforcement communications.

I am very pleased that the chairman agrees that we must insist on standards and best practices for the use of these types of grant funds. It is not acceptable simply to pass out money to local jurisdictions without stringent requirements to follow accepted standards and proven program models. I salute the chairman for including language specifically under the COPs law enforcement technologies to ensure that funds go towards equipment that meets all relevant Federal standards.

Despite the sizeable increase in State and local law enforcement programs, many Members are concerned about the funding for SCAAP, the State Criminal Alien Assistance Program. An amendment to increase the funding to the current-year level was adopted at the committee level.

□ 1330

We may see further amendments to increase it even further. The costs incurred to incarcerate undocumented criminal aliens continue to be an enormous financial burden on our towns and cities. The SCAAP program provides important partial Federal reimbursement for costs relating to what is truly a national, not a local, problem, immigration enforcement.

The bill also includes important investments to fight the national epidemic methamphetamine abuse: $600 million for Justice Assistance Grants which support local drug task forces, the Byrne Grants; $85 million in grants to combat meth, that epidemic; $40 million for drug courts; and funding for the DEA to support State and local efforts and to fight international drug trafficking.

The FBI is funded above the President's request, which is necessary in order to continue current staffing and operations levels while also funding urgent increases in counterterrorism programs. The Appropriations Committee has been at the forefront of the FBI's transformation into our Nation's premier counterterrorism agency, and I am pleased we are able to continue that support this year.

Too often we fail to recognize the critical and often dangerous work that the FBI special agents and, may I say, also the DEA and AFT special agents do both at home and abroad in order to detect and prevent terrorist and other types of attacks. This is incredibly important work. This bill strongly supports those efforts while providing necessary funding for the FBI to fulfill its traditional roles and address emerging problems, such as child exploitation, the growth of violent gangs, and human trafficking.

One area where I believe we should have done more in light of the generous allocation is in Federal law enforcement. In the joint resolution for 2007, the Congress provided more than $1 billion above the freeze to support current operations and urgent increases for Federal law enforcement. In many cases, these increases were not assumed in the formulation of the President's budget for 2008. So while most Federal law enforcement accounts are funded at least at the President's request in this bill, there still will be some negative consequences in the form of personnel reductions and hiring freezes at some agencies, including the DEA, the AFT, and the new National Security Division. The chairman has been very cooperative thus far in helping to lessen the impacts on the DEA, and I hope we can work together to improve funding for Federal law enforcement generally as the bill moves forward to conference.

In addition, I am concerned that the Justice Department rescissions included in this bill may turn out to be based on unrealistic assumptions. The balances available could likely fall far short of the rescinded amounts, and I hope to continue to work with the chairman to avoid any harmful cuts.

In the area of science, this bill also funds important initiatives in science and competitiveness. The capacity to innovate is the primary engine of our economy and our way of life. In order to sustain it, we must increase our investment in basic scientific research and strengthen science education.

This bill fully funds the President's competitive initiative, which includes a commitment to double the funding for basic scientific research over 10

years, and also to strengthen and encourage education and entrepreneurship.

For the National Science Foundation, the bill provides $6.5 billion, or 10 percent, above the current year for research that will set the groundwork of the development of new technologies and science education programs that will continue to ensure that we have a well-educated and skilled workforce to improve our competitiveness.

For NASA, the bill provides $17.6 billion. This level supports the President's vision for space exploration with the full request for the continuing development of the Crew Exploration Vehicle and the Crew Launch Vehicle, keeping to a minimum the gap in flight capability after the retirement of the shuttle.

The bill also includes funding for the request for aeronautics research, space science programs, and NASA education programs.

In closing, Mr. Chairman, despite concerns about the overall level of spending, this bill represents the chairman's best efforts to distribute the allocation he was given to the various competing requirements under our subcommittee's jurisdiction. I highly commend him for an outstanding job and will be urging all Members to support this bill.

I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he might consume to the distinguished chairman of the full Appropriations Committee, Mr. OBEY.

Mr. OBEY. I thank the gentleman for the time.

Let me simply say that I do appreciate very much the initiatives that are being taken by this subcommittee with respect to the climate change problem facing the globe. These are small initiatives; they are nonetheless important. They are not nearly sufficient to deal with the long-term problem, but we will have to mount a much greater effort on this front in the years to come.

I would like to comment on what has happened with respect to local law enforcement assistance over the past 3 years. We have had a Kabuki dance going on for years between the White House and the Congress of the United States. Each year, the President proposes very deep cuts in the law enforcement assistance grants to localities, and each year the Congress only partially restores those cuts. It then pats itself on the back, says, ''Oh, what a good boy am I. Look how much we added to law enforcement,'' when, in fact, all they did is restore a small portion of the President's reductions. As a result, these programs, which were funded at the $4.4 billion level in fiscal 2001, are now funded at about $2.8 billion, $1.6 billion below the high watermark. That is ill-advised, in my view.

I appreciate the fact that this bill provides a substantial increase in that funding for local law enforcement, $1.7 billion, or 53 percent, above the President's request. I think that is essential.

The committee also recognizes that State and local law enforcement benefits from the criminal investigation resources and capabilities of the Federal Bureau of Investigation, and so this bill provides $148 million over the President's request for that purpose. I think that money is very badly needed.

Having said that, I have to confess a significant degree of discomfort with the way the FBI has performed in recent years. As we know, investigations of the use of national security letters by the FBI have told us that the FBI issued approximately 8,500 of those in 2000. The March 2007 Senate investigation of the Justice Department's Inspector General puts that number now at over 143,000 NSLs issued between 2003 and 2005. The same investigation found serious FBI abuses of NSL regulations. And what is even more alarming is the report that the FBI's own lawyers counseled against the illegal use of emergency letters requesting telephone and Internet information, and still the practice continued for 2 years. This practice continued for 2 years, despite counsel's recommendation to cease, and Congress only found out about the situation upon public release of the IG report when the FBI's general counsel had been briefing special agents in charge on reversing the practice for 2 months prior to that.

I am disconcerted by that fact, and I have talked to the director of the FBI about this on two occasions. I was pleased when he got the job in the first place, but I am not pleased with the way this has worked out. I would certainly hope that the agency would shape up so that it does not continue to be an embarrassment in terms of its declining to adhere to rule of law.

With that said, I also am pleased that the Legal Service Corporation is funded at a level $66 million higher than the President's request. All I can say about that is that it is about time.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 3½ minutes to the gentleman from Florida (Mr. WELDON), an outstanding member of the committee.

Mr. WELDON of Florida. I thank the gentleman for yielding, and I want to commend him and Chairman MOLLOHAN for fully funding the exploration initiative. These are the funds that will allow us to continue to operate the shuttle and as well to continue to develop a replacement for the shuttle. And, importantly, that replacement, the Orion capsule, will be a safer and less expensive space vehicle, and so it is very important that we keep funding on track.

I want to commend Chairman MOLLOHAN for bringing up the important issue of the gap in human space flight. I would simply point out that when the President originally put forward this proposal, I shared Chairman MOLLOHAN's criticism that this gap in human space flight is not good for America, and I am certainly anxious to work with the administration and with the committee to see if it will be possible for us in the years ahead to reduce that time where Americans will be relying on the Russians, essentially, to put our astronauts into space.

While I certainly share the concerns raised by Ranking Member FRELINGHUYSEN about the veto threat against this bill because of the excessive spending, I just want to go on record regarding the spending increase concerns raised by the administration in the aeronautics account.

I am very concerned about our air traffic control system and its ability to handle the ever-increasing volume of commercial air traffic, and that we are falling behind on this critical investment of modernizing our air traffic control system.

Additionally, I want to comment on the accounting changes in the NASA account that Chairman MOLLOHAN has championed. While I agree that they represent perhaps a more elegant way for us to keep track of NASA funding, the 90-day time window he has provided NASA to implement this new initiative may not be physically feasible for the agency, and I am certainly hoping that he is willing to work with NASA officials in the years ahead.

And then, finally, I just want to comment on two other important issues. One, I am very pleased that both the chairman and the ranking member are seeking to protect the census account. This is a very important account. It is probably one of the few constitutionally mandated responsibilities in this bill. I know that the census account is frequently used as a piggy bank by Members seeking to increase various sections of the bill, and I am pleased and I would want to continue to encourage both the chairman and the ranking member to protect the census account.

Then finally, I want to comment on two amendments that I am offering in the bill. I have two amendments that deal with the issue of cities and municipalities that create sanctuaries for illegal aliens who basically say that we are not going to enforce Federal laws in our jurisdiction, and then they turn around and apply for grants in this bill to help them with the responsibility of dealing with criminal illegal aliens. In my opinion, that is inappropriate, and if they want to have access to the money, they shouldn't be creating sanctuaries.

I thank the gentleman for yielding.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to a distinguished member of the subcommittee. We have a great subcommittee on both sides, Democrats and Republicans, who work extremely well, and every one of them brings a lot to the bill as we marked up, and Mr. HONDA is certainly no exception.

Mr. HONDA. Mr. Chairman, I rise in support of H.R. 3093.

Mr. Chairman, this is my first year as a member of the CJS Subcommittee. It has been a great experience working under the leadership of Mr. MOLLOHAN and Mr. FRELINGHUYSEN, and I just want to indicate that it has been a good experience because it has been very bipartisan.

I wanted to make a couple of comments about law enforcement. Between 2001 and 2006, the funding for State and local law enforcement grants was cut 43 percent during the time when State and local law enforcement agencies have been expected to take on increased homeland security responsibilities. As a result, last year the FBI reported that violent crime has had its biggest increase in over a decade. This bill reverses that trend, making its biggest investment in restoring the State and local grants and funding for the FBI.

The bill includes funding to restart the COPS hiring program to put more than 2,800 police officers on the streets to fight crime, and in my district it is critical to be able to address the gang activities out there.

□ 1345

I represent Silicon Valley, Mr. Chairman, and it's the home of technological innovation in America, so I'm keenly aware of how innovation is the driving force behind our Nation's economy, and that to keep our economic preeminence in the world, we need to stay on the cutting edge of science and technology.

It's been mentioned before, our support for NSF and for NASA, and I support that, and I think that it's a good step in the right direction. And realigning how we budget NASA has made a critical difference, being that it's going from FTEs to mission-oriented budgeting. That's going to make a great big change.

In the Department of Commerce, the National Institute of Standards and Technology, we see a funding increase that restores program cuts that would have been eliminated by the President that included ATP and the Manufacturing Extension Program. These are critical programs to continue to fund if we're going to maintain our edge.

NOAA has been funded just over $4 billion, and since climate change is such a big issue, NOAA has a big role in that, and we need to continue to support that group.

I'd like to thank, again, the leadership and this opportunity to be part of the committee.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve my time.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to another distinguished member of the subcommittee, Mr. RUPPERSBERGER.

Mr. RUPPERSBERGER. Mr. Chairman, I rise in support of this very responsible funding bill. I commend the Chair and the ranking member for working together in a bipartisan way to come up with an outstanding bill.

Mr. Chairman, you are a true leader, and I respect the way you've handled yourself throughout the process.

In my former position as a Baltimore County Executive I was required to submit a $2 million operating budget each year, and I did so without raising taxes and without cutting vital public safety or economic development programs.

I call this bill today our Law Enforcement and Investment Budget for America. This is where we fulfill our obligation to protect our citizens from crime. It is where we invest in our economy, our sciences and new technologies. This is where we keep America competitive in a global economy.

I learned in my former position as county executive that if you neglect public safety, and you neglect public investment, the taxpayers end up paying a higher price down the road and get less for their money. They pay in more crime, a lagging economy and a higher price tag on new infrastructure.

Some of my friends on the other side are proposing across-the-board cuts. Congress should never impose such cuts for two reasons. First, you cut the meat with the fat, the good programs with the bad. Second, as a leader, you fail in your duty to make tough choices and to provide vision and direction for our country.

A proposed 1 percent cut would mean we can fund about 7,000 fewer bulletproof vests for cops in your police and sheriff departments.

A proposed 6 percent cut means $12 million less for STOP grants to fight violence against women.

For many years Congress has neglected the law enforcement budget in the CJS appropriations bill. We have underfunded law enforcement.

As a former prosecutor, I was shocked this year when the administration proposed a hiring freeze for the DEA at a time when drugs are the scourge of so many of our communities. This bill corrects that.

These are tough fiscal times, yet this is the first time in the history of our country that we have cut taxes while we are at war. We borrow from our children and countries like China, and then continue to spend and spend in Iraq. What kind of fiscal management is this? It leads to huge deficits, and it is fiscally irresponsible.

This CJS bill reflects new priorities and new direction. Congress would never propose a 1 percent cut in the funding of our troops in Iraq. Congress should never have a 1 percent cut in funding for cops on the beat in our communities. It is time we stand up for our cops and first responders, just like we stand up for or troops.

It is bad fiscal policy to have across-the-board cuts in the vital economic development programs of Commerce, Department and Census Bureau. Cuts in the census harm our local communities and leave us behind in the information economy.

Mr. Chair, if we did not have this deficit we confront today, I would support even more funding for law enforcement.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve my time.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to another distinguished member of the subcommittee, Ms. DELAURO.

Ms. DELAURO. Mr. Chairman, I rise today in support of this bill and want to commend the chairman and the staff for an excellent bill which signals a new direction and reflects our priorities as a Nation. The goal of this bill has always been to make a strong investment in our future, to take seriously our responsibility to the American public.

I'm proud to see that this bill will provide $10 million to the Sexual Assault Service Program directly for rape crisis centers, State and territorial sexual assault coalitions and culturally specific programs and tribes.

This is the only Federal funding stream dedicated entirely to providing direct services for victims of sexual violence. That is vital because, without a consistent and a specialized funding stream for direct services, rape crisis centers are stretched to the limit trying to meet increased demand for services with reduced government funding.

We are finding other ways as well to strengthen services to victims of all domestic violence, dating violence, sexual assault and stalking, by significantly boosting funds for the Office of Violence Against Women, $430 million, or $60 million above the President's request.

We know these programs are both necessary and effective. Since the Violence Against Women Act was first passed in 1994, reports of domestic violence have decreased by half. But as long as domestic violence continues, we must continue fighting to ensure women have the tools to fight back.

The bill also works to strengthen local law enforcement $3.2 billion to protect our communities and our quality of life, including COPS grants to put 2,800 new police officers on the streets, drug courts, Byrne grants for local crime prevention programs, and a competitive youth mentoring grants program to prevent juvenile delinquency.

Mr. Chairman, this bill reflects a commitment to our longstanding responsibilities and true fiscal responsibility. Together we can meet our obligations as a Congress and a Nation to the American people.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve my time.

Mr. MOLLOHAN. Mr. Chairman, I yield the remaining time to another distinguished member of the subcommittee, Mr. KENNEDY.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 2 minutes.

Mr. KENNEDY. Mr. Chairman, let me just commend both the chairman and the ranking member for producing a bill which certainly goes a long ways to meeting the needs of our country in a number of areas.

But let me particularly point out an area that concerns me a great deal, and that's the area where I think there's a large indictment on our country; that's the area of the fact that this country has more people incarcerated in its jail system per capita than any other industrialized Nation on the Earth. More people in jail in our country than any other free Nation on the Earth.

My friends, that is an indictment on us as a Nation, that we can't do better. This bill invests more in preventing people getting in jail.

We add over $80 million to the Juvenile Justice Delinquency Act, section 5, title 5, which is prevention dollars. We have decreased that money over $280 million over the last 5 years, under the previous Congress. This year, under this bill, we increase it by $50 million, add another $30 million to the JBAG program, which is the gang prevention section of the Juvenile Justice act. We add $10 million to the Mentally Ill Offender Program, which helps us to put more money into identifying mentally ill offenders at the time of their offense, helping them to divert them from having to go into jail, and properly treating them, rather than accepting them into prison. And we quadruple the amount of dollars that are going into drug courts, the best-known source of reducing recidivism that we have in this country.

If you want to have a war on drugs, the best war on drugs is to treat people for their addictions rather than to put them in jail, and this bill goes a long ways in doing just that.

I want to commend the chairman for his work on this matter.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 2 minutes to Mr. GILCHREST from Maryland, a strong voice for the Chesapeake.

Mr. GILCHREST. Mr. Chairman, I want to stand and thank Mr. MOLLOHAN and Mr. FRELINGHUYSEN for bringing forward this comprehensive piece of legislation. And in particular, I want to thank both of these men for recognizing the work of the Ocean Commission and the Pew Oceans Commission in understanding the world's oceans.

There's $4 billion to NOAA in this legislation, $4 billion. To some folks it might sound like a lot of money, but that is actually a very small sum. We appreciate that sum, but it's a small sum considering what's at stake.

Three-fourths of the world's surface is covered by oceans. It governs our everyday weather. It governs the climate. It is the source of air we breathe. It is the source of food for much of the world's population. Coastal communities, the economy, literally of all our coastal communities are dependent upon the health of the oceans. Our national security is dependent on understanding the nature and changes of our world's oceans. Literally, life on this planet is dependent upon our knowledge of the world's oceans. And this $4 billion given to NOAA will be to do more research to understand more effects and to implement better policies dealing with the pervasive dead zones; red tides; coral reefs, which is a predominant area where fish spawn; fish habitats; the acidification of the world's oceans as a result of $CO_2$.

Now, the acidification of the world's oceans, that's what happened to the northeastern forest as a result of acid rain from sulfur dioxide from power plants. The same thing as a result of global warming is having an effect to the world's oceans. Because of human activities and its degrading effect, now with climate change, NOAA needs the dollars and the tools to make the oceans resilient.

I urge an ''aye'' vote on the legislation.

Mr. CONYERS. Mr. Chairman, the problem of animal fighting has been in the news a lot lately, with the recent indictment of quarterback Michael Vick, who is alleged to have been involved in a major dogfighting ring. As we are debating the bill that provides funding for the Department of Justice, I wanted to express my hope that the Department will devote the needed resources to bring an end to this vicious so-called "sport." It's cruel and barbaric, and often associated with other crimes. I commend the Department for its ongoing work to determine the truth of the allegations in the Vick case, and urge that it continues to expand its efforts to crack down on animal fighting across the country. I also wanted to note that the DOJ's Safe Streets Task Force could play a key role in increasing law enforcement action against dogfighting.

Sadly, animal fighting occurs in all corners of our country, impacting hundreds of thousands of animals every year, and also our communities. Indeed, it is estimated that there are more than 40,000 professional dogfighters nationwide and 10 underground dogfighting magazines. Cockfighting is also a multi-million dollar nationwide industry.

I'm pleased that this Congress took action against animal fighting earlier this year when we passed the Federal Animal Fighting Prohibition Enforcement Act and established felony penalties for these crimes. That measure will provide an important additional tool for law enforcement to combat dogfighting and cockfighting enterprises.

To make this new law truly effective, though, we need to encourage the active and ongoing participation of Federal law enforcement. Such participation would bolster protection for our neighborhoods in addition to assuring the welfare of animals. Animal fighting is often associated with illegal gambling and acts of human violence. The Chicago Police Department recently revealed that over a 3 year time period, two-thirds of 332 people arrested for animal abuse crimes in the city were also involved in drug crimes, according to the Humane Society of the United States.

To combat dogfighting and associated crimes, I recommend that the Safe Streets Task Force devote a considerable amount of its attention and funding to the issue of dogfighting.

Mr. SIMPSON. Mr. Chairman, in accordance with House earmark reforms, I would like to place in the RECORD a listing of the congressionally directed projects in my home State of Idaho that are contained in the report of the FY08 Commerce, Justice, Science, and Related Agencies Appropriations Bill.

I would like to take just a few minutes to describe why I supported these projects and why they are valuable to the Nation and its taxpayers.

The report contains $1,200,000 for the Idaho State Police to participate in the Criminal Information Sharing Alliance Network, CISAnet. CISAnet is a fully functional information-sharing network comprised of law enforcement agencies from 10 States, including Idaho. The program focuses on drug trafficking and border security issues. Sharing of criminal law enforcement information by and between these 10 States is vital to securing an area regarded as one of the most vulnerable to our Nation's security. These funds would enable Idaho to continue participating in CISAnet. This program has received Federal funding in previous fiscal years.

This project was requested by the Idaho State Police.

The report contains $800,000 for the Idaho Department of Corrections to participate in the National Consortium of Offender Management Systems, NCOMS, Sharing Software Development Project. NCOMS is a web-based system allowing States and governmental agencies to share offender information. NCOMS and the CIS system make it a reality to track offenders across State lines and beyond with the use of Extensible Markup Language, XML, global standards and partnerships across the law enforcement and corrections communities. Funding would be used to allow more government agencies and entities to effectively use the system and to modify the ''coding'' of the application to make it more modular, allowing organizations to implement pieces of the application as needed. This program has received Federal funding in previous fiscal years.

This project was requested by the Idaho Department of Corrections.

I appreciate the opportunity to provide a list of Congressionally directed projects in my district and an explanation of my support for them.

1. $1,200,000 for Criminal Information Sharing Alliance Network, CISAnet; Idaho State Police

2. $800,000 for National Consortium of Offender Management Systems, NCOMS, Sharing Software Development Project; Idaho Department of Corrections

Mr. KUCINICH. Mr. Chairman, I rise in support of this bill, in large part because of its support for NASA. The Committee did an admirable job of finding money to keep NASA healthy and balanced in the face of a destructive budget request from the Administration.

Ultimately, inadequate funding puts at risk NASA's most valuable asset, its workers. It is the workers who have won the awards and have driven the incredible accomplishments the agency has amassed. When its world class work force gets a message from Congress or from the Administration that funding is not reliable, the workers often feel the need to leave the agency. When given the choice, no worker wants to worry about whether their job will be there next year. When employees leave, they not only take their award winning talent and intelligence, but their deep institutional knowledge. These losses are dents in NASA's armor that take years, if not decades, to repair.

That is why I am so glad to know that the committee has acted to protect NASA. This bill

prevents unnecessary layoffs, it funds Aeronautics and Exploration in order to fulfill the agency's mission, and it prevents the administration from moving large chunks of money around the agency against the will of Congress.

I am proud to represent the NASA Glenn Research Center in Brook Park, Ohio. Its economic impact is felt throughout the entire state. In FY04, the year for which we have the most recent data, the economic output of NASA Glenn alone was $1.2 billion per year. It was responsible for over 10,000 jobs and household earnings amounted to $568 million.

I urge my colleagues to support this bill and to protect NASA.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I rise in support of the 2008 Departments of Commerce, Justice, Science and Related Agencies Appropriations Bill. This bill funds domestic priorities that are important to all Americans and invests in our Nation's future.

To help keep our families and neighborhoods safe, it provides a much-needed increase to the COPS program. To support American competitiveness and improve science and technology education, this bill increases funding for the National Science Foundation.

In a global economy, investment in American innovation and regional development must be a priority. Madam Speaker, I am pleased that this appropriations bill provides over $300 million for the Economic Development Administration and encourages new investment in green technologies to reduce energy use.

Over the past 50 years, my district in Bucks County, Pennsylvania has lost most of its manufacturing jobs. While towns in my district still struggle with these dramatic economic changes, I am encouraged by forward thinking plans that have brought high-tech and green energy companies to my district.

Fairless Hills, Bucks County, once home to heavy steel manufacturing, now boasts one of Pennsylvania's premier examples of industrial revitalization. Twenty-four hundred acres in Fairless Hills, known as the Keystone Industrial Port Complex (KIPC), are designated a Keystone Opportunity Improvement Zone by the State of Pennsylvania. The important economic incentives available at KIPC, coupled with its strategic location on the Delaware River, make the site attractive to new companies. Two renewable energy companies have already located there.

Public and private economic development professionals continue to work hard at every level to attract new investment, support workforce development and improve regional infrastructure. I am a proud partner in these endeavors because I know the enormous potential of this project to revitalize the region.

The United States must look to the future and support proactive regional initiatives that not only create jobs, but advance our Nation's commitment to energy independence. New investments for the Economic Development Administration will go a long way toward achieving these goals.

Mr. Chairman, by passing this bill, we provide our communities with the resources necessary for successful development and we invest in America's future.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 3093

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I—DEPARTMENT OF COMMERCE

TRADE AND INFRASTRUCTURE DEVELOPMENT

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $430,431,000, to remain available until September 30, 2009, of which $8,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided,* That $49,564,000 shall be for Manufacturing and Services; $42,960,000 shall be for Market Access and Compliance; $65,601,000 shall be for the Import Administration of which $5,900,000 shall be for the Office of China Compliance; $245,702,000 shall be for the United States and Foreign Commercial Service; and $26,604,000 shall be for Executive Direction and Administration: *Provided further,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.

Mr. CLAY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes.

Mr. CLAY. Mr. Chairman, today I rise in support of H.R. 3093 as reported by the Appropriations Committee with the understanding that Chairman OBEY, Chairman MOLLOHAN and the other House conferees will make every effort to restore $30 million in funding for the Census Bureau that was removed during the committee's markup of this important funding bill.

As reported by the Commerce, Justice, Science Subcommittee, the bill included $13 million above the President's request to fund the partnership program which is so critical to our efforts to count traditionally undercounted populations.

The bill also included $35 million above the President's request for the SIPP program, which was slated for elimination until the Census Bureau and the Department of Commerce, to their credit, reevaluated and reversed that misguided policy decision.

I applaud Chairman MOLLOHAN, Mr. RUPPERSBERGER and others for their leadership in working to include funding for this vital program in the original bill, in spite of the administration's decision not to fund them in fiscal year 2008.

Unfortunately, both of these advances would be jeopardized if the $30 million removed in full committee is not restored. This would undermine our efforts to achieve a thorough and accurate enumeration of the U.S. population in 2010. It would also hamper our ability to gather critical data about poverty, program participation and performance in the future. The data collected during the decennial census and annually by the SIPP impact the way billions of dollars are allocated and the way the programs throughout our government are run.

□ 1400

Indeed, cutting the money from the Census would undermine the very program our colleagues are trying to fund at the expense of the Census Bureau.

And now, Mr. Chairman, I would like to engage the gentleman from West Virginia in a colloquy.

Let me begin by congratulating the chairman for his leadership in working to provide and protect funding for the Census Bureau. As we continue the fight to protect the Bureau's funding from being raided to support other programs, I would like to ask the gentleman about his commitment to ensuring that the Bureau is inclusive in its contracting activity, particularly with regard to the 2010 census. And as the gentleman knows, the Census Bureau, according to GAO, will ''make the most extensive use of contractors in history,'' which includes information technology systems, advertising, and the leasing of local census officers.

I believe the gentleman shares my view that in order to carry out its mission effectively, the Bureau must have

a workforce that reflects the diversity of this Nation and that that idea extends to the private entities with which the Bureau contracts to perform mission critical activities.

I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I commend the gentleman for raising this issue. I assure him that I share his concern. I think most members of our subcommittee share his concern with any unwise cuts to Census. That happened in full committee. There was an amendment which used Census as an offset; $25 million came from the periodic census, $5 million came from salaries and expenses. Both of them were very regrettable offsets. We are going to work to restore those offsets as we move forward into conference, and I have a considerable amount of confidence that we will be able to achieve that.

Again, I commend the gentleman for bringing this up and giving us an opportunity to express and share our concerns with him and also to make that commitment that we are going to work as hard as we can as we move forward to restore this funding to Census. It is usually important to the Nation that the decennial census move according to a regular process which requires a lot of preparation in the early years. And the gentleman's foresight in seeing that and his insistence on our proceeding accordingly is really appreciated because we want that pressure from the body to make sure that we adequately fund Census.

Mr. CLAY. Mr. Chairman, reclaiming my time, I am certainly aware and the gentleman is aware also that it is so important that the Census be diverse and that they practice it in their contracting opportunities as well as within the makeup of the Bureau itself, because I think that the Bureau should reflect this country and its diversity.

Mr. MOLLOHAN. Absolutely. And we will take the gentleman's concerns about that to heart as well.

We appreciate the gentleman's hard work on this and appreciate the excellent staff work that he has had in bringing this to the floor.

AMENDMENT NO. 4 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROGERS of Michigan:

Page 3, line 4, after the dollar amount, insert ''(increased by $6,000,000)''.

Page 3, line 11, after the dollar amount, insert ''(increased by $6,000,000)''.

Page 6, line 19, after the dollar amount, insert ''(reduced by $6,000,000)''.

Mr. ROGERS of Michigan. Mr. Chairman, to my distinguished colleagues, I certainly understand the efforts to fence off issues when it comes to the census, and I think there are some issues of which we can find a level of importance to take a very small amount of money, make that census more efficient, and do some great good for the United States of America.

Think about some of the goods that we have had coming to the United States of America from China that have been counterfeited, adulterated, contaminated just recently: pet food, toothpaste, bottled water, auto parts. There is an assessment that just counterfeit auto parts coming out of China alone cost American jobs to the tune of $750,000.

A couple of years ago, in 2004, the Department of Commerce's Trade Agreement Compliance Center was created, and it was designed to specifically and solely go after Chinese unfair trading practices. And if we are going to have free trade, it must be fair trade. The deficit with China in 2006 was $230 billion, and it is getting bigger. But think of the products that they are selling. Think of the products that they are working into the system. Think of the unfairness to American workers who are playing by the rules, producing products that are safe and legal and in compliance with intellectual property.

So you think about what they are doing: currency manipulation to unjustly compete against American jobs that robs us of jobs unfairly in the trade world, certainly not appropriate. Counterfeiting not only of auto parts that we have just seen, but the things they have done with pet food and toothpaste and bottled water. The chemicals used on some food products that they brought in a few years ago. Michigan apples is an example where they used a pesticide that we don't allow in the United States because it is dangerous to public health. All of those things have happened and will continue to happen if we don't step up and make a serious statement about our commitment to stop unfair trade practices by China and stop counterfeit parts that are robbing jobs and products that may, in fact, take the lives of Americans. This is serious business.

We ask for just $6 million. It will double the Office of Compliance where these trade cops will look specifically at Chinese trade violations. I can't think of anything more important for us to do given the recent cases that are coming out of China. And only with vigorous and well-funded trade monitoring and enforcement can we provide a level playing field and allow U.S. manufacturers to compete around the world.

In order to deliver the promises of free trade, we need to guarantee fair trade. I urge my colleagues to support this important amendment.

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

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment and, at the same time, I share concern with the gentleman for our ability to monitor, carefully and comprehensively, compliance regarding our trade with China.

We have an Office of China Compliance, which the gentleman wants to increase by $6 million, which about doubles the funding. There is a group in the Congress, and I am certainly one of them, who are extremely concerned about foreign competition. I am very concerned about how, as this world increasingly is becoming a smaller economic community, how we compete successfully, particularly as competition relates to the impact on traditional industries in this country and making sure that a fair and level playing field exists. That is why we have the Office of China Compliance. That is why we have funded it in this bill.

The gentleman suggests that the funding level is inadequate, and we have very consciously funded it at the President's request. A $6 million increase doubles the Office of China Compliance, and given the balances that are necessary in this bill and the funding demands that exist, we feel that the level that we funded it at is adequate.

Let me also comment about the gentleman's offset. He offsets the Census Bureau, the salaries and expenses account, I believe. That is unacceptable.

Does the gentleman offset the salaries and expenses or the decennial census account? The decennial census account. That is a terrible offset, respectfully, because we have to prepare for the decennial census, and we have to prepare for it carefully and adequately.

First of all, I think the account is funded adequately at the President's request in last year's funding. Secondly, the offset is just terrible.

I would invite the gentleman to work with us as we move forward to conference and look carefully at the account and make more careful judgments about the adequacy of the funding, if he would like to do that.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the distinguished ranking member.

Mr. FRELINGHUYSEN. Mr. Chairman, quite reluctantly, I oppose the gentleman's amendment, but certainly your views are held by quite a lot of people. I think it would be a mistake to cut the census, which is obviously a constitutional obligation. As I remember looking at that account, the Member's suggesting that we double the account, actually I think ITA got $10 million more than the President requested. So they actually have more money to deal with, maybe not the specific Office of China Compliance, but I think it would be a mistake to cut the Census, which is a pretty important thing we are trying to ramp up.

Mr. ROGERS of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I am pleased to yield to the gentleman from Michigan.

And I see I was wrong about your offset. But the point applies to your offset.

Mr. ROGERS of Michigan. So it is not nearly as terrible.

Mr. MOLLOHAN. No. It's terminal. It's a bad offset. It degrades the Census Bureau's ability to collect economic statistics, which is terrible. But please.

Mr. ROGERS of Michigan. I understand. I think a little under a 3 percent cut for counting versus our ability to go after what we know we have found. Contaminated pet food; contaminated toothpaste, which people consume, which is certainly a public health hazard; and auto parts that rob our manufacturers of important jobs must take priority. It obviously hasn't worked the way we want it. We should step up in a big way. A $230 billion trade deficit. This is the right investment.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I just will stipulate to our concerns about trade with China and the necessity to review it. That is why we have this office. You are suggesting that we need additional funding. You are suggesting doubling the funding, which impacts Census in its ability to collect economic statistics, which is also extremely important to the economic viability of the country.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. KENNEDY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. Mr. Chairman, I would suggest that if we are serious about looking at this issue of compliance, $6 million, frankly, for a country as big as China that is exporting to Wal-Mart toothpaste, pet food, auto parts and the like, $6 million ain't going to cut it; $6 million out of a budget that we are looking at here is really infinitesimal to think about in terms of really being serious about inspection.

If we are serious about looking at protecting consumer product safety, we ought to look at making sure that industry themselves are employing the proper safeguards in their own inspection safety, that they are obviously having to comply with our own U.S. inspection codes if they are selling within our own market. They are not having to comply with China's inspection. They have to comply with ours if they are selling in our marketplace.

So this is a broader issue in addition to just trade, and I think there are a lot of other significant aspects to this issue that we need to consider. I think we need to bring the trade groups that are involved with these issues to the table, and I would suggest that maybe the chairman and others maybe down the road we can begin to convene some of these trade groups.

I know from my State some of these interested groups are already working within their industries to deal with this because they know they have great liability. If they import products that they have manufactured in China here to this country that are faulty, they are on the hook and they are liable if those products are faulty, as they should be liable; that is, provided that they are not indemnified by the other side through product liability indemnification.

□ 1415

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROGERS of Michigan. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

The Clerk will read.

The Clerk read as follows:

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by section 1 of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $78,776,000, to remain available until expended, of which $14,767,000 shall be for inspections and other activities related to national security: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further,* That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $270,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SESSIONS:

Page 5, line 15, insert ''(reduced by $100,000,000)'' after the dollar amount.

Page 29, line 19, insert ''(increased by $6,000,000)'' after the dollar amount.

Mr. SESSIONS. Mr. Chairman, my amendment is very simple. It would provide an additional $6 million to the FBI, and to reduce the Economic Development Administration account to offset this cost.

I think that Congress must do all that we can do to provide appropriate resources to the hardworking men and women serving at the Federal Bureau of Investigation. Every day these brave public servants stand on the front lines of our Federal law enforcement efforts and on the domestic front on the war on terror, and they need and they deserve all the support that Congress can give.

Many of my colleagues know that I have a real and very personal appreciation of the organization of which my father served as Director of the FBI between 1987 and 1993. I have nothing but the greatest respect for all the sacrifices that these agents make on behalf of our country, and I am happy to be able to come to the floor today with this amendment to support that great work.

As the report to the bill notes, since September 11, 2001, the FBI has undergone a significant transformation. They are being asked to make hard choices about resource allocation as they track domestic terrorist threats, arrest suspected drug kingpins, and ensure that criminals, from bank robbers to corrupt businessmen to tax cheats, are brought to justice.

Even with an increase of around $500 million in this bill, the FBI's salary request still faces a deficit. While I wish this amendment could go further, I understand the constraints of the budget authority and the outlay rules that Congress must follow.

Regardless, I believe that this is an amendment that will send a clear and unmistakable signal to the men and women of the FBI that we support them, that we support their hard work, and that we support all that they are doing to keep us safe.

I urge my colleagues to support this amendment and to show your support for these brave men and women.

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

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, let me summarize the basic facts. The Economic Development Administration budget last year was $250 million. The President's request for this year was $170 million. The committee added $100 million to the President's request to take it to $270 million, and the gentleman's amendment would take it back down to $170 million, which is a 32 percent reduction below the amount provided last year.

With respect to the FBI, the committee has already added $148 million to the amount that the President requested. We are substantially above last year's budget. The FBI has been treated very, very well.

I find no reasonable justification for saying that we ought to provide the $6 million increase for the FBI when it's already received an increase of $148 million. And I certainly don't find any reason to say that we ought to reduce our efforts to support economic development around the country.

Economic development funds are used, among other things, to help localities establish industrial parks. I have to tell you there are literally thousands of jobs that have been added in my own district by corporations who were able to move into these industrial parks to get their services and grow. We have developed a very strong electronics industry in my district through the use of funds through EDA.

I think the key to this bill is balance. We have provided a significant increase for the FBI. We've provided a modest increase for EDA. And I think that the country is better off if we stick with the committee recommendations.

I would urge a ''no'' vote.

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

The CHAIRMAN. The question is on the amendment by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $32,800,000: *Provided,* That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $31,225,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $86,500,000, to remain available until September 30, 2009.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $196,838,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $1,035,406,000, to remain available until September 30, 2009: *Provided,* That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of census data on race identification that does not include ''some other race'' as a category.

AMENDMENT OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CAPITO:

Page 6, line 23, after the dollar amount insert ''(reduced by $10,000,000)''.

Page 42, line 8, after the dollar amount insert ''(increased by $10,000,000)''.

Page 43, line 8, after the dollar amount insert ''(increased by $10,000,000)''.

Mrs. CAPITO. Mr. Chairman, I rise today to offer an amendment to enhance America's ability to prosecute and detain illegal aliens around our southwest border.

State and local law enforcement agencies along America's southwest border grapple with the serious consequences of our porous border every day. Prosecutors, probation officers, courts and detention facilities are all vital. They process drug and illegal alien cases referred from Federal arrests.

Currently, if the Federal Government decides to no longer pursue Federal criminal charges against the defendant, they often turn over the case to local law enforcement agencies. State and local agencies often need to be reimbursed for the costs of prosecution and court costs, as well as pre- and post-trial detention.

The Southwest Border Prosecutor Initiative helps relieve border communities of the steep costs of Federal drug prosecutions. Cases involving illegal aliens and drug traffickers are complex and urgent. That's why the Southwest Border Prosecutor Initiative needs and deserves vigorous Federal support.

Last year Congress funded this program with $29,617,000. The committee's recommended funding level for this year, 2008, amounts to only a 1 percent increase over last year's appropriation for the Southwest Border Prosecutor Initiative. Meanwhile, the Census Bureau stands to receive over $369 million more than last year. That amounts to an increase of 40 percent for the census.

Right now, I, along with the constituents I represent, believe the higher priority for our country must be to get a handle on our borders. Some aliens who illegally enter America only seek jobs, but then there are others who are very, very dangerous. These aliens, especially the drug traffickers, call for extra attention. My amendment would boost funding to the Southwest Border Prosecutor Initiative by $10 million, without costing the taxpayers any more money.

I ask my colleagues to join me in support of this important amendment.

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

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to this amendment which, again, shows there is a run on the Census Bureau; it's as though the Census Bureau wasn't important, and it's crucially important.

We have funded the southwest border prosecutors program at $30 million in this bill, and the President requested zero for it in this bill. So I think we're keeping faith with the southwest border prosecutors. And we have kept faith and funded in this bill tremendous amounts of money for State and local law enforcement above the President's request, $1.7 billion above the President's request. So we really are addressing these concerns.

We can go anywhere in the bill for any worthy cause, especially all of the law enforcement accounts, they're all worthy causes, and say, oh, let's increase the funding for that. It makes it sound like we are newly addressing an issue where it has been substantively addressed previously in this bill.

Now, let's look at the offset. And again, we're looking at Census like it's not important, and it's crucially important. Specifically these cuts that were represented by the offsets to this increase would eliminate the current Industrial Reports Program used by the Federal Reserve Board for the index of industrial production and also used in trade negotiations by our U.S. Trade Representative, the International Trade Commission and the Department of Commerce's Office of Textiles and Apparel. This amendment will also make it impossible to assess the impact of increased imports on domestic industries.

Secondly, this offset would eliminate the quarterly financial reports which are the government's most current and comprehensive reports on corporate financial activity. This break in this valuable time series program, which goes back 60 years, there is a continuity to this program, would erode the quality of our statistical measurements, hinder public and private decisionmakers and eliminate a critical source of information on corporate profits.

Next, Mr. Chairman, it would eliminate the Survey of Business Owners and Self-Employed Persons, which is the only comprehensive source of information on selected economic and demographic characteristics for businesses and business owners. The survey data is absolutely critical to the missions of the Minority Business Development Agency, the Small Business Administration, and other Federal, State and local agencies to assess changes in women and minority-owned business, and to analyze the effectiveness of these programs. And the amendment it would eliminate funding to the Foreign Research and Analysis Program, which generates economic, social and demographic information.

Do we see the harm that this amendment and this offset would do to the Census Bureau, to the statistics we gather that are absolutely crucial to business, in addition to the overall attitude about an almost frivolousness as we deal with the important business that the Census Bureau does?

Let's respect the Census Bureau. Let's respect the surveys and the reports and economic statistics which it generates, which we rely on in our daily lives for social programs, but also for the important purpose of assessing where we are and where we stand in business in an increasingly competitive world.

I oppose the gentlelady's amendment on all of those grounds, Mr. Chairman.

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

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Chairman, I rise in opposition to my good friend's amendment. The census is critically important. It's even required in our Constitution. The importance of an accurate census cannot be overstated. The Founding Fathers of our country understood it; they wrote it right into Article I, section 2 of the Constitution.

It is very, very important for the reasons that Chairman MOLLOHAN mentioned, but it's absolutely our constitutional obligation to conduct the census and to do it to the very best of our ability.

To delete very important programs that put together data on which we make decisions, policy decisions, in our country is extremely short-sighted.

I rise in strong opposition, not because I oppose the program it seeks to add funding to, but because I oppose the offset, the cut to the census. And I think that it's easy to say that programs that fight crime or aid local law enforcement need this money more than the census. On the surface the census does not seem to have the direct connection to public safety that some of these programs do.

□ 1430

What many people do not realize, however, is that local law enforcements rely on the Census every day and an inaccurate count could jeopardize their ability to fight crime. Our businesses rely on it. Our funding formulas are tied to it.

We are required to conduct the census every 10 years by our Constitution in order to have reapportionment. Our representation is tied to it. So when you cut the money to the Census, you are cutting representation. You are cutting accurate data so that we can make accurate decisions in this body. It is very short-sighted.

Mr. Chairman, I rise today in strong opposition to this amendment, not because I oppose the program it seeks to add funding too, but because I oppose the offset. Every year we have the same fight to maintain funding for the Census Bureau. I don't know how many times I've had to come down here to try and explain how essential it is that we not cut funds for the Census Bureau.

The Census is the largest peacetime mobilization in history. It requires recruitment and training of over 500,000 enumerators and census workers, to count more than 300 million residents at 130 million unique addresses. All of this massive preparation takes place according to a strict, decade-long schedule. The closer we get to the decennial, the more important it is to adhere to that schedule. In 2008, there are two full dress rehearsals planned, one in California, and one in North Carolina.

Former Census Bureau Director Kenneth Prewitt once said that it is difficult to do a really good census, but it is easy to do a bad one. If we cut funds to the Census Bureau, we will easily do a bad one.

CENSUS AS A GOOD TAXPAYER INVESTMENT

The Federal government depends on census data in three important ways. First, to distribute funding through eligibility criteria and allocation formulas. 69.3% of the Federal grants given out in FY2004 (the most recent year that we have this data for) were allocated based on Census Bureau data. Second, census data are used to enforce Federal civil rights and anti-discrimination laws such as the Voting Rights Act and the Fair Housing Act. Third, the Federal government uses census data to create models and estimates for various Federal programs, and to then evaluate their efficacy.

State and local governments use census data for different purposes. They allocate criminal justice resources based on crime maps and demographic profiles. They base disaster response plans on census data. They analyze their transportation systems using information from the Census Bureau. The list goes on.

Not only do governments of all levels rely on the census, but the private sector does as well. Businesses conduct market research based on census data. Hospitals identify their constituencies and how to better serve their needs based on census data. The real estate sector uses it to . . . .

One can argue, therefore, that the census is essential not only to democracy, but to the U.S. economy as well. With so many governments and businesses who rely on data, it is absolutely essential that that data be accurate.

Over ten years, the 2010 census will cost approximately $11.5 billion. That's an average of $1.2 billion per year. Divide that by the population of the U.S., and the cost is approximately $4 per person, per year. Four dollars. That's it. I don't know about you, Mr. Chairman, but I am willing to spend $4 a year to ensure that Federal, State, and local governments, businesses and non-profits, all have accurate data to conduct their business. In fact, considering the enormous benefit that the economy gains by having an accurate census, I'm willing to wager that this is one of the most cost-effective uses of taxpayer dollars. I urge my colleagues to spend your constituents' tax dollars wisely by opposing any amendments that cut funding from the census.

CONSTITUTIONAL OBLIGATION

The importance of an accurate census enumeration cannot be overstated. The founding fathers of our country understood, they wrote it right into the Constitution. In Article I, Section 2 of the Constitution, it says that congressional representation and taxes shall be based on the population. I quote directly, ''The actual Enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.'' By extension, the census affects Presidential election, as the number of electoral college votes for each State is based on the number of representatives and senators from that State. There are several instances (listed below) in recent history where very close elections and redistricting hinged directly on census data. When the founding fathers rooted our representative democracy in an accurate enumeration of the population, they placed a great burden on the census. It is our constitutional obligation to conduct this census, and to absolutely do it to the best of our ability.

After Census 2000, the state of Utah missed gaining a fourth Congressional seat and sixth electoral vote by 856 residents; the 435th seat and 538th electoral vote went to North Carolina instead. Utah's experience has been highly instructive to states with regard to the 2010 Census. Realizing that apportionment is a zero sum game, more states will be working aggressively to bring about a full count.

The result of the 2000 presidential election turned on the accuracy of the 1990 census. The election was so close that a slightly more or less accurate census could have produced another pattern of Congressional apportionment and so a different outcome.

In 2003, the Texas state legislature's redrawing of Congressional Districts produced quite a commotion, as some legislators in the minority left the state in the hopes of blocking approval of the new boundaries.

CRIME-FIGHTING

It is very easy to say that programs that fight crime or aid local law enforcement need this money more than the census. On the surface, the census does not seem to have the direct connection to public safety that (anti-meth program, COPS, SCAAP) does. What many people don't realize, however, is that local law enforcement officials rely on the census every day, and an inaccurate count could jeopardize their ability to fight crime. One of the most valuable tools for local law enforcement is crime mapping. This technology allows them to more effectively allocate limited resources and manpower based on crime statistics and information on neighborhood characteristics. They are better able to predict where crimes will occur based on this information, and can therefore send more police officers as a preventative measure. Crime mapping programs draw heavily from demographic and housing data from both the decennial census and the yearly American Community Survey (ACS). When a census or ACS count is less accurate due to lower funding levels, it will jeopardize our ability to effectively fight crime at the local level.

DOMESTIC VIOLENCE

Let's be clear, I am extremely supportive of funding for programs to combat domestic violence. I have devoted much of my career to making women's lives better, and have been an outspoken advocate of reducing violence against women. However, I cannot support this amendment. Taking money from the census to fund a domestic violence prevention

program is nonsensical. These programs rely on census data to recognize patterns of domestic violence, such as the link between poverty and domestic violence. Domestic violence advocates also use census data to analyze the impact of these programs. And finally, the funds that we would give to these programs will be based on funding formulas that use data from the census. If we do not have the most accurate census possible, this program, and all the other programs that receive Federal funding, will be at risk.

Mr. FRELINGHUYSEN. Mr. Chairman, if the gentlewoman will yield, we obviously respect our colleague's attempt to improve the financial situation for these border prosecutors, but the general feeling is that Census accounts are not the ones we want to use for that purpose. But we certainly respect what you would like to do to enhance their resources.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. CAPITO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from West Virginia will be postponed.

The Clerk will read.

The Clerk read as follows:

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $18,581,000, to remain available until September 30, 2009: *Provided,* That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further,* That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

AMENDMENT OFFERED BY MR. SHIMKUS

Mr. SHIMKUS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHIMKUS:

Page 7, line 8, after the dollar amount, insert ''(increased by $5,000,000)''.

Page 21, line 7, after the dollar amount, insert ''(reduced by $5,000,000)''.

Mr. SHIMKUS. Mr. Chairman, I come down to offer this amendment with respect to myself and my colleague, Anna Eshoo. She is tied up in an Intel briefing, or she would be down in support of this amendment.

We both cochair the E9–1–1 Caucus in which, in 2004, we passed on this floor an authorization of $1.2 billion over 5 years to help our first line responders roll out ENHANCE 9/11 in a 50 percent grant program with our public safety officials. Under Republican control over the past 2 years, and now under a Democrat-controlled appropriation budget, we have yet to see our first dollar from the appropriation process committed to ENHANCE 9/11.

So the basic premise of this amendment is just to get started. There is $1.2 billion authorized. This is the third year with no dollars appropriated. We are asking for a shifting of funds of $5 million to make this happen. Again, this amendment is supported by the National Emergency Numbering Association, which is commonly referred to as NENA; and APCO, which is the Association of Public-Safety Communications Officials.

We all know the stories about people who expect that when they dial 9/11 on a cellular phone that not only will someone answer that, but people will know where they are. I represent rural southern Illinois, parts of 30 counties. It is one of the largest congressional districts east of the Mississippi. You can go off in some area and folks may not find you until it is too late.

So the whole emphasis behind ENHANCE 9/11 is to use technology, work with the land line companies, work with the cell companies, work with the public service answering points of PSAPs, or we call them the E9–1–1 call centers, and in so doing, make sure that we move our country forward to be able to identify folks when they call 9/11 on their cellular phone. Again, I would venture to guess that almost everyone voted for ENHANCE 9/11, cellular identification authorization amount $1.2 billion over 5 years.

So it is time, my colleagues. Congresswoman ESHOO and I just want us to start. I think the public service, the first line responders and the public safety communities really want us to at least show some good-faith effort by finally releasing some dollars. That is the intent of this amendment.

I see there is some activity on the other side. I was hoping that the chairman would pay attention, because I am going to call, obviously, for the voice vote, but because of the way that it is worded, I will not call for a recorded vote, but I would like for him to be receptive to moving this provision, especially when it is brought in a bipartisan manner with a major member of the Commerce Subcommittee and the Telecommunications Subcommittee.

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

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, this bill is currently balanced among the many competing priorities between the Subcommittee on Commerce, Justice and Science. The amendment significantly upsets that balance.

This Congress has already provided the proper funding mechanism for enhanced 9/11 grants, which is through proceeds realized through the sale of the spectrum space. I have grave concerns about a $5 million reduction to the general administration account of the Department of Justice.

The Department may have to lay off its current personnel, reduce key projects that might have to be terminated, and substantially scale back others in order to absorb a reduction in this office.

We have to be respectful in the requests and the necessity of having adequate funding and adequate personnel to run these programs, to run the Department of Justice. Let's not be cavalier in these offsets. Just because the account is called ''general'' doesn't mean that it doesn't need funding. It also doesn't mean that we haven't been careful and deliberate as we have looked at the needs and funded these accounts. These are real people we are talking about laying off. They have real jobs, and they administer real programs.

So when we offer an amendment and suggest a $5 million offset, we have to be mindful of the consequences of that. DOJ is currently challenged to fill authorized positions at all of its components. We are increasing funding at the DOJ. Partly these funding requirements are the result of chronic gaps between the funding requested and appropriated for the S&E accounts and the true cost of pay raises. Let's be respectful of other people in their jobs as we consider these offsets.

I yield to the distinguished ranking member.

Mr. FRELINGHUYSEN. Mr. Chairman, like the chairman, we want to salute Representative ESHOO and Mr. SHIMKUS. This is sort of a promise that has not been delivered on, and we are mindful of it. But I would agree with the chairman, to take a whack out of the Department of Justice general administration accounts would affect people that are working there presently.

There is the expectation, which, of course, it might irritate you for me to mention this, that somewhere along the line, goodness knows when it will happen, there will be a spectrum auction. I don't know, there is $40 or $50 million. I know you are looking for $250 million. It is not exactly inexpensive. When the auction should occur, this is the type of necessary project that needs to be funded.

But I would concur with the chairman, I know you tried to choose wisely, I am not sure these are the accounts that I would recommend taking money from. So I would concur with the chairman.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I thank the distinguished ranking member for those

thoughts. If I have any time left, Mr. Chairman, I would just point out that about 90 percent of the account where the gentleman is seeking an offset, the general administrative account, goes towards operational support for the Department of Justice agencies and their missions, by maintaining and overseeing facilities, for procurement of law enforcement tools for agents and employees, and for management of financial systems.

Cutting this account could prevent implementation of a unified financial management system that would limit the fraud, waste, and abuse that everyone in this body talks about. These are not the areas in which we want to make cuts.

Ms. ESHOO. Mr. Chairman, the amendment that Mr. SHIMKUS and I are offering will provide $5 million for the National Telecommunications and Information Administration (NTIA) with the intent of allowing them to issue grants to upgrade Public Safety Answering Points (PSAPs), otherwise known as 9–1–1 call centers. Call centers across our country today need to enhance their 9–1–1 technology in order to actually locate where a mobile phone caller in crisis is.

Annually, over 200 million 9–1–1 calls are made, and increasingly those calls are made from mobile phones. According to CTIA, the wireless industry association, more than 10 percent of households now rely on wireless phones as their only telephone service. No wonder it's surprising to many Americans to learn that a 9–1–1 call center may not have enhanced technology to trace an emergency call from a mobile phone in order to dispatch help to exactly where it is needed.

Imagine calling 9–1–1 from your mobile phone at the scene of a car accident or a crime and being told the operator has no idea where you are.

Millions of Americans face this risk every day.

While coverage in many areas is improving, there are significant gaps in the public safety system, particularly in small, rural, and poor communities where federal assistance could be most meaningful.

In 26 states, more than 20 percent of counties have not deployed the latest 9–1–1 technology. In 15 states, well over half the counties haven't deployed this technology. In West Virginia (Chairman MOLLOHAN's home state), nearly one third of the population doesn't have enhanced 9–1–1 coverage. In Ohio, half the state's population lacks this coverage, and in Mississippi, two-thirds.

In 2004, Congress and the President attempted to address this problem by enacting the ENHANCE 9–1–1 Act. The law that Mr. SHIMKUS and I authored created a grant program to pay 50 percent of the cost for upgrading 9–1–1 call centers and ensure the most precise location (within 300 meters in most cases) of an emergency call from a mobile phone.

The program was authorized to provide up to $1.25 billion in grants over 5 years. Regrettably, 3 years later Congress has yet to fund the program. In fact, the NTIA and National Highway Traffic Administration (NHTSA), the agencies with responsibility for this program, haven't even established regulations for awarding grants. With only 2 years left in the authorization, it's time to get the program underway.

The modest amount of funding in our amendment will provide grants to approximately 54 smaller counties to upgrade their wireless E9–1–1 capabilities or up to 17 grants to counties with populations over 100,000. This public safety funding is offset by reducing funds from the Justice Department's General Administration.

Our Amendment has been endorsed by the Association of Public-Safety Communications Officials and the National Emergency Number Association and I urge my colleagues to join me and Representative SHIMKUS in voting for it.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. SHIMKUS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHIMKUS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

Mr. CARDOZA. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. CARDOZA. Mr. Chairman, I intended to offer an amendment with regard to sea turtles. I would like to engage in that discussion for a bit. I will not offer that amendment; I would like to discuss it with the chairman of this Appropriations Committee.

There are currently six species of sea turtles, the green, the hawksbill, the Kemp's Ridley, the leatherback, the loggerhead and the Olive Ridley sea turtle. All six are listed as threatened or endangered species under the Endangered Species Act.

Sea turtles face a range of threats from land and sea. Their nesting beaches are under constant attack from pollution, trash, debris, predators and vehicles driving on the dunes.

Once out of the nest, sea turtle hatchlings use light cues to find the sea. Artificial lighting near the beach can disorient hatchlings, leading to dehydration and death.

In the water, sea turtles face even more serious threats. Every year, thousands of sea turtles are injured or die after becoming entangled in discarded fishing gear and other marine debris, from ingesting plastic bags or oil and tar, from being crushed by dredges, and by being accidentally caught by U.S. commercial fishing operations. The latter is one of the most serious threats facing sea turtles.

Sea turtles are accidentally caught in gill nets, trawls, long-lines and dredges, subjecting them to severe injury, crushing, or drowning.

The U.S. Government authorizes commercial fisheries to kill nearly 10,000 sea turtles and harm another 334,000 each year. And that is only what is authorized, not what actually occurs.

In addition, the government does not adequately take into account that when a sea turtle is injured, its swimming, hunting, and reproductive abilities may be severely impaired, further jeopardizing the population.

Currently, approximately one in 1,000 sea turtle hatchlings survives to adulthood, one in 1,000. While they are long-lived, they also reach reproductive maturity late in life. Due to the many risks they face, however, relatively few sea turtles survive to maturity, and even fewer live to reproduce.

In order for the sea turtle population to recover, we must do a better job monitoring the population and strengthen the necessary protective enforcement measures. The Cardoza-Hastings-Castor amendment was quite simple: it provided an additional $1 million for sea turtles under the Protective Species Research and Management account for the National Marine Fisheries Service.

What I have done with the chairman is to request that the chairman work with us, and I would like to now yield to discuss with the chairman what we might do moving forward.

Mr. MOLLOHAN. Mr. Chairman, if the gentleman will yield, first of all, I want to commend the gentleman for raising this issue. Six of the seven sea turtle species are endangered. It is a real concern. It is a real plight. We can be particularly proactive trying to address the endangered status of these turtles in our borders. It becomes far more difficult as we go out around the world.

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It is important that we address it and we pay increasing attention to it. The gentleman requests an additional $1 million. There is a $9 million program looking at this. We intend to work with the gentleman, if he so desires, to ensure that NOAA is increasingly focusing on the problem, and we will be bringing the gentleman's concern to their attention, and letting them understand that. We will be working with the professionals at NOAA, and we want to give them all of the support that we can and let them know that this is a priority for us.

So I commend the gentleman for bringing the issue to our attention, and assure him that we look forward to working with him not only as we process this bill through to completion, but subsequent to that and throughout the year to ensure that NOAA gives it the adequate attention that this issue deserves.

Mr. CARDOZA. I thank the chairman. I look forward to working with him. That is acceptable to us. We will work together as this bill goes to conference to see how we can better deal with this issue.

My daughter Brittany is 13 years old, and my daughter Elaina is 10. They both have encouraged me to work on

this. One knows that we have to try to abide by our children because they usually have the right take on what is right in the world. I thank the chairman for allowing me to work on this issue.

Mr. MOLLOHAN. They do have the right take, and she obviously has picked a substantive issue to be concerned about and defend, and the gentleman is to be commended for picking it up and fighting for her and sea turtles.

Mr. CARDOZA. I thank the chairman.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MOLLOHAN. I yield to the gentleman from California.

Mr. CARDOZA. Again we have worked with the chairman. There was an amendment that I was going to offer with regard to the CASA, Court Appointed Special Advocates, program. This is an issue I am very passionate about as two of my children are adopted. They were into the foster care system and into adoptive placement because of a CASA volunteer seeing the desperate situation they were both in.

The current CASA funding only allows for 50 percent of the children who are under court supervision, under court custody to receive the assistance of a CASA volunteer. The program is underfunded.

I had originally intended to fully increase this funding so that every child could have a child advocate and a CASA. That is not authorized under the authorization, so we have withdrawn the amendment at this time, but I will work with the gentleman in the future to make sure that we do the right authorizing legislation so this appropriation can be dealt with in the appropriate way in the future.

I thank the gentleman for his advice and leadership in helping me work on this issue.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I point out that when the gentleman brought his interest in CASA to the attention of the committee, I pointed out to him that CASA is funded in our bill at the authorized limit of $12 million. We don't suggest that it does not merit and that the need isn't there for considerably additional funding. That is something that we can look at in the future, and I thank the gentleman from California for bringing this matter to the attention of the committee and to the attention of the full body.

CASA is a vital program that is important in the lives of countless children in foster care, and we will continue to work with the gentleman on his concern of ensuring that soon every child has a CASA representative.

As the gentleman represents, only 50 percent, if it is 50 percent, of those in need are served by this vital program. As my colleagues may know, 7 years ago, and as the gentleman pointed out, and we are very impressed by that fact and taken by it, adopted two foster children. There is no greater love than adopting children. We look forward to working with the gentleman as we move forward.

Mr. CARDOZA. I thank the gentleman for his extraordinary leadership and for his indulgence of his time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants authorized by section 392 of the Communications Act of 1934, $21,728,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,915,500,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to section 31 of Act of July 5, 1946 (60 Stat. 437; 15 U.S.C. 1113) and 35 U.S.C. 41 and 376 are received during fiscal year 2008, so as to result in a fiscal year 2008 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2008, should the total amount of offsetting fee collections be less than $1,915,500,000, this amount shall be reduced accordingly: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2008 for official reception and representation expenses: *Provided further*, That in fiscal year 2008 from the amounts made available for "Salaries and Expenses" for the United States Patent and Trademark Office (PTO), the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the PTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all PTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That sections 801, 802, and 803 of division B, of Public Law 108–447 shall remain in effect during fiscal year 2008.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology, $1,000,000, to remain available until September 30, 2009.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $500,517,000, to remain available until expended, of which not to exceed $12,500,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $108,757,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $93,062,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by the Act entitled "An Act to establish the National Bureau of Standards" (15 U.S.C. 278c–278e), $128,865,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $2,847,556,000, to remain available until September 30, 2009, except for funds provided for cooperative enforcement which shall remain available until September 30, 2010: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That the Administrator of the National Oceanic and Atmospheric Administration may engage in formal and informal education activities, including primary and secondary education, related to the agency's mission goals: *Provided further*, That in addition, $3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition $77,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That of the $2,938,556,000 provided for in direct obligations under this heading $2,847,556,000 is appropriated from the general fund, $80,000,000 is provided by transfer, and $11,000,000 is derived from recoveries of prior year obligations. *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act.

AMENDMENT NO. 22 OFFERED BY MR. ENGLISH OF PENNSYLVANIA

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. ENGLISH of Pennsylvania:

Page 11, line 19, after the dollar amount, insert the following: ''(reduced by $2,000,000)''.

Page 68, line 16, after the dollar amount, insert the following: ''(increased by $1,000,000)''.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, the amendment I am offering today would redirect a very modest amount of funds from NOAA to the United States International Trade Commission, we hope to good effect.

The ITC serves on the frontline in the trade war against unfair and illegal imports. The Commission, an independent, quasi-judicial Federal agency, is part of America's critical network of ''trade cops.''

The Commission investigates the effects of dumped and subsidized imports on domestic employers and American workers, and conducts global safeguard investigations on import surges. The Commission also adjudicates cases involving infringement by imports of intellectual property rights.

Very simply, this amendment presents a clear choice and a simple one: Jobs for constituents in industries threatened by illegal and predatory trade practices, or more money for administration and bureaucracy.

Whatever an individual Member's views on international trade, no one can disagree with the notion that the United States is becoming more and more integrated into the global marketplace. U.S. exports are increasing; and, perhaps unfortunately, so are imports.

Unfortunately, all too often countries do not fulfill their promises to stay within the rules of the global trading system. These rulebreakers do not only cheat the system at our expense, but their action has the effect of costing America jobs. It is precisely for these reasons that we have laws on the books to police our markets, to combat illegal trade practices like dumping, subsidies and intellectual property theft. These laws, however, are only as good as the enforcement mechanism that sustains them.

There are countless examples of employers in congressional districts across the country that are being adversely affected by illegal trade practices. Everything from Channellock pliers in my district, or the Club in your car, to Zippo lighters are under assault by intellectual pirates. Everything from tires to lemon juice to honey to live swine to furniture to computer chips is under assault by illegal subsidies or dumping. And everything from steel pipe, hangers and brake drums and rotors are under assault from Chinese import surges. These industries illustrate the range of American employers that turn to the Commission to hear their case when our trading partners run afoul of their obligations.

And because of the volume of cases before the Commission, which is exploding, it is incumbent upon us to provide the necessary resources to our trade cops.

Intellectual property cases before the Commission have more than tripled since fiscal year 2000. The Commission expects an increase in dumping and antisubsidy investigations for the fiscal year 2008 compared to a relative decline in 2005 and 2006.

Also, the Commission will be tasked with examining the economywide economic impact that pending FTAs will have on our country.

All of these facets of the Commission are far too important not to put the necessary resources into the Commission to allow it to complete its mission. If we are concerned about the effects that illegal and unfair trade is having on the average working American, this amendment is the very least we can do.

Again, Mr. Chairman, this amendment presents a simple choice, jobs for constituents in industries threatened by illegal and predatory trade practices, or more money for administration and bureaucracy. I choose American jobs, and I hope my colleagues join me in passing this amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. I rise in opposition to the gentleman's amendment. The gentleman attempts to move $2 million out of NOAA, out of the very important programs that fund the National Weather Service—fisheries, oceans, climate—money that is used to do a lot of the research that is extremely important to all of these areas, including climate change.

We have tried to fund NOAA in a way that respects its mission this year in the House of Representatives. Typically we don't do that, and the Senate earmarks it. We have tried to go through account by account and look at the National Weather Service, look at the fisheries, look at oceans and look at climate change, and fund these programs accordingly. This money will take away from that effort.

Now, where is the money going? It is going to the ITC. During a hearing we specifically asked Chairman Pearson if he got his request, and he got the funding he requested as he requested it, if he would be happy and if he would be made whole. And his testimony specifically to us: ''If you do that, Mr. Chairman, then we are very happy.'' And that's what we did in this bill, so I really don't see the need under any circumstances for increasing the ITC at this time.

The gentleman mentioned all of the important missions of the ITC and all of the work it does. And you know what? We respect that, and we have funded it completely in this bill and been responsive to the Chairman Pearson's request. He represented to us at the hearing that if we were to do that, which we did, that he would be totally happy with this funding.

I have to say that the gentleman is laboring on behalf of an agency that is fully funded and above that has received all of the funding requested in this bill. So I oppose this amendment to take money from science programs and to take it for no compelling reason from NOAA.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 17 OFFERED BY MS. BORDALLO

Ms. BORDALLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Ms. BORDALLO:

Page 11, line 19, after the dollar amount insert ''(reduced by $500,000) (increased by $500,000)''.

Ms. BORDALLO. Mr. Chairman, I offer this amendment for the purpose of ensuring that not less than $500,000 is expended by NOAA in 2008 for Western Pacific Fishery Demonstration Projects.

This amendment would effectively ensure that such funding is provided for this program. The Western Pacific Fishery Demonstration Projects program was authorized by the 104th Congress through the passage of an act that reauthorized the Magnuson-Stevens Fishery Conservation and Management Act. This is a program that was funded at the level this amendment proposes each year from 1999 to 2005. However, unfortunately, this program has not been funded in the past 2 years.

Valuable and economically innovative projects have been demonstrated and explored in the past through this program. It is important to the communities represented by the Western Pacific Fishery Management Council, which includes my home district of Guam, for this program to be funded.

This is a competitive program, and project proposals are reviewed against criteria established by NOAA. The program's chief purpose is to protect and promote traditional fishing practices in the American Pacific basin.

□ 1500

Development of sustainable fisheries in the islands is important to their economic diversification, growth and preservation of traditional cultural practices.

On Guam, for example, a proposal deemed to have merit awaits funding. Our fishermen and -women need continued support to demonstrate and establish a deep-set longline fishery. Funding this program is the key to ensuring that such a meritorious project can be pursued in a Federal-local partnership.

I am grateful for the opportunity to offer this amendment, and I want to thank the distinguished gentleman from West Virginia (Mr. MOLLOHAN) and our colleague from New Jersey (Mr. FRELINGHUYSEN) at this time for their able leadership in bringing this bill to the floor, and also as Chair of the Fisheries, Wildlife and Oceans Subcommittee, I also want to acknowledge the full committee Chair, Mr. OBEY, here on the floor for his work and leadership on behalf of Members of this body, and I also would like to recognize Mr. LEWIS, the ranking member.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I accept the gentlelady's amendment.

The level of funding for this program needs to be increased to help foster and promote traditional indigenous fishing practices. The gentlelady has been a tireless supporter of assisting the indigenous people of Guam, Hawaiian Islands and the South Pacific.

And this funding provides funds for a competitive grant within NOAA to allow indigenous peoples of the western Pacific to explore new fishing means both which are safe and economically sustainable.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Guam (Ms. BORDALLO).

The amendment was agreed to.

AMENDMENT NO. 27 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. ROGERS of Michigan:

Page 11, line 19, insert after the dollar amount the following: ''(reduced by $16,000,000)''.

Page 29, line 19, insert after the dollar amount the following: ''(increased by $16,000,000)''.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

The gentleman from Michigan is recognized for 5 minutes.

Mr. ROGERS of Michigan. Mr. Chairman, I have a series of three amendments, and what we are trying to do here today is solve a couple of very real problems for average FBI agents who, in my day, were called brick agents. These are the folks who are doing the real work, working organized crime or collecting intelligence on foreign spies or doing counterterrorism work here in the United States, trying to save and prevent any hazards from happening in our homeland, doing violent crime or chasing gangsters or involved in the public corruption that is pervasive in so many of our cities around the United States.

They're doing great work, and these are very talented people, and we don't really pay them a lot of money. We ask a lot of them. We tell them to move around a lot. We send them to very high-cost cities, New York City, and think what about we do.

We have an agent who's been in, say, 7, 8, 9, 10 years, he makes about $89,000 as a supervisor of other FBI agents, and he's in Alabama. You can do pretty well at that standard. And then we tell him or her, because his or her talents are needed in New York City, You're going to go. So you pack up your family and you show up in one of the world's most expensive cities, and for that, we give you $3,000.

So he or she goes from living pretty decently in a place like Alabama on $89,000 to a high-cost city making $92,000, and the hardship begins. It's wrong that we treat some of our frontline defenders in homeland defense in this way.

So, last summer, we sat down and tried to work with the FBI director to get a couple of things accomplished. One was a housing allowance. Other agencies in the city of New York have housing allowances for their agents and their officers who serve there because they recognize the need for, A, constant moving; and B, in high-cost areas, you need a little extra help just to get by. Some of these agents have 3-hour commutes to go into work, 3-hour commutes, work a very long day, longer than most Americans; then they have a 3-hour commute to go home. It's pretty tough on their family life. It's tough on their finances, and it's wrong that we ask these agents to suffer under that kind of financial difficulty. We should and could do better.

So, last summer, we agreed with the FBI director, of which we have public statements to the effect, that we would try a pilot housing project here in Washington, D.C., another high-cost area. It's hard to attract FBI agents to come back to Washington, D.C., because of the high cost that is uncompensated. So we agreed that we would try a pilot project here to see if we couldn't work out the kinks. Now, the FBI has agreed to this program. They said it's the right thing to do. They will try a pilot project. If it works here, we'll see where else it can go.

So we take a very small amount of money, about half of 1 percent from the $2 billion plus going to NOAA, and we say we're just going to redirect a little of this money into something that we know can make a difference for those who are defending the United States of America and doing some of the hardest work that is out there.

So, if we do this amendment, I won't have to do an amendment later on that specifically outlines how we would do a housing project for FBI agents across America. And think of those high-cost cities like Los Angeles or Miami or Chicago, New York City, places in New Jersey, Atlantic City, the cost of housing is ridiculous. And they're not well-compensated to begin with, and to ask that extra burden isn't right.

So we're going to do two things. We're going to do that. Hopefully, if we do this, I will be able to withdraw my second amendment on the FBI housing allowance. And secondly, they have something called an up-or-out policy of which, by the way, I oppose, but I worked with the director to protect the pensions of those FBI agents that have been impacted by this up-or-out policy.

And by the way, the FBI, after this agreement last summer, sent an internal communications and said basically, hey, we're going to do this for you. For those of you who are impacted, and these are supervisors who have served well for their country and their community and the Bureau who had to step down from being a supervisor because they didn't want to be forced to move to a high-cost city in Washington, D.C., to further their career. Maybe their kids were in school, maybe they had to make other considerations. So they were forced not because of their lack of good work but because they were just serving in that capacity for 5 years. And those who were close to retirement, it significantly impacted their retirement, their pensions, and it's wrong.

There's a small number of agents that we can fix with this proposal that takes care of those agents who have served us all well. While we were sleeping, they were working. While we were in the safety of our barbecues, they were in danger protecting this country.

We owe it to them to have these two fixed. It's agreed to by the FBI director. It's agreed to by the FBI. We just need to get some language in to accomplish that. I would urge support of this amendment.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against the gentleman's amendment.

The amendment proposes to increase the level of outlays in the bill. I don't think that's the intention, but that's the effect.

The fact is that the outlay rate in the NOAA account is 65 percent. The outlay rate in the FBI account is 80 percent. Therefore, the amendment is not budget neutral, and I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. ROGERS of Michigan. Mr. Chairman, this certainly seems to me a change in policy. This is a straight transfer. Now, the other two amendments I understand we may have something to chat about, but this is a straight dollar transfer. We have reduced one account and increased another account. It is a straight transfer and should be considered made in order.

Mr. OBEY. Mr. Chairman, if I could respond, the fact is this may be a straight transfer as far as budget authority is concerned, but that is not the impact on the outlay side, and therefore, I ask for a ruling from the Chair against the amendment.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule on the point of order.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from Michigan proposes a net increase in the level of outlays in the bill, as argued by the chairman of the Committee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read. The point of order is sustained.

AMENDMENT OFFERED BY MR. MACK

Mr. MACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MACK:

Page 11, line 19, after the dollar amount insert ''(increased by $21,100,000)''.

Page 16, line 20, after the dollar amount insert ''(reduced by $21,100,000)''.

Mr. MACK. Mr. Chairman, I first would like to start off by saying that I'm only here this afternoon because of a concern for an algae bloom that continues to grow off my coast. It's called red tide. It causes economic damage. It causes quality of life damage. It's also harmful to the fisheries.

I also understand that the majority is not really comfortable the way we constructed this amendment. I do want to say for the record that I've had a lot of support from Kathy Castor and Vern Buchanan on working, trying to get more research dollars on red tide.

Currently, NOAA has a program, a peer-reviewed program, that moneys are appropriated to that then are used for research all around the country on red tide and harmful algae blooms. This amendment would then fully fund to $30 million a year those research projects.

I spoke earlier to the chairman of the committee, and we talked about how we can move this ball down the road, how we can move forward on trying to get those research dollars up. It has a significant impact for our communities. The chairman was kind enough to agree to speak on this and to work with me and to work with my colleagues on ensuring that we at least have the discussion about making sure the research dollars are there.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. MACK. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I'm pleased to discuss this matter with the gentleman.

This issue was brought before the committee rather late, after we had marked up. The point was made on a bipartisan basis that the authorization for this program was not adequate. We accepted the authorization change on our bill and supported an increase in the authorization, I believe to $30 million.

The bill is already marked up, and we have funded this program at $8.9 million, recognizing that, like a lot of accounts in this bill, additional resources are needed. We would be pleased to work with the gentleman as the bill moves forward to see how we can augment this funding.

That's a difficult proposition, but we do commit ourselves to looking to see how and where we might be able to find some additional resources to fund these accounts, and we look forward to working with the gentleman in that regard.

Mr. MACK. Reclaiming my time, Mr. Chairman, I thank you for your remarks, and I do apologize for the last minute on this. We've been kind of trying to look through the language and understand completely what was there and what we need to do. We're going to continue to work through the authorizing committee as well. I appreciate the chairman's support.

Mr. BUCHANAN. Mr. Chairman, I rise in strong support of the Mack-Castor-Buchanan amendment to provide critical funding for red tide research.

Red tide threatens our environment, our health and our economy. But in recent years, the harmful effects of red tide have killed sea life, driven people from our beaches to our emergency rooms, and cost the economy millions of dollars in lost revenues.

This is a problem not just in Florida but in other coastal States.

Red tide is a naturally occurring phenomenon. Scientists differ on whether it is occurring more frequently and for longer periods of time. There is also disagreement on whether we should try to kill, contain, or minimize the impact of red tide.

That's why additional research dollars are needed. And that's why I support the Mack-Castor-Buchanan amendment.

My district is home to Mote Marine Laboratory, one of the Nation's premier private marine research laboratories. Mote conducts ongoing red tide research and research related to new methods for early detection of red tide, the role of coastal pollution and studies of ways to mitigate and control blooms.

This amendment would fund additional research at places like Mote Marine to better understand the issue, and these results of these studies can be used to develop better methods to predict and detect red tide, and if a consensus can be developed, control and mitigate red tide.

I want to thank my colleagues CONNIE MACK and KATHY CASTOR for working with me on this important issue.

Mr. MOLLOHAN. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. JINDAL

Mr. JINDAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JINDAL:

Page 11, line 19, after the dollar amount insert ''(increased by $2,000,000)''.

Page 21, line 7, after the dollar amount insert ''(reduced by $2,000,000)''.

Mr. JINDAL. Mr. Chairman, the 2005 hurricane season featured 14 hurricanes, including Hurricane Katrina, which devastated the gulf coast and became the most costly natural disaster in U.S. history. The season's hurricanes were responsible for over $100 billion in damage and over 1,800 deaths. Both Hurricanes Katrina and Rita devastated my home State of Louisiana.

On August 23, 2005, Hurricane Katrina was nothing more than a mass of organized clouds over the Bahamas, but later that day, the storm quickly intensified and headed toward the U.S. coastline. Late on August 25, the storm made the first landfall just south of Fort Lauderdale, Florida, as a category 1 hurricane. By early in the morning of August 28, Hurricane Katrina's winds reached a remarkable 175 miles per hour, a category 5 storm. Hurricane Katrina seemingly intensified overnight from category 3 to a category 5 hurricane.

Just before Hurricane Katrina made landfall on August 29, NASA's QuikSCAT satellite mapped the storm's wind speeds. The data from the satellite helped forecasters describe Katrina's dangers in public information bulletins issued just before the storm slamming into New Orleans. Unfortunately, forecasting efforts may be crippled as data from the QuikSCAT satellite will become unavailable as the satellite's lifespan expires.

Measuring a storm's intensity and tracking its direction are critical to determining appropriate level of emergency preparedness efforts. Forecasters need alternate methods to measure intensity in order to convey potential storm damage. In addition to space-based monitoring platforms on which hurricane research and forecasting scientists rely, new research is now being conducted by NOAA that will allow forecasters to recognize rapid changes in intensity much more quickly.

□ 1515

The National Hurricane Research Initiative has been estimated to have an annual cost of as much as $300 million, but will accelerate and improve measurement of hurricane wind structure. The President's 2008 budget request calls for just $2 million in additional studies aimed at improving hurricane intensity forecasts, an area that the NOAA Administrator claims is one of the agency's key concerns.

The amendment that I offer to the appropriations bill would double the President's increase for NOAA's hurricane intensity research. The amendment adds an additional $2 million to improve NOAA's ability to forecast hurricane intensity and to provide better and more usable information for emergency managers and the public. The activities will aid NOAA's operational hurricane forecasters and improve understanding of hurricane intensity and changes in storm structure, especially on the gulf coast where residents are so sensitive about potential evacuations, it would be extremely helpful to have better and more accurate information about intensity as well as the direction of a storm.

The offset comes out of salaries and expenses in the General Administration for the Department of Justice. This account received $104.7 million, which is $6.9 million more than last year's funding levels.

My amendment will reduce errors in the 48-hour hurricane intensity forecasting. I urge my colleagues to support my amendment.

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

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the gentleman seeks to increase by a factor of two the hurricane intensity forecast capability.

There is a lot of concern with regard to this. We certainly are extremely sympathetic to the purpose of the amendment. We do not like the offset at all.

I am wondering if the gentleman would, and I will yield to him for a discussion of this, if the gentleman would like to work with us and secure this funding, do everything we can. I think $2 million we certainly can do as we process this bill forward to conference.

Mr. JINDAL. If the gentleman would yield?

Mr. MOLLOHAN. I yield.

Mr. JINDAL. I certainly would be happy to withdraw the amendment. I look forward to working with the chairman. I thank him for his interest in improving the ability of NOAA and to predict the accuracy and intensity of hurricanes as they form along the coast.

Mr. MOLLOHAN. The gentleman is totally correct. Additional funding in this area could be used. We are convinced of that. We look forward to working with the gentleman.

Mr. JINDAL. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents, Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

NATIONAL ACADEMY OF SCIENCES'

CLIMATE CHANGE STUDY COMMITTEE

Of the amounts provided for the ''National Oceanic and Atmospheric Administration, Operations, Research and Facilities'', $6,000,000 shall be for necessary expenses in support of an agreement between the Administrator of the National Oceanic and Atmospheric Administration and the National Academies under which the National Academies shall establish the Climate Change Study Committee to investigate and study the serious and sweeping issues relating to global climate change and make recommendations regarding what steps must be taken and what strategies must be adopted in response to global climate change, including the science and technology challenges thereof.

The agreement shall provide for: establishment of and appointment of members to the Climate Change Study Committee by the National Academies; organization by the National Academies of a Summit on Global Climate Change to help define the parameters of the study, not to exceed three days in length and to be attended by preeminent experts on global climate change selected by the National Academies; and issuance of a report by the Climate Change Study Committee not later than 2 years after the date the Climate Change Study Committee is first convened, containing its findings, conclusions, and recommendations. Of such amount, $1,000,000 shall be for the Summit on Global Climate Change and $5,000,000 shall be for the other activities of the Climate Change Study Committee.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,039,098,000, to remain available until September 30, 2010, except funds provided for construction of facilities which shall remain available until expended: *Provided,* That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar-for-dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further,* That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code. *Provided further,* That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $64,825,000, to remain available until September 30, 2009: *Provided,* That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, California, and Alaska, and the Columbia River and Pacific Coastal Tribes for projects necessary for restoration of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be solisted, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further,* That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds: *Provided further,* That non-Federal funds provided pursuant to the second proviso be used in direct support of this program.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the ''Operations, Research, and Facilities'' account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2008, obligations of direct loans may not exceed $8,000,000 for Individual Fishing Quota loans as authorized by the Merchant Marine Act, 1936.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $58,693,000.

AMENDMENT OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA

Ms. ZOE LOFGREN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. ZOE LOFGREN of California:

Page 16, line 20, after the dollar amount insert ''(reduced by $25,000,000)''.

Page 21, line 7, after the dollar amount insert ''(reduced by $25,000,000)''.

Page 30, line 10, after the dollar amount insert ''(reduced by $5,000,000)''.

Page 42, line 8, after the dollar amount insert ''(increased by $55,000,000)''.

Page 43, line 3, after the dollar amount insert ''(increased by $55,000,000)''.

Ms. ZOE LOFGREN of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, I offer this amendment on behalf of myself, Ms. LINDA T. SÁNCHEZ of California, Mr. DREIER of California, Mr. HUNTER, and Mr. CARTER of Texas.

This amendment would increase the State Criminal Alien Assistance Program funding by $55 million, a 14-percent increase over the funding level currently included in the bill.

The offset for this increase would be a transfer from three different accounts, $25 million from the departmental management of the Department of Commerce, $25 million from the Department of Administration from the Department of Justice and $5 million from the FBI's Construction and Acquisition Fund.

The State Criminal Alien Assistance Program, or SCAAP, provides critical

reimbursement to States and localities for the incarceration of undocumented criminal aliens. This program was created in 1994 to ease the fiscal burden on States and local governments.

SCAAP had its highest funding relative to authorization in fiscal year 1998, 1999 and 2000 under the Clinton administration when $585 million was appropriated. By increasing SCAAP by $55 million, this amendment would bring funding to States and local governments closer to the authorized amount. I would note that this would still be under 50 percent of the authorized amount for SCAAP of 48 percent, in fact. It would bring needed assistance to States such as California, Arizona, Texas, Florida and New York, all of whom have come to rely on SCAAP reimbursement to help absorb the high financial cost of incarceration of aliens.

Over the last 6 months, I have met with many Members of this House, both Republican and Democrat, to listen to their concerns about immigration as we examined the comprehensive immigration reform proposals and various elements of it. One of the issues that was raised on both sides of the aisle is the cost of incarcerating undocumented criminal aliens that is being passed on to States, counties and other localities.

I would note that this amendment, a modest increase of 14 percent, is endorsed by the National Association of Counties, and, likewise, we have a letter from 17 Governors who support increased SCAAP funding going to their States. These States' Governors include Arizona, Oklahoma, South Dakota, Oregon, California, Washington, Utah, Georgia, Florida, Kansas, Illinois, Virginia, New Mexico, New York, Minnesota, Texas and Nevada.

This is a good investment for local governments, for our States. It's part of shouldering our responsibility, because immigration is a Federal responsibility.

I think it's an item where, on a bipartisan basis, Mr. DREIER and I chair our respective State delegations, he the Republican delegation, I the Democratic delegation, that we can deliver jointly.

I respect a great deal, as Mr. MOLLOHAN knows, the chairman of this subcommittee. We have worked together on many items. This amendment should not be seen as critical of his wonderful efforts, but I think we can do just a little bit better, and I think our constituents and counties and our constituents and States will appreciate that we are doing something to ease the burden of incarcerating illegal immigrants.

I would note that all of the studies show that immigration is good for America. Legal immigration is good for America. It boosts productivity. We know that in our high-tech sector, more than half of the startups in Silicon Valley have an immigrant cofounder. There is much to revel in immigration in America.

But having said that, there are costs. This is one of them, something we can do something about, do something about. This bipartisan amendment really deserves the support of us all.

Mr. Chairman, I yield the remainder of my time to the cosponsor, Ms. LINDA T. SÁNCHEZ of California, noting that the Judiciary Committee on which we both serve is the authorizing committee. She has been a true partner in this effort.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I want to thank our chairwoman of the subcommittee, Ms. ZOE LOFGREN of California, for her efforts on behalf of this issue and many others as well.

I rise today to urge my colleagues to support this bipartisan amendment to increase funding for the State Criminal Alien Assistance Program, the SCAAP program.

The CHAIRMAN. The time of the gentlewoman from California (Ms. ZOE LOFGREN) has expired.

(On request of Mr. DREIER, and by unanimous consent, Ms. ZOE LOFGREN of California was allowed to proceed for 2 additional minutes.)

Ms. ZOE LOFGREN of California. Mr. Chairman, I would yield the 2 minutes to the gentlewoman from California.

Ms. LINDA T. SÁNCHEZ of California. When the Federal Government passed SCAAP in 1994, it recognized its responsibility to reimburse States and localities for the arrest, incarceration and transportation costs associated with criminal aliens.

Unfortunately, this program has been consistently underfunded. In fact, the President's budget proposal for next year provided no funds for SCAAP whatsoever. Fortunately, the Appropriations Committee and Chairman MOLLOHAN wisely allocated $405 million, $164 million more than the current level. However, this is not even enough.

States and localities are still only getting a small fraction of what they are spending. This inadequate funding has had a devastating effect on public safety, especially in California and other border States. At a time when many States and counties face budget shortfalls, every dollar reduced in SCAAP reimbursement means one dollar less to spend on essential public safety services.

Following SCAAP funding cuts in 2003, the L.A. County Sheriff's Department was forced to implement a new early release policy for inmates convicted of misdemeanors. From a public safety standpoint, it is far better for criminals to serve their full sentences.

Without adequate resources, other programs will have to be scaled back or cut all together. Programs that are in jeopardy could include basic police protection, anti-gang activities, homicide investigations, anti-terrorism activities and rehabilitation programs to reduce recidivism. We introduced this amendment to ensure that police chiefs and sheriffs do not have to choose between keeping children out of gangs and incarcerating criminal aliens.

I urge my colleagues to support this amendment.

Mr. DREIER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. DREIER. Mr. Chairman, I rise in strong support of this amendment.

I would like to first express my appreciation first to Chairman MOLLOHAN and to the gentleman from New Jersey (Mr. FRELINGHUYSEN) and to the members of the Appropriations Committee for increasing the level of funding within the committee.

My colleague Mr. CARTER, who is a coauthor of this amendment and was involved in this, in the work of the Appropriations Committee, I have to finally say we brought the level of the committee funding to exactly $405 million, which is where we actually had it last year.

I would say I was very pleased in working with then-chairman Jerry Lewis and other members of the Appropriations Committee in the 109th Congress to add an additional $50 million to the State Criminal Alien Assistance Program. We got to that $405 million level. This year we are at the same level thanks to the work of Messrs. MOLLOHAN, FRELINGHUYSEN, CARTER, and others who have been involved in this.

This was an issue that actually came to the forefront in 1994 when a number of us felt very strongly about the fact that cities, counties and States are not responsible for protecting international borders. It is the responsibility of the Federal Government to secure our Nation's borders.

It saddens me greatly that here we are, 13 years later, still struggling with the issue of securing our borders. Ms. ZOE LOFGREN, the distinguished Chair of the Judiciary Subcommittee on Immigration, has spent a great deal of time reaching out to me and others working on our effort to try to deal with this issue of border security and bringing an end to illegal immigration.

I will say that we haven't gotten there yet, as we found from the actions or lack of actions so far in the other body, and, frankly, in this House as well, on the issue. What we do know is it is still the responsibility of the Federal Government to secure our Nation's borders. That is why we should not, as a Federal Government, be imposing on cities, townships, counties or States the responsibility for incarcerating those who have come into this country illegally and have committed crimes against our fellow Americans.

□ 1530

I happen to live in Los Angeles County, and our county alone, the cost for incarcerating people who are in this country illegally and have committed crimes is in excess of $150 million a year.

The level of funding in this program is $405 million right now. If we are successful, which I suspect we will be, with passage of this amendment, we will add $55 million taken from accounts which I know concern the distinguished ranking member and I suspect the chairman as well, deal with the $5 million from the construction fund for the Federal Bureau of Investigation, and the administrative funds in both the Department of Commerce and the Department of Justice.

Mr. Chairman, we feel very strongly that as we look at the challenge of securing our borders, of ending illegal immigration, and of creating, creating a degree of equity when we look at the costs inflicted on local and State taxpayers, we need to pass this amendment.

We know that as we look at the challenges ahead, the costs are going to continue to be very, very high, as I said, with my county alone at $150 million. And the total program will end up, assuming passage of this amendment, to be $460 million for the entire country. We still have a ways to go.

I was very pleased, Mr. Chairman, in the 109th Congress, as I said, to have offered this amendment. I was hoping in the 109th Congress to have built the kind of bipartisan support that we enjoy for this amendment. I was saddened that we weren't able to do that, but we were nevertheless able to succeed in passing that and at the end of the day actually have that funding level increased. But as the problem continues, it is essential that we step up to the plate and take on our responsibility for dealing with this issue.

So once again, Mr. Chairman, I express my appreciation to all involved. The lead author of this amendment, Ms. ZOE LOFGREN, has worked, as I said, on the immigration issue for a long period of time, and I believe that she is going a long way towards addressing this question.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. DREIER was allowed to proceed for 3 additional minutes.)

Mr. DREIER. Mr. Chairman, I am happy to yield time to my friend from Texas, a member of the Appropriations Committee who has worked very, very hard on this, Judge CARTER.

Mr. CARTER. I thank my friend for yielding, and I thank both the chairman and ranking member of my committee.

I bring to this discussion and this bipartisan support, I hope, the perspective of having been in the trenches and having dealt with this issue.

I can't count on all the digits that I have the number of times that I have sat in a meeting of the Williamson County law enforcement group about the overcrowdedness of our jail in Williamson County, Texas, now a county of about 350,000 people.

We always look to see how many Federal prisoners we had in our jail, and always we would see 22 to 30 percent of these people would be what we considered Federal prisoners, illegal aliens, that had committed crimes. Now, yes, this is an immigration issue. Yes, it is a border protection issue. And these are issues that we all agree we must address. We will, I am confident, address them. But it is also a law enforcement issue. It is an issue that our people who enforce our laws at the local level and do the right thing, take them to court, try them, convict them, hold them while they are ready for trial, have space taken up by a responsibility of our Federal Government. And what we are doing here today is providing resources for those local people so that they can do their job and enforce the laws of the United States and of our various States.

This is a good use of our money to assist our locals, counties, States, and other authorities that have this duty of enforcing our laws in America, to help them do their job so we are not burdening the taxpayer at the local level and shifting funds from good things that keep our communities safe in order to keep these people in jail. And, believe me, they will do what it takes to keep them in jail.

So, therefore, let's do our job. Let's pass this additional funds for helping those who would incarcerate criminals on our behalf, and by that, I think we will be doing a good thing for our country.

Mr. DREIER. Mr. Chairman, let me express my appreciation to the gentleman from Texas and, again, congratulate him on the hard work that he has put in this effort. His judicial experience is such that he understands this problem as well as any Member of this body. And I will join again of my California colleagues, Ms. SÁNCHEZ and Ms. ZOE LOFGREN, that I do believe that recognition now that we can do this in a bipartisan way is a very, very, very important achievement for this institution.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment. And I want to begin by saying I am very impressed by the bipartisan presentation by the representatives from California, all of whom I respect very highly and many of whom I work very closely with.

Let me start off by saying their support for increasing SCAAP is not misplaced on its merits. Indeed, I am struck by the fact that their efforts on a bipartisan basis are evidence, pretty strong evidence, of inadequate funding, certainly in the request of the President. We have increased SCAAP by multi-billions of dollars, as we have already said, above the President's request. But the one argument against the bill that comes from the minority side is that we have too much money in this bill to fund the priorities in this bill.

I think this amendment is evidence in an argument against that position. There is not too much money in this bill to fund the priorities in this bill, and SCAAP is certainly a priority.

Let me help those who are moving this amendment with their argument. Certified requests for reimbursement to this SCAAP account from the jails, the sheriffs, and the State prison systems would demonstrate or would evidence the fact that there is twice the certified merit for reimbursement of this program than this program has funded.

In other words, we are only having 50 percent of the money that is in the bill. And even if we raise it, it is virtually not increased much more. We are only funding 50 percent of the certified demand for this program in this bill. Well, that is not unusual. There are a number of programs in this bill that certifiably we are only meeting 50 percent of the need.

When I was before the Rules Committee, the distinguished gentleman, Mr. DREIER from California, talked about our increase in funding for Legal Services. Well, we have increased Legal Services by $28 million in this bill to $377 million. And there is a study that was recently completed, a credible study that we are only serving 50 percent, just coincidentally, of the demand of people across the country who need legal services, but because of their financial condition cannot access the courts of this land. Now, that is meritorious.

It is meritorious, I believe, that we have a program, Legal Services Corporation, that meets that need and allows people to access the legal system. If equal protection under the law means anything, it means equal access to the law. So we have a legal services program to do that, but it is only 50 percent adequate in its funding. Well, SCAAP is only 50 percent. So we all have to sacrifice here, and this is a reimbursement program to States and local governments that are incarcerating illegal aliens. It is meritorious. So is Legal Services. I am just saying that the funding is inadequate, Mr. Chairman, and that we need additional resources in this bill.

So now we are down to prioritizing, and we think that we have done a good job in crafting the priorities of this bill. We are funding Legal Services at 50 percent. Legal Services' high watermark in 1995 was $400 million. We are not there, but SCAAP is there. We are not there. We are not back there. We are at $377 million in this bill.

SCAAP is not disadvantaged in this bill. Relatively speaking, look back over the years. In 2005, SCAAP was funded at $305 million. From 2005 to 2006, it jumped to $405 million. Why? Because of the good efforts of the distinguished chairman of the Appropriations Committee at the time, Chairman LEWIS, and the chairman of the

Rules Committee at the time, Mr. DREIER, to effect an increase of $100 million.

So if you go off the base of 2005 of $305 million, Legal Services was increased to $405 million; we funded it at $375 million. At full committee, it was increased back up to $405 million. It is where it was. It is where it was last year. Relatively speaking, off of that 2005 base, SCAAP is enjoying a privileged position in this bill of strongly competing programs which rate merit.

So now where is the offset? So I am just saying, admitting, acknowledging, stipulating to SCAAP being underfunded, along with a lot of programs, State and local programs, as well as agency programs in this bill.

The CHAIRMAN. The gentleman's time has expired.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word and to yield 2 minutes to my chairman.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes and yields 2 minutes.

Mr. MOLLOHAN. I thank my distinguished ranking member, Mr. FRELINGHUYSEN.

Since we are talking about increasing inadequate funding in the bill, Mr. Chairman, let me explain that in our law enforcement agencies, we had a gap in the funding of the bill versus the need. The Department of Justice faced the challenge to fill authorized positions in all of its components, and partly as a result of chronic gaps between the funding requested by the President and the appropriation for these administration accounts and the true cost of paying for raises. We had going into this bill, underfunding in the Department of Justice, which we have tried very hard to address.

The offsets for funding SCAAP in this amendment impact those administration accounts in Justice and in Commerce. These are real people doing real jobs, and we have very carefully funded them. These accounts are underfunded by the President, just like SCAAP and just like Legal Services are underfunded. We have tried to balance priorities as we move forward, and there are lots of people concerned about these offsets.

This amendment proposes to offset $25 million in the S&E accounts for the Department of Commerce. Commerce runs good programs. The amendment proposes to offset $25 million in the Department of Justice for general administration. The Department of Justice has a lot of programs to administer, and many are State and local programs which distribute those funds to our local law enforcement. We can't cut either program by $25 million. This would hurt real people with real jobs. We are not funding overemployment in these agencies and we are not funding salary increases at adequate levels, either.

A lot of folks are concerned about this, and that is why we tried to balance the bill fairly. The folks that are going to be RIFed and laid off are government employees and are concerned about it. Their union representatives, the American Federation of Government Employees, AFL–CIO, are concerned about amendments such as this one and they have written us a letter:

''Dear Chairman MOLLOHAN, On behalf of the American Federation of Government Employees, AFL–CIO, I strongly urge you to oppose any amendments that would substantially reduce fiscal year 2008 funding for the salaries and expenses account in the Department of Justice agencies.'' And they are concerned about the others besides Commerce and Justice as well. These offsets have cavalierly, I would say, respectfully, targeted these administrative accounts.

I thank my ranking member for yielding me time. I respectfully engage this debate with my colleagues who I respect, and it brings me to respectfully opposing this SCAAP amendment. If our bill were to receive any more money, and I note that the Senate has $800 million more, maybe we can address these concerns in conference.

Mr. FRELINGHUYSEN. Mr. Chairman, I reluctantly oppose the amendment as well. And obviously we have a strong appreciation and affection for the power and the reasonableness of the delegations from California and Texas. The nexus between Texas and California is a pretty strong nexus here.

And I am supportive of SCAAP. I think Mr. DREIER kindly has acknowledged that the committee did put money in there through a Honda amendment, and obviously we would like to plus it up. The costs have somewhat escalated from what we originally anticipated from the floor debate here.

But I would agree with the chairman. The cuts that are proposed from these accounts actually affect real people.

□ 1545

And in the Commerce Department management account, and I know Mr. DREIER is an advocate of trade, it's a 40 percent cut in the management account for the Department of Commerce, which leaves them with 60 percent for operating costs. And for the Justice Department general account, which is $104 million, $104.8 million, this account is reduced by $25 million. They're down to $79 million. That means people out the door who are doing prosecutions that are important to all of us, perhaps even related to the issues that we're focused on today, which is criminal aliens.

So I reluctantly oppose the amendment, but certainly am sympathetic and have been because I've been well educated by not only the Member of Congress from California.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(On request of Mr. DREIER, and by unanimous consent, Mr. FRELINGHUYSEN was allowed to proceed for 3 additional minutes.)

Mr. FRELINGHUYSEN. Mr. Chairman, the gentleman from California is kind to yield to me. I reluctantly oppose the amendment.

Mr. DREIER. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. And, Mr. Chairman, I will again state my great appreciation to the distinguished chairman from West Virginia and the gentleman from New Jersey. And the gentleman from New Jersey has just bragged on the States of Texas and California, and I will reciprocate by bragging on both New Jersey and West Virginia and saying that they're both great and very important States.

And I suspect that in West Virginia and New Jersey, the challenge of trying to deal with the cost of the incarceration of people who are in this country illegally and have committed crimes is a very serious and important one, and I recognize the sensitivity.

I personally am not a huge proponent, as I said earlier in response to the distinguished chairman of the subcommittee's comments on the Legal Services Corporation when he was testifying before our Rules Committee. And as I look at the numbers for both of these accounts, and I know that my friend from New Jersey, when the chairman and the ranking member were testifying before the Rules Committee, argued for a slightly, he said that he believed that the level overall could be slightly lower. And I looked at the level of funding, and the gentleman is absolutely right. I am a huge proponent of trade, breaking down barriers, and I want to do everything that I possibly can to expand export opportunities for the United States around the world.

But as I look at the level of funding, Mr. Chairman, for both the Department of Commerce and the Department of Justice, the Department of Commerce actually has a 7 percent increase over the President's request, 6 percent of the level of funding last year. That's $468 million more than has been requested by the President, and that's in the case of the Commerce Department. In the case of the Department of Justice, it's $1.7 billion more than the President has requested.

Now, in both of these areas we know that the President is absolutely committed to dealing with the crime problem, which is a very serious one, and obviously with the issue of expanding trade opportunities. And the overall level of funding in both of these areas is significantly higher than what was expended last year and what the President's request level is.

And I think that as we look at establishing priorities, it, from my perspective, is relatively, relatively, and I'll say that a third time, relatively easy. And I know how tough it is for the two gentlemen who manage this area to find that State Criminal Alien Assistance Program funding is, in fact, a

very high priority for both Democrats and Republicans, as I said, for people in both West Virginia and New Jersey, as well as California and Texas and, frankly, all across the country. And so I would hope that as we move ahead with this process, that we'll see support in this House for this amendment.

And I know that as the two gentlemen head to working with our colleagues in the other body and ultimately with the administration, I hope that we will be able to keep this issue on the forefront as a very important priority.

Mr. FRELINGHUYSEN. I yield back, Mr. Chairman.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members are advised that under the 5-minute rule, Members who move to strike the last word may yield to other Members, but not for specific lengths of time. When the Chair purported to recognize Mr. MOLLOHAN for 2 minutes, in actuality that signified only that Mr. FRELINGHUYSEN would reclaim his time after that interval.

The question is on the amendment offered by the gentlewoman from California (Ms. ZOE LOFGREN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 26 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. PRICE of Georgia:

Page 16, line 20, after the dollar amount insert ''(reduced by $2,000,000)''.

Page 65, line 21, after the dollar amount insert ''(increased by $2,000,000)''.

Mr. PRICE of Georgia. Mr. Chairman, this is an amendment in a little different vein. It's an amendment to increase funding in the Math and Science Partnership Program under the National Science Foundation by $2 million, and reduce by $2 million the Department management salaries and expenses under the Department of Commerce.

I'll offer an amendment here to increase American competitiveness and to improve opportunities for America's children. My amendment proposes to offer additional funding to the Math-Science Partnership Program under the National Science Foundation. We must fund important priorities to ensure that our Nation continues to see positive growth in our youth in the area of math and science.

In my home State of Georgia, I recently had the opportunity to join over 25,000 students and teachers and researchers from 31 different countries at the Georgia Dome for the FIRST competition. The FIRST, as many of my colleagues know, stands for For Inspiration and Recognition of Science and Technology. It's a robotics competition. If any of my colleagues haven't been to a robotics competition, I encourage them to go see one. It is a remarkable experience.

I was extremely impressed with the level of enthusiasm and the remarkable educational benefit with this type of an initiative that's provided to thousands of American students. We should continue to promote this and other similar programs throughout the Nation.

I'm sure that my colleagues recognize the significance of promoting a strong interest in math and science and technology education. These fields of learning and research are vital to our country's continued success. In fact, investment in basic research and programs like this is an essential element in assuring future prosperity, security and leadership in our rapidly evolving world.

The National Science Foundation has a mission to achieve excellence in science and technology, engineering and mathematics educational at all levels and all settings, from kindergarten through postdoctoral training. One of the most important successful initiatives under the NSF is the Math and Science Partnership Program, established in 2002, to strengthen and reform mathematics and science education for children around the Nation.

It's important to offer children guidance and examples set by mentors and role models, and provide students the opportunity to learn about the importance of higher education, and they're exposed to career options, especially from those folks who love and are enthusiastic about science and engineering and mathematics.

Under this commendable program, each State administers its own competitive grant program for institutions of higher education, K–12 schools and local partners.

In addition, the MSP program focuses on raising educational standards to prepare children for postsecondary education in math, science or engineering.

This program is worthy of additional funding because of its positive results for improving math and science skills which are vital for a developing workforce that's capable of increasing America's competitiveness internationally.

All jobs of the future will require a basic understanding of math and science. In fact, the 10-year employment projections showed that of the 20 fastest-growing occupations, 15 of them require significant math and science preparation.

This small adjustment is a symbol of our greater commitment to STEM education programs. Support for these programs is vital for the continued success of our children, our citizens and our Nation, and I encourage my colleagues to support the amendment.

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

Mr. MOLLOHAN. I move to strike the last word, Mr. Chairman.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I find myself agreeing with everything the gentleman has argued, and at the same time being, unfortunately, opposed to his amendment.

It's hard for any of us to argue or to have a desire in our hearts to do anything but increase the National Science Foundation. We all understand what good work it does.

NSF provides competitive, peer-reviewed granting that translates into cutting-edge research that is the foundation for the future economic viability of the Nation. Our economy is increasingly becoming an international one, and we have to be on the cutting edge.

That's why we have funded NSF at a rate that guarantees its doubling in a 10-year time span. We embrace and salute the doubling and have been responsive to that need that is expressed by members and the community.

Nothing is more important than funding education, and increasing NSF and its ability to develop and implement programs to facilitate education and to incentivize our best and brightest young people to go into math and science, and to choose those careers. That's what NSF does very well. The gentleman wants to facilitate that by augmenting our funding in the education accounts for math and science partnerships. I commend him for the initiative.

I oppose the amendment because we have funded the Math and Science Partnership Program. We increase it significantly in our bill, and I'm sure the gentleman knows that. We increased it $20 million over the President's request of $46 million for a total of $66 million. That's a 43 percent increase. And I will say that not only is it a generous increase, but perhaps it's an increase they need time to absorb.

The fact is that we have significantly increased Math and Science Partnerships $20 million over the President's request, funding it at $66 million.

Where does the offset money come from? It comes from Commerce. For every one million dollars that you offset in these administration accounts, at least seven people would be laid off. We're not funding these administrative and S&E accounts with the idea that we can use this funding for amendments on the floor. We're funding these accounts at the requested level or at the levels that we've discerned are adequate pursuant to information that we've received in our hearings. We're on the level with funding in these administration accounts. Again, I think

these offsets are cavalier. No matter how meritorious the object of the funding increase, it's cavalier to cut S&E accounts.

The employees are saying, help. Time out. Stop. Their organizations, like the American Federation of Government Employees, AFL–CIO, are writing to us. They're saying, please stop invading these administrative accounts.

With that comment, Mr. Chairman, I yield to my distinguished ranking member.

Mr. FRELINGHUYSEN. Mr. Chairman, let me join with you in congratulating Mr. PRICE for pushing something which the committee has pushed, which is promoting math and science, especially encouraging young women to get into those pursuits and academics.

Mr. PRICE has indicated to me that he would be willing to withdraw his amendment if he had a commitment from us that we would work hard as we progress in putting our bill together matching it with the Senate to see what we could do to increase these accounts.

I should point out that we are doing more, as you have noted, for the National Science Foundation.

The CHAIRMAN. The gentleman's time has expired.

(By unanimous consent, Mr. MOLLOHAN was allowed to proceed for 1 additional minute.)

Mr. MOLLOHAN. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Thank you, Mr. Chairman.

But our committee reverberates in every sense. It is an echo chamber that not only NSF, but NOAA, NASA, and all of these agencies ought to be promoting math and science education. So I will be happy to work with you.

Mr. PRICE of Georgia. I thank my friend from New Jersey, and I appreciate the chairman's comments, and I appreciate what the committee has done in terms of bumping up this money. I'm so impressed with the opportunities that children can have with appropriate programs like the FIRST program and like the math and science program.

I look forward to working with you as we move forward through this process to make certain that we're bringing all the resources to bear to be able to give our kids the greatest opportunity in the area of math and science.

Mr. MOLLOHAN. With that representation, I'll be extremely pleased to work with the gentleman in that regard.

Mr. PRICE of Georgia. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

□ 1600

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HCHB RENOVATION AND MODERNIZATION

For expenses necessary for the renovation and modernization of the Herbert C. Hoover Building, $3,364,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $23,426,000.

NATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATION COUNCIL

For necessary expenses of the National Intellectual Property Law Enforcement Coordination Council to coordinate domestic and international intellectual property protection and law enforcement relating to intellectual property among Federal and foreign entities, $1,000,000, to remain available until September 30, 2009.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902.

SEC. 103. Not to exceed five percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than ten percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committee on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. Section 3315b of title 19, U.S.C., is amended by inserting ", including food when sequestered," following "for the establishment and operations of the United States Section and for the payment of the United States share of the expenses".

SEC. 106. Section 214 of division B, Public Law 108–447 (118 Stat. 2884–86) is amended by:

(1) inserting "and subject to subsection (f)" after "program" in subsection (a); and

(2) deleting subsection (f) and inserting the following:

"(f) FUNDING.—There are authorized to be appropriated to carry out the provisions of this section, up to $4,000,000 annually.".

SEC. 107. (a) Section 318 of the National Marine Sanctuaries Act (16 U.S.C. 1445c) is amended by:

(1) inserting "and subject to subsection (e)" following the word "program" in subsection (a); and

(2) deleting subsection (e) and inserting:

"(e) FUNDING.—There are authorized to be appropriated to the Secretary of Commerce up to $500,000 annually, to carry out the provisions of this section.".

(b) Section 210 of the Department of Commerce and Related Agencies Appropriations Act, 2001 (Public Law 106–553) is repealed.

SEC. 108. Notwithstanding the requirements of subsection (d) of section 4703 of title 5, United States Code, the personnel management demonstration project established by the Department of Commerce pursuant to such section 4703 may be expanded to involve more than 5,000 individuals, and is extended indefinitely.

SEC. 109. (a) The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by striking section 5 and paragraphs (1) and (3) of section 4, and redesignating paragraphs (2) and (4) through (13) of section 4 as paragraphs (1) through (11), respectively.

(b) Section 212(b) of the National Technical Information Act of 1988 (15 U.S.C. 3704b) is amended by striking "Under Secretary of Commerce for Technology" and inserting "Director of the National Institute of Standards and Technology".

TITLE II—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $104,777,000, of which not to exceed $3,317,000 is for security for and construction of Department of Justice facilities, to remain available until expended: *Provided*, That not to exceed 45 permanent positions, 46 full-time equivalent workyears, and $12,684,000 shall be expended for the Department Leadership Program: *Provided further*, That not to exceed 24 permanent positions, 24 full-time equivalent workyears, and $3,734,000 shall be expended for the Office of Legislative Affairs: *Provided further*, That not to exceed 22 permanent positions, 22 full-time equivalent workyears, and $2,968,000 shall be expended for the Office of Public Affairs: *Provided further*, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding two provisos.

Mr. MURPHY of Connecticut. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Chairman, it had been previously the intention of Mr. PLATTS and myself to offer an amendment to title II of the bill. In discussions with the chairman, we will not be offering that amendment today, but I rise to speak briefly on an issue that I know is of great importance to Chairman MOLLOHAN, and that is the issue of juvenile justice.

Mr. Chairman, I would like to thank Chairman MOLLOHAN for his incredibly hard work on this bill. I am particularly glad that the bill contains a significant increase for the Department of

Justice's Office of Juvenile Justice and Delinquency Prevention. At $400 million, the OJJDP saw a $62 million increase from last year's level. It received $120 million more than the President requested in his budget. It would be hard to overstate how meaningful these increases are going to be to the juvenile justice community.

The amendment that Mr. PLATTS and I were going to offer today would have increased the Juvenile Justice Title II State Formula Grants by $5 million. States rely on these grants to achieve and maintain compliance with the core requirements and protections of the Juvenile Justice Delinquency Prevention Act. These requirements protect children who become involved with the courts and ensure that the treatment and services they receive are appropriate for their age, their stage of development, and are suited to their specific offense.

Mr. Chairman, when I was in the State legislature, I had the great honor of working on issues related to juvenile justice, and we made great strides in Connecticut in terms of bringing more appropriate care to children in our juvenile justice system and really moving from simply punishment and towards prevention and rehabilitation. These kids don't have lobbyists. Many of them don't even have a home. And as a result, they are often forgotten and voiceless in the halls of State legislatures and here in Congress. Mr. MOLLOHAN and his office have sought to bring a voice back to these children, and I hope that we can build on that.

Since 2002, States have seen an 11 percent decrease in State formula grants authorized under the JJDPA, meaning that States have had fewer resources with which to keep kids safe and handle their cases appropriately. States use these formula grants to divert status offenders away from jails and towards appropriate community-based programs to assist them and their families. Status offenders are children under the age of 8 who have committed acts that would otherwise not be considered crimes if they were adults, like skipping school, running away from home, and the possession or use of tobacco. Status offenders may not be held in secure detention or confinement, with a few exceptions.

States also use these funds to monitor adult lockups and ensure that youth are housed in age-appropriate settings. They enact mandates that youth may not be detained in adult jails and lockups. When children are placed in adult jails or lockups for any period of time, sight and sound contact with adults is prohibited.

States across the Nation are using these funds for very innovative programs to provide children with much more appropriate care. There is very little political utility in State legislatures and here in Congress to stand up for children who have gotten into our criminal justice system, but these funds are used to give these children another shot at success in life.

I am glad to be joined by Mr. PLATTS from Pennsylvania, who was going to cosponsor this amendment, and I would be glad to yield to him at this time.

Mr. PLATTS. Mr. Chairman, I will quickly just say that I am honored to have joined with the gentleman from Connecticut in offering this amendment. I want to commend him for his leadership both in the State legislature and now here in Washington on issues important to our Nation's youth.

I also want to reference I am the ranking member of the Healthy Families and Communities Subcommittee of the Committee on Education. And our chairwoman, Chairwoman MCCARTHY, has been a great leader this year on issues dealing with juvenile justice and the needs of our youth. And I just appreciate the efforts here in trying to strengthen our juvenile justice system and our treatment programs so that our youth get the services, the treatments they need as well, as the appropriate imposition of justice based on their age and stage of development. And that is what this amendment sought to do.

I very much appreciate the chairman of the subcommittee and the ranking member for their efforts in addressing the funding needs of this area and their efforts to work with the gentleman from Connecticut and me and others as we go forward to strengthen the funding for these very important programs so we can do right by the youth of our Nation and help those who are troubled and get into difficulties with the law to be treated and be rehabilitated and, as the title of the underlying act, the Juvenile Justice Delinquency Prevention Act, to prevent delinquency in the years to come.

So, again, I appreciate the gentleman from Connecticut's leadership on this issue.

Mr. MURPHY of Connecticut. Mr. Chairman, I thank Mr. PLATTS again. And I would like to thank Mr. MOLLOHAN for his commitment to this issue. This is a very important increase in the underlying bill in juvenile justice funds. I know he is committed to continuing that upward trend. That is going to mean a great deal to the children who have ban caught in our juvenile justice system and still have a great opportunity to be productive members of society once their time is served.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Our bill demonstrates an upward trend in juvenile justice programs, indeed, Mr. Chairman. That has been a real focus and priority of this subcommittee as we have marked up the bill.

We have increased funding in juvenile justice programs $120 million over the President's request, and that is $62 million over 2007 funding. Why? Because of efforts from Members like Mr. MURPHY, who has been all over this issue, and I value very much his expertise as he has communicated with the subcommittee. He has expressed his concerns about juvenile justice, about the problems that these programs address; and he is really to be commended. He has also made it clear that Mr. PLATTS has been very active in this effort as his colleague, and I commend Mr. PLATTS as well.

We look forward to working with them as we move this bill forward, but also in future years to ensure that the juvenile justice programs not only are funded appropriately but also that they are focused as they should be so that we make sure this funding is spent to maximize not only its efficiency but its effectiveness.

So, Mr. PLATTS, Mr. MURPHY, we thank you for your assistance with regard to this issue, and we look forward to working with you.

AMENDMENT OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BIGGERT:

Page 21, line 7, insert after the dollar amount ''(reduced by $6,250,000)''.

Page 25, line 12, insert after the dollar amount ''(increased by $750,000)''.

Page 29, line 19, insert after the dollar amount ''(increased by $5,500,000)''.

Mrs. BIGGERT. Mr. Chairman, I offer an amendment with my colleague from Florida (Ms. GINNY BROWN-WAITE) to the fiscal year 2008 appropriations bill to help the Department of Justice crack down on mortgage fraud.

This amendment will increase funding to allow the Department of Justice to secure two additional prosecutors, enable the FBI to hire 30 additional agents, and support the FBI's interagency task force operations to combat mortgage fraud.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I understand what the gentlewoman wants to do in terms of mortgage problems, and I understand that the source of her money, the offset, is from general administration for the Department of Justice.

Mrs. BIGGERT. That is correct.

Mr. OBEY. And given the performance of the Attorney General in the other body yesterday, I see no great harm in taking $6 million away from him; so I would be happy to accept your amendment.

Mrs. BIGGERT. I thank the gentleman.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise today in strong support of the Biggert-Brown-Waite amendment to H.R. 3093, the Commerce, Justice, and Science Appropriations bill.

Our amendment is vital in the FBI's efforts to crack down on the rampant mortgage fraud in our Nation.

FBI research showed over 3,000 reported incidents of mortgage fraud in 2000, but more than 37,000 in 2006.

This shocking, 10-fold increase shows that predators are hitting more and more homeowners in all walks of life—from first-time homebuyers to seniors.

My great State of Florida reported the highest incidents of mortgage fraud in 2006, followed closely by California, Michigan, and Georgia.

The FBI's fraud caseload is growing dramatically, but the funds in this bill do not go far enough to keep pace.

Our amendment transfers $6.25 million from the Department of Justice's General Administration account to the Offices of the United States Attorney and the FBI.

These funds will help provide additional staffing and resources so the FBI can get an adequate handle on these growing cases and bring relief to Americans who, in trying to achieve their dream of owning a home, have instead experienced their greatest nightmare.

I urge my colleagues to support the Biggert-Brown- Waite amendment.

Mrs. BIGGERT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 21, line 7, insert ''(reduced by $4,500,000)'' after the dollar amount.

Page 21, line 26, insert ''(reduced by $4,125,000)'' after the dollar amount.

Page 22, line 9, insert ''(reduced by $3,375,000)'' after the dollar amount.

Page 22, line 19, insert ''(reduced by $10,500,000)'' after the dollar amount.

Page 22, line 25, insert ''(reduced by $52,500,000)'' after the dollar amount.

Page 46, line 6, insert ''(increased by $75,000,000)'' after the dollar amount.

Page 47, line 24, insert ''(increased by $75,000,000)'' after the dollar amount.

Mr. WEINER. Mr. Chairman, for those viewers of this debate each year and for my colleagues who think that really very little had changed when the House of Representatives changed from majority Republican to majority Democrat, we are seeing in this bill very profound changes in policy in this country, and none is more profound than the difference in the approach to the COPS program. This year's bill has $100 million for hiring in the COPS program.

In the COPS program, as many of you know, more than 100,000 police officers in small towns, big cities throughout the country were hired in the period beginning in 1995. Yet shortly after the beginning of the Bush administration, the COPS program was slashed and slashed and slashed to essentially die on the vine.

As you see in this chart, in 1995 you had in the neighborhood of 20,000 cops being hired each and every year. In 2005 and 2006, 2007, it was down to zero.

In this year's bill, to the enduring credit of the chairman and ranking member and members of the committee, this is now being funded at $100 million. That is going to allow us an opportunity to hire many, many more police officers.

Now, we have also, in the first couple of months of the new Congress, passed a reauthorization of the COPS program for another 50,000 cops on the beat. Now, it has gone to the other side of this building. It has gone to the other body and seems to be doing what so much legislation does, and that is dying a slow, excruciating death. They say the other body is the ''cooling saucer of democracy.'' They have turned into the deep freeze when it comes to many of the things that this House is doing.

But what this amendment seeks to do is to say let's take that success and let's take it even further. This is one of the programs, the COPS program, it is democratic with a small ''d.'' If you are in a small town, conservative neighborhood, you have gotten COPS. If you are in a big city like mine, you have gotten COPS. What the COPS program argues is that Federal law enforcement, that Federal anti-terrorism means helping local authorities hire more police officers. That is why the Fraternal Order of Police, the International Association of Chiefs of Police, the National Association of Police Organizations, the U.S. Conference of Mayors, the National Sheriffs Association all support dramatically increasing this program.

□ 1615

Now, Chairman MOLLOHAN has taken a program that has essentially been killed and gives it more life. And this is what we need to continue on the trend towards. Now, whether we do it more in this bill with my amendment, or whether we finally get the other body to reauthorize the program and we can start doing this in regular order, we need to realize that as Tom Ridge, the former Secretary of Homeland Security, once said, ''Homeland security starts in our hometown.'' We can't just say to cities, go out and protect yourselves. We need a Federal program that works.

Now, I don't mind pointing out that at the apex of the hiring was also the highest point in our crime reduction in this country. We have seen over the course of several FBI index reports that it has started to creep up more and more and more, and by no small measure because of the reduction in the COPS program.

We need to continue on this arc. The committee has done an excellent job in doing that.

I would be glad to yield to the chairman if he has any feedback for me.

Mr. MOLLOHAN. I appreciate the gentleman from New York's interest in this. As a matter of fact, he was the mover and shaker in the Congress in pointing out that we had 2 years of successive increases in violent crime in the country. He was the first one to point out that in the 1990s, the COPS, the Community Policing Cops on the Beat Program, was extremely effective in reducing that; and in large part, along with other Members, advocated and encouraged the committee to reactivate the COPS hiring program, and we've done that. We've done that with $100 million, which we think will fund approximately 2,700 policemen.

This is a down payment. This is an initiative, and the gentleman is to be commended for providing the impetus for that initiative. So I thank him. We look forward to working with him in future years. I know this is a program that, because of its proven effectiveness in the past, is going to get increasing attention in the future.

Mr. WEINER. Reclaiming my time, I thank you for your attention. And when you're in conference with the other body, if you can grab them by their institutional lapels and get them to move on our COPS throughout the Nation.

Mr. MOLLOHAN. We're going to be up to it.

Mr. WEINER. I appreciate it.

Mr. Chairman, I request unanimous consent that my amendment be withdrawn.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $100,500,000, to remain available until expended, of which not less than $21,000,000 is for the unified financial management system.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement and homeland security missions, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, $81,353,000, to remain available until September 30, 2009: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $251,499,000, of which, $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examination Fee'' account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,260,872,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That not to exceed $5,000,000 shall be considered ''funds appropriated for State and local law enforcement assistance'' pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $74,708,000 including not to

exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $12,194,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $750,584,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided,* That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further,* That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $6,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $155,097,000, to remain available until expended: *Provided,* That, notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $139,000,000 in fiscal year 2008), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2008, so as to result in a final fiscal year 2008 appropriation from the general fund estimated at $16,097,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,747,822,000: *Provided,* That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $20,000,000 shall remain available until expended.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee System, as authorized, $189,000,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided,* That amounts deposited in the Fund in fiscal year 2008 in excess of $184,000,000, but not to exceed $231,899,000, shall be available until expended for the necessary expenses of the United States Trustee System as provided in section 589a(a) of title 28, United States Code: *Provided further,* That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,709,000.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $883,766,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 shall be for information technology systems and shall remain available until expended; and of which not less than $12,397,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $2,451,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $168,300,000, to remain available until expended, of which not to exceed $10,000,000 is for construction of buildings for protected witness safesites; not to exceed $3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed $9,000,000 is for the purchase, installation, maintenance and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,794,000: *Provided,* That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

SALARIES AND EXPENSES, NATIONAL SECURITY DIVISION

For expenses necessary to carry out the activities of the National Security Division, $78,056,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided,* That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any such transfer shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $509,154,000, of which $50,000,000 shall remain available until expended: *Provided,* That any amounts obligated from these appropriations may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; $6,498,111,000; of which not to exceed $150,000,000 shall remain available until expended; and of which $2,308,580,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security: *Provided,* That not to exceed $205,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $170,000 shall be available in 2008 for expenses associated with the celebration of the 100th anniversary of the Federal Bureau of Investigation.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

Page 29, line 19, insert '', increased by $1,000,000 and decreased by $1,000,000,'' after ''$6,498, 111,000''.

Mr. KING of Iowa. Mr. Chairman, this is an amendment that I bring to the floor here reluctantly. It's an issue of conscience, and I think an issue of appropriate posture that this Congress should take.

We have been, throughout the course of some in the 108th, and many in the 109th, and now more issues coming up within the 110th Congress that have to do with questions about the propriety of some of our Members, both sides of the aisle, Republicans and Democrats. And we're well aware of some of those cases. In a number of those cases, it was a good thing for us to step above that and seek to improve the integrity of this body.

The public is aware, I believe, that there is an investigation that is underway. It has been taken up by the Department of Justice and published in

the New York Times, in the Wall Street Journal, and a number of other places, and the circumstances being that a former member of the Ethics Committee stepped down from the Ethics Committee to avoid the appearance of impropriety during an investigation. And yet, since that investigation began, the same Member has opted to step forward and take on the gavel of the very appropriations committee that deals with the funding of the investigation that's being conducted.

This was an issue that was a subject matter before the Judiciary Committee in hearings that brought our Attorney General Alberto Gonzales forward. And I asked the Attorney General, after the allegation was made by a majority member on the committee about impropriety of investigations or political intimidations on the part of the Department of Justice, I asked the Attorney General if he was intimidated. I said, ''The question I would ask,'' and this is quoting from the CONGRESSIONAL RECORD, ''to you is, Mr. Attorney General, if the chairman of the Justice Appropriations Committee happened to have been under that kind of scrutiny, would that affect the kind of prosecution that takes place out of your Justice Department with regard to that particular Member of Congress?''

The question has been raised, it's been raised by the national media, it's been raised before the Judiciary Committee, and it needs to be raised here on this floor while we deal with this issue of propriety. I make no allegations about guilt or innocence. I simply say that there is a huge question of impropriety when the chairman of justice approps has in one hand the gavel, and in the other hand the pursestrings that funds the very people that are conducting the investigation.

I bring this amendment forward to strike $1 million out and put $1 million in so that that $1 million can be used directly and exclusively for the investigation that's going forward and has been going on since December 2005. That's not swift and sure justice. That doesn't let this Member off the hook. He deserves an answer far more quickly from December 2005 until at least July of 2007.

All of those issues before us are raised and should be considered by this body. And I urge that the Members consider the reason that I reluctantly brought this amendment forward to take $1 million out and put $1 million, but to direct that that money be used to accelerate and complete the investigation that's underway now that casts such a shadow over this entire process, and particularly this appropriations process that's taking place before us here on the floor of Congress.

I think it's inappropriate. I think a decision should have been made by the Member. It has not been. That's why I have to bring this forward.

I urge the Members to support this amendment, and I intend to be able to review the RECORD that we expect to have on this amendment. So I would urge adoption of this amendment directing $1 million for the FBI to continue and accelerate their investigation so that they can either move forward to completion, or clear the individual who sits underneath this cloud.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, it's obvious how reluctant the gentleman is to bring this before the body. He has offered an amendment which does absolutely nothing in order to give him an opportunity to talk about something he says he doesn't want to talk about. Only in Washington would that be believable.

Let me simply say that I think I know something about the Code of Ethics in this House. I wrote the Code of Ethics in this House in the 1970s, and I think I know something about what this House regards as a conflict of interest.

Let me simply point out that the gentleman from Iowa has objected to a Member of the House chairing a subcommittee which oversees the agencies that he says are involved in an investigation of that Member. The fact is that that gentleman in question has recused himself from all matters relating to the FBI, the Attorney General, the Criminal Division, and U.S. attorneys. That's why I am here on the floor handling those portions of the bill today.

The gentleman in question has not reviewed any reprogramming letters. He has not reviewed any Member requests for any of the attendant agencies involved in that investigation. He has not presided over any hearings. He has not participated or made any recommendations with respect to funding either on this bill or in the continuing resolution.

So let me simply say that if the gentleman has a strong view about what the House rules ought to be, then the proper place to take that up is not on an appropriation bill. The proper place for him to take that up is with the Standards Committee and with the leadership of both Houses. By taking it up here, it is simply an excuse to bring into question the actions of one Member. And it would be very easy for us to respond in kind with respect to the activities of a number of Members on that side of the aisle. We choose to stay above that and allow the proper committee to deal with the issue.

Mr. Chairman, I do, very regretfully, yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I am disappointed by the introduction and consideration of this amendment.

I can attest to what the chairman of the full committee said about my colleague and friend recusing himself from any consideration. He has been absolutely scrupulous in terms of that regard.

I'm not a lawyer, but there are quite a number of lawyers here. Everyone under the law is entitled to due process. And I can't talk about how long this process has taken, but I have every confidence that justice will be served, and hopefully in an expeditious manner.

But I'm, indeed, sorry that this amendment has been brought to the floor. I think it is totally inappropriate. Obviously Members have a right to make motions of this kind.

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

Mr. KENNEDY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. As cochair of the Judiciary Appropriation Subcommittee, someone who has attended these hearings all the way through, I am disappointed by this because I think it calls into question every single member of this committee and the integrity of every single member of this committee in saying that you're calling into question the integrity of this committee and what we have done as a work product as a committee. This is not the product of one individual; this is a product of a committee. So I take great exception to this Member's amendment and the questions that he has raised here.

I stand behind this work product, as do the colleagues that I serve with on this committee, both Republicans and Democrats. I serve proudly with this chairman. And we've worked as a bipartisan committee, worked together on a bipartisan basis in order to produce a work product that meets the needs of the public, to meet the needs of the law enforcement community in this country, and, I might add, way over and above the President of the United States' request for law enforcement, way over and above the request for law enforcement that this administration has put forward.

So I might say that it is ironic that this amendment comes up, that under this chairman, this law enforcement has gone further and farther than it has, indeed, under many, many previous chairs of this committee.

□ 1630

For that reason, Mr. Chairman, I support today's mark and I ask my colleagues to do the same.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, in this body, anyone has a right and an

opportunity, as the gentleman has taken advantage of, to raise whatever issue one wants. The gentleman raises an issue in the context of virtuousness and virtuosity. He raises a virtue issue here; he argues it from a premise of virtuosity.

I have no doubt that the gentleman is a good person and that the gentleman is a virtuous person. But I would suggest that the gentleman, number one, has expressed a greater knowledge about any investigation than I have. Perhaps he has inside knowledge about it. But I could not tell you actually if it exists, because I have never been approached with regard to it.

Number two, I would suggest that as the gentleman raises his point in the context of virtue, that he might want to be very cautious, because, as he says, he reluctantly does it, and he might want to be concerned about those who have raised this issue initially perhaps failing his test of virtue. I simply suggest that as a caution to him when he raises this kind of an issue in this context.

I could suggest that it is unworthy to raise it in this context because it is obviously ad hominem. But I am not going to go there. I would just suggest that the gentleman, as he contemplates this issue and as he raises a virtue question, that he satisfy himself in his own mind that those who have initiated and perpetrated this effort, that he contemplate the possibility that their motives are not pure and that they, in this instance, are not virtuous.

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

Mr. JORDAN of Ohio. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. JORDAN of Ohio. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from Ohio for coming to the floor and gaining some time to give me the ability to respond to the gentleman from West Virginia.

Mr. Chairman, I listened to his response. His response was measured. It was appropriate. But I didn't hear a response to the question about the intimidation factor and, in fact, the appearance of impropriety that the man holding the gavel is also holding the purse strings of the agency that is doing the investigation, according to the New York Times and the Wall Street Journal and a number of other publications across this country.

I think that is an appropriate question. I think this Congress has to ask that question. I think we have to answer that question. I had hoped that it would get asked and answered by the leadership on the majority side of the aisle. The leadership knew about this when they made the appointments to the Chairs of the committee.

So it is reluctantly that I bring this here. I wish that someone had stepped forward and taken this cup from me. But I can't cross this spot, which I recognize to be the Rubicon, knowing what I know, without raising the issue for the Members, to ask them to make a decision as well.

It is appropriate for any Member to raise an issue when it hasn't been properly dealt with by the leadership of this Congress. It is appropriate to lay facts out in front and debate those facts. It is not inappropriate to ask questions and ask for answers.

There is a lot more data here that I am aware of, but, factually, this is as far as I care to go with this issue. I want to ask the Members to make a decision. History will make a decision on this moment here on the floor of this Congress. Our decision is just temporary, but history will write this.

Mr. JORDAN of Ohio. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ROGERS of Michigan:

Page 30, line 4, strike the period and insert the following: ": *Provided further*, That not to exceed $16,000,000 shall be available for a housing allowance pilot program for Special Agents of the Federal Bureau of Investigation.".

Mr. OBEY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. ROGERS of Michigan. Mr. Chairman, distinguished Chair of the Appropriations Committee, I hope we can work this issue out. This is language that was agreed last year by both parties to take care of two, I think, very important fixes for the Federal Bureau of Investigation.

We have a segment of agents who are being punished, for lack of a better term, for not choosing to come back to Washington, DC. They have served their countries ably. They have served their tours as brick agents and worked the streets, and kicked in doors, and arrested drug dealers and mobsters, and gone after terrorists, and done all that hard work that we ask them to do every single day. Unselfishly, so, they have done it.

Through that course, they have decided to be supervisors and pick an area of expertise. In this particular case, they have picked a supervisory specialty that might be white collar crime, or it might be organized crime, or it might be counterterrorism or it might be foreign counterintelligence. That expertise allows them to lead these agents to better investigations.

In a new policy implemented by the FBI Director, these fairly senior agents, it asked them to step aside if they chose not to come back to Washington, D.C. Some of them had their kids in high school.

You can imagine being in Des Moines, Iowa, close to home, and you have got 18 or 19 years of Federal service, maybe they are former military before that. They have got lots of Federal service, looking to move on in a few years. That is a hard choice for them to make. In doing so, it cost them that added benefit to their pension for serving in a leadership capacity in the FBI.

So what we simply did is last summer worked out some language with the FBI Director that said we were not going to let these 200 or so agents be punished by this new policy. They deserved to have that pension at the rate of service which they have ably given their country. Again, this language was agreed to by both parties last year, but because this was a continuing resolution and it was dropped in conference, we did not have that opportunity to get this fixed.

The second part of that, which I can talk to in the second amendment, is also about a housing allowance that would allow agents, for the first time, like other Federal agencies working in major cities across the United States, to enjoy a housing allowance in these very high-cost areas, so that we can keep, retain and really say thank you to the hardest working FBI agents who are working to protect the homeland.

With that, I would hope that the chairman and I could work this through and try to find some conclusion to what we have already agreed to needs to get fixed for these people, who, by the way, have already been told their pensions will be fixed, and yet to this date have not.

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

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I must insist on my point of order.

Mr. Chairman, I certainly understand what the gentleman is trying to accomplish, and I probably agree with it. But, nonetheless, this committee is not the proper venue and this legislation is not the proper legislation upon which to raise the issue.

During the consideration of the Labor-H bill last week, I had to object to a number of amendments and lodge points of order because they were not appropriately offered to that bill, even though some of them were from my side of the aisle and I agreed with them.

This amendment, while I would certainly be happy to work with the gentleman, this amendment cannot be accepted by the committee without violating the rules of the House, and so therefore I make a point of order against the amendment because it provides an appropriation for a non-authorized program and therefore violates clause 2, rule XXI, which states in pertinent part: ''An appropriation may not be in order as an amendment for an expenditure not previously authorized by law.''

The amendment proposes to appropriate funds for a program that is not authorized and therefore violates clause 2, rule XXI.

I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from New Jersey wish to be heard on the point of order?

Mr. FRELINGHUYSEN. Mr. Chairman, first of all, let me thank Mr. ROGERS not only for his congressional service, but for his other life before he came to Congress. As I sort of said in my opening remarks, all of us on this floor salute the men and women who are special agents. They do dangerous work. The gentleman has been unstinting in terms of educating me as the new ranking member, you didn't have to do it to the other side, as to the sort of things that were discussed by Representatives WOLF, HOBSON and ROGERS.

We tried in our bill to give some direction and impetus to having these issues of retention up and out and housing allowance raised to a higher level of interest by the FBI Director. We are not going to stop that push.

The gentleman may or may not be successful with his amendments, but I am still committed, and I am sure the majority is, if there is something going on here that is unfair, promises haven't been kept, we are going to do our level best without authorizing on this bill to see that it is done.

I support the Chairman's point of order.

The CHAIRMAN. Does the gentleman from Michigan wish to be heard on the point of order?

Mr. ROGERS of Michigan. Yes, Mr. Chairman, I do.

Mr. Chairman, I thought this amendment was in order. But, in that vein, I thought I heard the chairman say that he would be willing to work with us maybe in conference and we could find some language that might be acceptable to the chairman where we could kind of conclude this deal that I think we all have agreed to in the past, that maybe we can work out that language in the conference.

Mr. Chairman, I just thank the gentleman for his willingness to sit down and work with us.

The CHAIRMAN. If no one else wishes to be heard on the point of order, the Chair is prepared to rule.

The proponent of an item of appropriation carries a burden of persuasion on the question of whether it is supported by an authorization in law. Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law. The Chair is therefore constrained to sustain the point of order under clause 2(a) of rule XXI.

AMENDMENT NO. 6 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ROGERS of Michigan:

Page 30, line 4, strike the period and insert the following: '': *Provided further*, That funds shall be available for annuity protection for Special Agents of the Federal Bureau of Investigation who had completed a total of 3 or more years in field supervisory positions as of June 3, 2004, who are subsequently transferred to positions at a lower grade because they chose not to accept transfers to equivalent or higher positions within the FBI pursuant to the Field Office Supervisory Term Limit Policy issued on that date, and are not subsequently reduced in grade or removed for performance or misconduct reasons. 'Average pay' for purposes of section 8331(4) or 8401(3) of title 5, United States Code, as applicable, shall be the larger of (1) the amount to which such Agents are entitled under those provisions, or (2) the amount to which such Agents would have been entitled under those provisions had they remained in the field supervisory position at the same grade and step until the date of their retirement. This provision shall be retroactive to the date the Federal Breau of Investigation began implementing the policy.''.

Mr. OBEY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. ROGERS of Michigan. Mr. Chairman, just for the purpose of a very short colloquy, I think we established the two issues here that we are trying to get resolved, and I would again just ask the chairman if he would have that willingness to work with us and see if we couldn't find some language acceptable to the chairman to correct these two egregious items. These agents certainly shouldn't bear the brunt of any disagreement.

Mr. OBEY. Mr. Chairman, if the gentleman will yield, I think on this issue there are certainly questions of equity on both sides. I think they need to be resolved. I understand why the FBI wants to follow the policy that they follow. I also understand why agents themselves feel it is unfair leaving them with the reduced retirement possibility.

So, again, I would be happy to work with the gentleman to see if we can't persuade the agency to come up with an agreeable solution to the problem.

□ 1645

Mr. ROGERS of Michigan. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $33,191,000, to remain available unitl expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $1,842,569,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed $25,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,013,980,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2008: *Provided further*, That, beginning in fiscal year 2008 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of

the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to (1) a Federal, State, local, tribal, or foreign law enforcement agency, or a Federal, State, or local prosecutor, solely in connection with and for use in a criminal investigation or prosecution, or (2) a Federal agency for a national security or intelligence purpose; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent (1) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(1)(10) of such title), (2) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials, or (3) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 669, of which 642 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $5,171,440,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2009: *Provided further*, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For the modernization, maintenance, and repair of buildings and facilities, including all necessary expenses incident thereto, by contract or force account, $95,003,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,477,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); $430,000,000, including amounts for administrative costs, to remain available until expended as follows:

(1) $12,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $3,000,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $205,000,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, as amended by section 101 of the 2005 Act, of which—

(A) $20,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act, as amended by section 602 of the 2005 Act; and

(B) $2,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women;

(4) $63,000,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act, as amended by section 102 of the 2005 Act;

(5) $10,000,000 for sexual assault victims assistance, as authorized by section 202 of the 2005 Act;

(6) $40,000,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act, as amended by section 203 of the 2005 Act;

(7) $6,000,000 for training programs as authorized by section 40152 of the 1994 Act, as amended by section 108 of the 2005 Act, and for related local demonstration projects;

(8) $3,000,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act, as amended by section 109 of the 2005 Act;

(9) $10,000,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(10) $40,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act, as amended by section 103 of the 2005 Act;

(11) $5,000,000 for enhancing protection for older and disabled women from domestic violence and sexual assault, as authorized by section 40802 of the 1994 Act, as amended by section 205 of the 2005 Act;

(12) $15,000,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act, as amended by section 306 of the 2005 Act;

(13) $8,000,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act, as amended by section 204 of the 2005 Act; and

(14) $10,000,000 for an engaging men and youth in prevention program, as authorized by the 2005 Act.

AMENDMENT OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CAPITO:

Page 38, line 20, after the dollar amount insert ''(increased by $10,000,000)''.

Page 39, line 22, after the dollar amount insert ''(increased by $10,000,000)''.

Page 66, line 7, after the dollar amount insert ''(reduced by $10,000,000)''.

Mrs. CAPITO. Mr. Chairman, I would like to begin, first of all, by thanking the chairman of the subcommittee and the ranking member for their good, hard work on this bill. They are very dedicated to seeing that we spend our taxpayers' dollars wisely.

Today I rise to offer an amendment to help break the cycle of violence against women, especially those living in the rural areas. We are facing an epidemic in this country. Sexual and domestic violence can happen to anyone, regardless of race, age, sexual orientation, religion or gender. One in four women will experience domestic violence during her lifetime. It is a frightening statistic, I think.

To be safe in their communities, women need to be safe in their own homes. Of the over 12,000 domestic violence victims reported in my State of West Virginia in 2005, a total of over 8,600, or 68 percent, were victims of intimate partner violence. What used to be called a ''family matter'' is now a crime. The Violence Against Women Act was much-needed landmark legislation that helped transform the perception of domestic abuse as a serious crime and created programs to increase access to services for women and victims.

My amendment builds on the successes of the last decade and prevents more women from suffering in silence. Victims of domestic violence and sexual assault in rural and remote communities face unique obstacles in their efforts to escape abusive and dangerous relationships. The geographic isolation, economic structure, and particularly strong cultural pressures and social pressures, and lack of available resources in rural jurisdictions significantly compound the problems confronted by those seeking support and services. Nonreporting of sexual assault in rural areas is a particular problem.

Other barriers to domestic violence and sexual assault intervention in rural communities may include gaps in the 911 emergency system that may delay responses, underfunded and understaffed law enforcement agencies that hamper the criminal justice response, and lack of legal representation for protective orders and other civil matters pertaining to domestic violence.

Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance Grants fund cooperative efforts between law enforcement, prosecutors, and victim services. They provide treatment, counseling and assistance to victims, and work with rural communities to develop education and prevention strategies.

Last year Congress funded this program with $38.8 million. The committee's recommended funding level for this year amounts to only a $1.2 million increase over last year's appropriations for the Rural Domestic Violence Grants program.

Meanwhile, the National Science Foundation Agency Operations and Award Management line item, which was the old salary and expense line item, stands to receive $285.59 million. This amounts to an increase of over $37 million, or 13 percent.

My amendment would boost funding for the Rural Domestic Violence and Child Abuse Enforcement Assistance Grants by $10 million without costing the taxpayers additional money.

I ask my colleagues to join me in support of this important amendment to help provide victims with the protection and services in the rural areas they need to pursue safe and healthy lives while simultaneously enabling communities to hold offenders accountable for their violence.

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

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the gentlelady offers an amendment to one of the grant programs in the Violence Against Women Office of the U.S. Department of Justice. To give a little bit of context to the amendment, the Office of Violence Against Women was funded in fiscal year 2007 at $382.571 million. The President requested $370 million, about $12.5 million less than was funded in 2007. So the President's request for the office was decreased. He requested less money than was appropriated last year.

In addition to that, the President wanted to eliminate all of the grant programs, including the one that the gentlelady seeks today to increase funding for specifically. The subcommittee increased funding over the President's request by $60 million. So the subcommittee looked at the Violence Against Women Office and looked at the scourge that office addresses and fights every day and the programs that the office administers, and we said not only do we need to increase the President's request from last year's level, we need to increase this program above the President's request, and we did by $60 million. We also rejected the President's request to eliminate all of the grant programs under Violence Against Women. We retained those grant programs and those categories, and then we funded each and every one of them handsomely.

So the request before us today, or the recommendation of the committee before the body today, increases over Fiscal Year 2007 funding by $47 million, over the President's request by $60 million. As for the grant program that the gentlelady offers an amendment to, we fund it at $40 million, which is 100 percent over the President's request, because he wanted to eliminate that program, and 3 percent over the 2007 funding.

Now, there is no question that the Office of Violence Against Women deserves adequate funding. That is why we funded it at $60 million over the President's request. It enjoys a privileged position on our committee. Chairwoman DELAURO is aggressive in her leadership on this issue as is every member of our subcommittee. The Rural Domestic Violence Assistance Grants have been funded at $40 million and are extremely proud of that funding level.

The gentlelady looks for her offset in the National Science Foundation, the premier research and development agency in the United States Government. It offers peer-reviewed granting; it looks at education programs; it looks at research programs, cutting-edge, transformational research, the research that we rely upon in order to ensure our competitiveness in the arena and also lay a foundation for our competitiveness in the global economic marketplace.

Don't make any mistake about it, everyone who has testified before our committee agrees the National Science Foundation is not only an economic security issue, it is a national security issue, and it is not the place where we ought to be taking funding. There is a recognition that we need to double the funding for the National Science Foundation, and that is the track we are on with the level of funding in this bill. We should not, and hopefully we won't, reduce funding to the National Science Foundation by $10 million. That would knock us off of the track.

To summarize, Mr. Chairman, funding in the Violence Against Women programs is robust: $60 million above the President's request. The particular grant programs, one of which the gentlelady addresses, each have been retained, and each of those grant programs has been funded robustly.

So, like every other account in this bill, we could use additional money, and if the budget resolutions that the minority would vote for would allow us additional money, we would be pleased to look at increasing funding for violence against women programs.

But given our allocation, and given the priorities and the conflicting demands in the bill, and given the importance of the National Science Foundation and the robust nature of our funding for violence against women, I must oppose the gentlelady's amendment.

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

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. BAIRD. I have great respect for the gentlelady's intent here. As a clinical psychologist before entering this body, I worked with victims of domestic violence and have been a strong advocate for the Violence Against Women

Act and other things to support victims of domestic violence.

The challenge I face here, and I think we all face, is that this is not a good offset. As Chair of the Research and Education Subcommittee of the Science Committee, I have met extensively with the National Science Foundation, and I will tell you that they are already substantially overstretched in their ability to manage the numbers of grant applications and oversee the grants that are already being administered.

The President himself has asked for a substantial increase in funding for the National Science Foundation. That has broad bipartisan support within this body and within the other body.

If we were to cut the management funds, as this proposes, we would dramatically impair the NSF's ability to manage that increase; indeed, to manage their current workload.

I have met with the people managing the grant process at the NSF. I have met with the applicants, and we have spent extensive time on this in our subcommittee. While I support the intent of trying to provide more funding for violence against women, this is not the way to do it.

Mrs. CAPITO. Mr. Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentlewoman from West Virginia.

Mrs. CAPITO. I would like to read very briefly from the agency operation and award management section because I agree with you. I was a science major in college. I am very dedicated to the forward-leaning research and development that NSF has provided.

But in this particular account, this is for agency operations and award management necessary in carrying out the National Science Foundation Act, services authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, not to exceed $9,000 for official reception and representation expenses, uniforms or allowances therefor, rental of conference rooms in the District of Columbia, and reimbursement for security guard services.

I tried to look for an area that would not harm research or researchers or the dedicated folks that are working on forward-leaning and futuristic advances for our Nation. I am very concerned about domestic violence in the rural area, and that is why I pinpointed this particular area.

Mr. BAIRD. I appreciate that. I understand you have done that, and I respect the diligence here.

The challenge they face is they are literally bursting at the seams. They do not have office space, sufficient computer architecture, they do not have sufficient personnel. I can't vouch, and it would be foolish for any of us to try to line-item or justify each and every expense, but I can tell you what they have told me is they lack the space.

If you are finding items for conference room rentals for meetings, that is perfectly understandable to me that when you have people coming back to have meetings, you may occasionally need additional space.

My bottom line here is this is an agency that I think by and large gives a very strong return on investment for the government and for the taxpayers, and a $10 million cut to an administrative fund for an agency that already tells us they lack adequate resources I think is excessive.

I am sorry, I am going to have to say we should defeat this amendment and try to find other ways. As the distinguished gentleman mentioned earlier, we have already seen substantial investments in this area over and above the President's request as far as the area of violence against women.

□ 1700

I would just encourage the gentlelady to say well done to the Democratic majority for adding to this relative to what the President offered.

But I would urge my colleagues, and I can tell you personally from having met with and visited with NSF administration, they do not feel, and my understanding, they can sustain a $10 million cut to any portion of their budget. But the administration portion is what enables them to manage the grants, to manage the research that this country's future and domestic security and economic competitiveness depends on.

So I'd urge defeat of this well-intentioned amendment with unfortunately an undesirable offset.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. CAPITO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from West Virginia will be postponed.

Mr. MOLLOHAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FATTAH) having assumed the Chair, Mr. SNYDER, 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. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

## PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 3093

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 3093 pursuant to House Resolution 562, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

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

There was no objection.

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that reduced-time voting in the Committee of the Whole may span the intervention of a rising of the Committee for the administration of the oath of office to a Representative-elect in the House.

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

There was no objection.

The SPEAKER pro tempore. Members are advised that the 2-minute voting authority just granted may be applied to questions already postponed.

## APPOINTMENT OF CONFEREES ON H.R. 1495, WATER RESOURCES DEVELOPMENT ACT OF 2007

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Oberstar, Ms. Eddie Bernice Johnson of Texas, Mrs. Tauscher, Messrs. Baird, Higgins, Mitchell, Kagen, McNerney, Mica, Duncan, Ehlers, Baker, Brown of South Carolina, and Boozman.

From the Committee on Natural Resources, for consideration of secs. 2014, 2023, and 6009 of the House bill, and secs. 3023, 5008, and 5016 of the Senate amendment, and modifications committed to conference: Mr. Rahall, Mrs. Napolitano, and Mrs. McMorris Rodgers.

There was no objection.

## COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 562 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3093.

□ 1705

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on

the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) had been postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Missing Children's Assistance Act, including salaries and expenses in connection therewith, the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21), the Justice for All Act of 2004 (Public Law 108–405), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and the Victims of Crime Act of 1984, $250,000,000, to remain available until expended: *Provided*, That not to exceed $127,915,000 shall be expended in total for Office of Justice Programs management and administration.

AMENDMENT OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BIGGERT:

Page 41, line 19, after the dollar amount insert ''(reduced by $34,000,000) (increased by $34,000,000)''.

Mrs. BIGGERT. Mr. Chairman, I offer this amendment with the gentleman from Texas (Mr. LAMPSON).

Every year, the National Center for Missing and Exploited Children, or NCMEC, receives funding through the Justice Assistance Account's Missing Children Program. For the past several years, the House has allocated funding in the Missing Children Program to NCMEC; however, in this year's bill, there is no allocation. My amendment carves out of the Missing Children Program $34 million for the National Center for Missing and Exploited Children.

Authorized by Congress in section 404 of the Juvenile Justice and Delinquency Prevention Act, the National Center is a true public-private partnership, funded in the current fiscal year by Congress at $26.6 million and augmented by $11 million in private sector donations.

Since its inception in 1984, NCMEC has handled more than 2.1 million calls, trained 226,000 professionals, printed and distributed over 42 million publications, worked more than 130,300 missing children's cases, and perhaps most importantly, played a role in the recovery of more than 112,900 children. In fact, NCMEC's total recovery rate is an impressive 96.3 percent.

Furthermore, the National Center operates the CyberTipline, the congressionally mandated ''911 for the Internet.'' NCMEC has handled more than 475,000 leads since March 1998. These leads have resulted in hundreds of arrests and prosecutions for such crimes as child pornography, online enticement of children, and sexual molestation.

Mr. Chairman, for generations the message was simple. Parents told their children to never talk to strangers. My parents told me, and I told my children. Times have changed. There are more threats to our children, and our message must change with technology. Similarly, the role of the National Center has changed. The Internet opened a new world of child exploitation, and in order to sufficiently protect our children, we must give the National Center the resources it needs to help keep our children safe and at home.

I would urge my colleagues to adopt this amendment.

Mr. Chairman, I know that you are committed to the National Center for Missing and Exploited Children, and I know that this will be an important issue discussed at conference, and I understand that you would like me to withdraw this amendment.

Mr. MOLLOHAN. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I thank the gentlewoman for yielding, and at the same time, let me compliment her for her leadership in this area and her concern for this huge problem and these extremely important programs that are focused in these organizations.

We have funded this account handsomely. The bill provides $61.4 million for missing children programs. As we move to conference, I know the gentlelady is interested in funding for particular organizations to focus on the problem. We are as well. At the same time, we want the universe to be able to access these programs, and that's the way we have structured our bill.

As we move toward conference, we look forward to working with the gentlelady with regard to her particular concerns in this area.

Mrs. BIGGERT. I think that if the gentleman would commit to working with Mr. LAMPSON and me to sufficiently fund the National Center for Missing and Exploited Children at conference, I would be willing to withdraw the amendment.

Mr. MOLLOHAN. Well, we are and we will work toward that. I know that we are going to become more specific in these accounts as we move toward conference. We anticipate that, and we look forward to working with the gentlelady in that regard.

Mrs. BIGGERT. Reclaiming my time, I guess I was really concerned because in the past there's always been the definite allocations for these various groups.

Mr. MOLLOHAN. There have been earmarks for it, and what we are looking forward to doing is working with the Senate on this, and we anticipate and will work with the gentlelady to do just that.

I can't commit to a specific result here, but I can assure the gentlelady that we will work for funding for the National Center for Missing and Exploited Children, as we move through conference. All this time working with her is all that I can commit to specifically.

Mrs. BIGGERT. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. FARR. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, I would like to enter into a colloquy with the chairman.

First of all, I want to thank the chairman and ranking member of the committee. Many of you remember, last year I was down here haranguing the committee for dropping the ''O'' for oceans out of NOAA, and I want to thank the chairman for putting the ''O'' back into the National Oceanic Atmospheric Administration in this year's CJS appropriations bill, and I want to thank the gentleman for providing ample funding for the National Marine Sanctuary program as well.

It is the funds in the sanctuary program's construction account that I would like to ask the chairman about.

The Monterey Bay National Marine Sanctuary would like to build a visitor's center in the city of Santa Cruz. This center will be the only one of its kind in the country. The site was chosen because it attracts people that do not regularly have access to the ocean.

It is my understanding that this project is one of NOAA's highest priorities, and they intend to grant the city of Santa Cruz $5 million from the construction account for the visitors center.

The question is, is it the intent of the committee to support the partnership between NOAA and the city of Santa Cruz by providing NOAA with the necessary funds so that they can grant the $5 million to the city of Santa Cruz for the construction of the visitors center? The money is included in the bill.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Yes, and that's the intent of the committee, to work with you in this regard.

Mr. FARR. I thank the chairman. That was the purpose of this, to get that intent on record, and I want to thank the ranking member as well.

AMENDMENT OFFERED BY MR. ETHERIDGE

Mr. ETHERIDGE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ETHERIDGE:

Page 41, line 20, insert ''(increased by $1,747,111)'' after the dollar amount.

Mr. ETHERIDGE. Mr. Chairman, I offer this amendment with my colleague, Mr. REICHERT of Washington State, to force the administration to really do right by the widows and orphans of fallen public safety officers.

For nearly 4 years, the U.S. Department of Justice has been dragging its

feet on providing benefits to the families of brave men and women who have died in the line of duty protecting their communities.

There are more than 200 claims, some of which have been waiting for decisions since 2003, languishing in the Public Safety Officers' Benefits office at the Office of Justice Programs.

This is in clear conflict with the intent of Congress, which unanimously passed the Hometown Heroes Survivors Benefits Act to expedite cases and streamline the process. Instead, there has been delay after delay from the Department of Justice, and the PSOB office has created an incredibly complicated system that even personnel at the PSOB office have been confused by.

My amendment would simply ensure that there are enough benefits personnel to deal with this backlog, enough appeals officers to address the concerns of families who are wrongfully denied, and additional managers or ombudsmen to help streamline claims and interact with claimants to make an emotional and difficult process easier.

We owe our first responders no less than to be sure that their loved ones are taken care of if they fall while working to ensure that our communities are safe. These families should not have to jump through hoop after hoop to receive what they justly deserve.

JoAnn Tilton of Katy, Texas, whose husband, Fire Chief Gary Tilton, died of a heart attack after responding to a traffic accident, has waited 2½ years to hear from the PSOB office.

□ 1715

In that time she has been asked for volumes of information, been given conflicting information. She had basically been given the runaround in a bureaucratic marathon. She is one of the lucky ones, because at least she has gotten information from the PSOB office, even though that information includes having been told that a decision would be made earlier this month, before going forward with the claim. Now she is going to have to go through a second round of medical information reviews.

Shelly Hardin of Hope Mills, North Carolina, whose husband, Sergeant James Heath Hardin, died of a heart attack while working to apprehend a criminal, did not even receive notice from the PSOB office that their claim was being processed. The PSOB office still cannot say when they will begin the processing.

They are but two of the hundreds of individuals whose lives have been tragically disrupted, once by the death of the loved ones, and whose lives continue to be disrupted by the Department's delays. These additional funds will make sure that they wait no longer.

The brave men and women who serve our communities every day, many of whom volunteer their time, don't ask when they get a call from someone in distress. They act immediately, and the Justice Department should do the same.

The history of the Hometown Heroes Act is riddled with delays. The first delay came when they proposed regulations that were in direct conflict with the legislation. Then came more delays when they quibbled over wording and phrases and claims that they were waiting for approval from the OMB.

It took 3 years to finalize the process. Since the law went into effect, only 10 families have been approved for the Hometown Heroes benefit out of 264 that have applied. Forty-seven claims have been denied, and more than 200 families still await a verdict.

The U.S. Justice Department appears to be intentionally misinterpreting the intent of Congress to create the presumption that the death was caused by work in the line of duty. I urge the Justice Department to act swiftly and fairly on the remaining claims to provide the needed benefits, the much-deserved benefits.

I urge my colleagues to support these amendments.

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

Mr. REICHERT. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. REICHERT. Mr. Chairman, I am proud to stand today with my good friend Mr. ETHERIDGE in support of this amendment to the CJS appropriations bill.

Nearly 4 years ago the President signed into law the Hometown Heroes Survivors Benefit Act. This legislation, which was championed by the author of this amendment Mr. ETHERIDGE, corrected a technicality in how public safety officers' benefits were paid. Specifically, the law allowed for families of those killed in the line of duty, by heart attack or stroke, to claim the benefit. It sounds simple.

I didn't have the opportunity to vote for this legislation because at the time I was the sheriff in King County, Seattle, Washington, completing my 33-year law enforcement career. During my time as a police officer, I saw firsthand the pain that a family endures when they lose a loved one. I have lost partners over those 33 years that I was in the Sheriff's Office in Seattle. I know that pain. It doesn't go away.

But yet they go out on the street day after day after day, and they put their lives on the line. Their families are standing there with them. Unfortunately, the families, who are dealing with this pain, and who are eligible for this compensation under the Hometown Heroes Survivors Benefit Act, are being stalled and denied by our government.

It took the Department of Justice almost 3 years just to issue a rule that would dictate how these benefits would be paid. On top of the 3 years, in the last 10 months, since the rule was issued, only 10 claims have been completed favorably, which averages to 1 claim a month. There are approximately 200 claims left, as Mr. ETHERIDGE indicated, still in limbo.

I have seen the tears of these families. We just met with three families last week. Through the Federal Government's inaction and complacency, more tears will be shed.

This is absolutely unacceptable, outrageous. This amendment is simple. It will double the current funding for the Public Safety Officers' Benefit Program. This amendment will take away the excuse that the Department of Justice does not have the people or the resources to process these claims. The issue of taking care of first responders, as I have said, is close to my heart.

Let's take care of the families. Let's implement a law that we put into the books years ago. Passage of this amendment will send a strong message to our Nation's first responders that we, the United States Government, truly stand behind them and their families.

Please support the Etheridge-Reichert amendment.

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

Mr. KENNEDY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. Mr. Chairman, I rise to support the Etheridge-Reichert amendment. The Attorney General of the United States, Alberto Gonzales, was up here on the Hill this week. The Attorney General was trying to appeal to the United States Congress of the United States, trying to appeal to the American people to restore the American people's confidence in the Justice Department. I think one of the first steps he can take to restore confidence in the American people and the Department of Justice is to ensure that the people who are on the front lines of the war against terror here in our own country, the men and women in blue, the people who are protecting our men and women across this country from crime, in our neighborhoods and our cities and our towns, that those people who make the ultimate sacrifice and lay down their lives for the protection of our citizens in our own communities, that those people, when they make that ultimate sacrifice, that this country is not going to let them down. It's not going to let their families down.

The notion that we're going to make them wait for an insurance policy, make their families wait, make their widows wait, make their orphans wait, is an insult. The fact that the Department of Justice is not willing to simply step up and pay $250,000 tax-free dollars to the widow and children of fallen officers who have fallen in the line of duty protecting people in this country from the criminal element of this society is unforgivable.

The fact that this Attorney General is up here on the Hill and has no understanding of this, has no sensitivity to this, is one more example of how out of touch this Attorney General is.

This amendment, this Etheridge amendment, is another example of how this Congress has to remind the executive branch who needs to be in charge when it comes to running the pursestrings around here, where the priorities of the American people are. The priorities of the American people are let's spend money where our law enforcement is. That is where their families are.

This, my friends, is where our hometown heroes are. In my State we have people like Deputy Assistant Day, who died trying to fight a fire, and his family's widow is still waiting for that benefit. In the 1970s, President Nixon put the public safety officers' benefit in at $100,000. We never even increased it. We tried to increase it; wasn't even increased for rate of inflation, cost-of-living adjustment. I worked to try to increase it, as did Mr. ETHERIDGE.

It took 9/11, unfortunately, it took a crisis like 9/11, before we were able to attach this bill to the PATRIOT Act and get it included as part of the PATRIOT Act and get it pushed through this Congress so that we could increase it up to over $250,000. Now that it's up there, and it's tied to the rate of inflation, it's there.

But it's not going to do a lot of good unless it's going out the door, and it's going into the pockets and into the households and the families that need it. That's why we need to pass this amendment to give the administration and the Department of Justice the resources it needs in order to give them no more excuses in order to process these claims and get those families the resources they need in order to take care of the widows and the orphans of our fallen heroes.

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

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in support of Mr. ETHERIDGE's amendment. I can tell you that the beneficiaries of the Public Safety Officers' Benefit Program and the Hometown Heroes Survivors Benefit Program are extremely lucky to have advocates like Mr. ETHERIDGE in the United States House of Representatives. I mention him first and most often because he has been all over this issue for the last 6 months, since I have been chairman of this subcommittee.

I am extremely pleased to see Mr. REICHERT on this, a person who comes from law enforcement, who understands the issues of law enforcement, and is probably personally acquainted with cases of disappointment of beneficiaries under this program. It is tremendous that this program is bipartisan.

You can tell by Mr. KENNEDY's remarks and the sincerity behind them that this is an issue of vital concern to the subcommittee as well. Mr. KENNEDY has been championing Mr. ETHERIDGE's cause and Mr. REICHERT's cause through the process of this bill.

I give credit to these people because they have been especially attentive to this concern. It is, indeed, something that we should be concerned about.

As we talk about homeland security, as we talk about State and local law enforcement, and as we recommend a bill with this kind of funding to the House of Representatives, we have to be mindful of those people who have made sacrifices and who have suffered greatly. That's what these programs are about. That's why the Congress authorized them, and that's why we have provided appropriations for them.

It is not acceptable that the Department of Justice has not moved these beneficiary cases, with far greater expediency than they have. It is actually a denial of the benefit that some of these cases have been processed so slowly. So that's the initiative, that's the purpose of Mr. ETHERIDGE's amendment.

I am pleased to accept the amendment because of its merit.

Mr. Chairman, I yield to my ranking member, who has likewise been passionate about ensuring that the Department of Justice moves these beneficiary programs in the Office of Justice programs.

Mr. FRELINGHUYSEN. Thank you for yielding. I echo your sentiments.

Let's move on this amendment. I highly support it.

Mr. MOLLOHAN. Mr. Chairman, we accept the gentleman's amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. ETHERIDGE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. ETHERIDGE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

□ 1730

The Clerk will read.

The Clerk read as follows:

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,315,000,000 (including amounts for administrative costs, which shall be transferred to and merged with the ''Justice Assistance'' account): *Provided,* That funding provided under this heading shall remain available until expended as follows:

(1) $600,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act, as amended by section 1111 of Public Law 109–162 (except that the special rules for Puerto Rico under section 505(g) of the 1968 Act, as amended by section 1111 of Public Law 109–162, shall not apply for purposes of this Act), of which $25,000,000 is for State and local law enforcement for security associated with the 2008 Presidential Candidate Nominating Conventions, to be divided equally between the conventions; and $10,000,000 is for the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement;

(2) $405,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)), as amended by section 1196 of Public Law 109–162;

(3) $30,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, municipal governments only for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) $124,500,000 for discretionary grants, notwithstanding the provisions of section 505 of the 1968 Act;

(5) $1,000,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(6) $15,000,000 for activities authorized under Public Law 109–164;

(7) $40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act, as amended by section 1142 of Public Law 109–162;

(8) $7,500,000 for a prescription drug monitoring program;

(9) $25,000,000 for prison rape prevention and prosecution programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79), of which $1,800,000 shall be transferred to the National Prison Rape Elimination Commission for authorized activities;

(10) $10,000,000 for grants for residential substance abuse treatment for State prisoners, as authorized by part S of the 1968 Act;

(11) $5,000,000 for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected;

(12) $31,000,000 for assistance to Indian tribes, of which—

(A) $12,000,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act;

(B) $12,000,000 shall be available for the Tribal Courts Initiative; and

(C) $7,000,000 shall be available for tribal alcohol and substance abuse reduction assistance grants;

(13) $1,000,000 for a capital litigation improvement grant program;

(14) $10,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act; and

(15) $10,000,000 for sex offender management assistance as authorized by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and

the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322):

*Provided further*, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177) (including administrative costs), $725,000,000, to remain available until expended: *Provided*, That of the funds under this heading, not to exceed $2,575,000 shall be available for the Office of Justice Programs for reimbursable services associated with programs administered by the Community Oriented Policing Services Office: *Provided further*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided—

(1) $30,000,000 is for the matching grant program for armor vests for law enforcement officers, as authorized by section 2501 of part Y of the 1968 Act;

(2) $85,000,000 is for grants to address public safety and methamphetamine manufacturing, sale, and use in hot spots as authorized by section 754 of Public Law 109–177;

(3) $128,000,000 is for law enforcement technologies and interoperable communications;

(4) $15,000,000 is for an offender re-entry program;

(5) $12,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(6) $175,000,000 is for a DNA analysis and capacity enhancement program, and for other local, State, and Federal forensic activities, of which not less than $151,000,000 shall be for reducing and eliminating the backlog of DNA samples and for increasing State and local DNA laboratory capacity;

(7) $18,000,000 is for improving tribal law enforcement, including equipment and training;

(8) $80,000,000 is for programs to reduce gun crime and gang violence;

(9) $4,000,000 is for training and technical assistance;

(10) $49,692,000 is for the Office of Weed and Seed Strategies, as authorized by section 103 of the 1968 Act, as amended by section 1121 of Public Law 109–162;

(11) not to exceed $28,308,000 is for program management and administration; and

(12) $100,000,000 for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHABOT:

Page 47, line 1, after the dollar amount, insert ''(reduced by $15,000,000)''.

Page 47, line 14, after the dollar amount, insert ''(increased by $15,000,000)''.

Mr. CHABOT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Chairman, this amendment is really very straightforward. It would add $15 million to the $15 million presently designated for jurisdictions experiencing a high rate of violent and drug trafficking crime involving firearms. My amendment would offset this increase by taking $15 million from a new offender reentry program that the underlying bill appears to authorize.

Mr. Chairman, there is no doubt that reentry programs play a critical role in the criminal justice system, ensuring that offenders who are released back into our communities receive the assistance they need to make them productive members of our communities. Indeed, millions of offenders are released back into our communities each year. More often than not, these individuals are released back into society without support, increasing the likelihood of recidivism, jeopardizing the safety of our communities, and ultimately increasing the cost to society.

In fiscal year 2006, more than $13 million in Federal funds were awarded to States to assist them with their reentry programs. During that same year, more than $146 million was allocated to the Federal Bureau of Prisons to help community corrections centers across the Nation get inmates who are close to being released the assistance they needed.

This Congress, the House is set to consider H.R. 1593, the Second Chance Act of 2007, of which I am an original cosponsor. This legislation would, among other things, reauthorize State and local adult and juvenile reentry programs at a level of $65 million for fiscal year 2008 and 2009. Yet, at the same time we cannot forget the needs of our communities. More must be done to give State and local law enforcement the resources they need to combat the violent crime and gang activity that continues to plague our cities, including my city, Cincinnati, particularly violent crimes committed with firearms.

According to the Bureau of Justice statistics, in 2005, 65 percent of all murders, 42 percent of all robberies, and 21 percent of all aggravated assaults that were reported to police were committed with firearms.

Moreover, the violent crime associated with gang activity continues to leave residents in our Nation's cities and towns feeling like prisoners in their own homes. In my own city, Cincinnati, crimes committed with firearms, local gang activity, and drug trafficking continue to threaten the well-being of law-abiding citizens. In fact, this past spring the Cincinnati City Council voted to obtain the help of renowned Professor David Kennedy to assist the city in fighting violent crime.

Making additional funds available in this jurisdiction and jurisdictions across the country will empower residents of cities and towns to take back their communities and make them a safer place to live and work and raise our families. I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I admit to being a bit confused by the gentleman's logic here, who I have great respect and great regard for. He comes out of an exemplary academic background, and I can't imagine how we could be thinking differently on this amendment. Nevertheless, we do, and I rise in strong opposition to the amendment as I understand it.

I am particularly pleased that the bill provides $80 million for State and local grants to address violent crime and gun crime across the Nation, the two issues that the gentleman expresses concern about. I hope he agreed with the committee when we increased funding for this purpose by $35 million over 2007. I have to oppose his amendment because of the offset of $15 million for law enforcement costs of offender reentry programs.

These are the programs that go hand in glove with our other law enforcement activities. Recidivism is a terrible problem. These programs establish partnerships with correctional institutions, with community corrections, with social services, with faith-based institutions and with community policing groups. They want to help make our communities safer.

Our Nation's prisons are bursting at the seams. In the Federal prisons alone we have an inmate population that has risen six-fold since 1980; we have 195,000 inmates in Federal prison. The recidivism rate is 40 percent, and in the States it is 67 percent. If we reduce those numbers, we are dramatically not only reducing crime in the country and reducing the recidivism rate in the process, we are doing both at one time. So these statistics being deplorable, we need more resources applied to addressing recidivism. For those reasons, I must oppose the gentleman's amendment.

In light of the fact that we have increased funding significantly for the violent gang and the gun crimes across the country by $35 million and by providing $80 million in this bill, that seems to be a healthy increase for that purpose that the gentleman expressed his concern about.

Mr. CHABOT. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Ohio.

Mr. CHABOT. I thank the gentleman for yielding.

I want to first of all compliment him for the fact that he also attended an institution which I think is probably one of the best colleges in the country.

Mr. MOLLOHAN. It certainly is.

Mr. CHABOT. We happened to go to the same college, by the way.

As far as the committee report, it says that the committee directs that the remaining $15 million will be available to jurisdictions experiencing a high rate of violent and drug trafficking crime involving firearms. And we certainly support that.

What we are trying to do is increase that, because we think there should be additional funding because we do believe that gang activity and violence is plaguing a number of communities, including the one that I happen to represent, the city of Cincinnati. And when we looked into the bill, when we called the committee for further clarification about what the other $15 million went toward, we were told that this provision had been inserted in previous Congresses, but that they weren't really sure what, if any, reentry program that they were referring to.

So rather than just let the money sit, I propose to give it to those jurisdictions that are falling victim to violent crime and drug traffickers, particularly those that are committed with firearms. And I don't believe that the $15 million, as I said, that is currently in the bill is sufficient. And since this money was available and wasn't designated, to our knowledge, in any particular program, we thought that it would be appropriate to increase the funding so that we could help more cities better fight against gang activity and violence, and particularly when those are involved with firearms.

Mr. MOLLOHAN. I can assure the gentleman that I am fully in support of his purpose. This is the first time that I have been introduced to his concerns specifically, and I am advised our staff haven't really talked.

I don't know if there is a way that the gentleman feels we can accommodate him.

The Acting CHAIRMAN. The time of the gentleman from West Virginia has expired.

(By unanimous consent, Mr. MOLLOHAN was allowed to proceed for 2 additional minutes.)

Mr. CHABOT. If the gentleman would yield, I would be happy to work with the gentleman in good faith, and perhaps we could work out something that would boost up the money for our cities.

Mr. MOLLOHAN. I just can't believe that we cannot do that, if the gentleman would wish to withdraw his amendment.

Mr. CHABOT. With that understanding, we would be happy to withdraw the amendment and work with the gentleman on that issue.

Mr. MOLLOHAN. I thank the gentleman.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I just wanted to say that it has been interesting to be a spectator between two William & Mary graduates. We are not allowed to make product endorsements on the floor, but it is good to see that the logic will reign, and I will be supporting the Chair's logic.

I yield back the balance of my time.

Mr. CHABOT. Mr. Chairman, I ask unanimous consent to withdraw the amendment, with the understanding we can work together.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. ROGERS of Michigan.

An amendment by Mr. SESSIONS of Texas.

An amendment by Mrs. CAPITO of West Virginia.

An amendment by Mr. SHIMKUS of Illinois.

Amendment No. 22 by Mr. ENGLISH of Pennsylvania.

An amendment by Ms. ZOE LOFGREN of California.

An amendment by Mr. KING of Iowa.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. ROGERS OF MICHIGAN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. ROGERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 228, not voting 8, as follows:

[Roll No. 720]

AYES—200

Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—228

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Campbell (CA)
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)

Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
Marshall
Wamp
Young (AK)

□ 1804

Mr. WALSH of New York, Mr. BILBRAY, Mrs. CAPPS, and Messrs. MEEKS of New York, WEINER, and MCNULTY changed their vote from ''aye'' to ''no.''

Messrs. DENT, TERRY, UDALL of Colorado, POE, LATHAM, and Mrs. EMERSON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 125, noes 294, not voting 17, as follows:

[Roll No. 721]

AYES—125

Akin
Bachmann
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Buchanan
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Conaway
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ehlers
Everett
Feeney
Flake
Fortuño
Fossella
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Heller
Hensarling
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
Lamborn
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Walberg
Westmoreland
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—294

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—17

Bean
Clarke
Cubin
Davis, Jo Ann
Davis, Lincoln
Higgins
Hirono
Hunter
Jones (OH)
LaHood
Larson (CT)
Mahoney (FL)
Marshall
Reynolds
Wamp
Weldon (FL)
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1808

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. CAPITO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 196, not voting 11, as follows:

[Roll No. 722]

AYES—229

Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)

DeFazio
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hobson
Hoekstra
Hooley
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Loebsack
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walz (MN)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Young (FL)

NOES—196

Abercrombie
Ackerman
Aderholt
Allen
Arcuri
Baca
Baird
Baldwin
Becerra
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boucher
Boyd (FL)
Brady (PA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Christensen
Clay
Cleaver
Clyburn
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Simpson
Sires
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Wolf
Woolsey
Wynn
Yarmuth

NOT VOTING—11

Andrews
Brown, Corrine
Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
Marshall
Ruppersberger
Wamp
Young (AK)

□ 1812

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SHIMKUS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. SHIMKUS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 340, noes 87, not voting 9, as follows:

[Roll No. 723]

AYES—340

Abercrombie
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Everett
Faleomavaega
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hayes
Heller
Herger
Herseth Sandlin
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Hooley
Hulshof
Inglis (SC)
Inslee
Issa
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Norton
Nunes
Ortiz
Pallone
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Rush
Ryan (OH)
Ryan (WI)
Sali
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Walberg
Walden (OR)
Walz (MN)
Wasserman Schultz
Watson
Watt
Weiner
Welch (VT)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—87

Ackerman
Alexander
Baird
Baldwin
Biggert
Bilbray
Blumenauer
Boucher
Boyd (FL)
Butterfield
Calvert
Capuano
Clay
Culberson
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Ellison
Emanuel
Etheridge
Farr
Frank (MA)
Frelinghuysen
Gonzalez
Grijalva
Hastings (FL)

Hastings (WA)
Hensarling
Higgins
Hinchey
Holden
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Kingston
Kucinich
Larson (CT)
Lee
Lewis (CA)
Lewis (GA)
McCaul (TX)
McCollum (MN)
McDermott
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Price (NC)
Rahall
Rangel
Roybal-Allard
Ruppersberger
Salazar
Sánchez, Linda T.
Sarbanes
Serrano
Simpson
Sires
Solis
Stark
Tierney
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Waters
Waxman
Weldon (FL)
Wexler
Wilson (OH)
Wolf

NOT VOTING—9

Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
Marshall
Nadler
Wamp
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are reminded there is 1 minute remaining in this vote.

□ 1818

Ms. WATERS and Ms. LINDA T. SÁNCHEZ of California changed their vote from ''aye'' to ''no.''

Mr. MARKEY, Ms. LORETTA SANCHEZ of California, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. BERKLEY changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 22 OFFERED BY MR. ENGLISH OF PENNSYLVANIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. ENGLISH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 83, noes 342, not voting 11, as follows:

[Roll No. 724]

AYES—83

Aderholt
Akin
Bachmann
Bean
Bishop (UT)
Blackburn
Blunt
Boehner
Boswell
Buyer
Cannon
Capito
Carter
Chabot
Cuellar
Davis (KY)
Davis, David
Dent
Donnelly
Dreier
Emerson
English (PA)
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Granger
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Jordan
King (IA)
Kline (MN)
Kuhl (NY)
Lamborn
Manzullo
Matheson
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
Meeks (NY)
Mica
Murphy, Patrick
Myrick
Nunes
Pearce
Peterson (PA)
Platts
Poe
Price (GA)
Reynolds
Rogers (AL)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (WA)
Space
Tancredo
Tanner
Tiberi
Turner
Walberg
Weller
Wicker
Wilson (SC)

NOES—342

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—11

Clarke
Cubin
Davis, Jo Ann
Hall (TX)
Hunter
LaHood
Marshall
Rangel
Sullivan
Wamp
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is less than 1 minute remaining in this vote.

□ 1821

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. ZOE LOFGREN) 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 Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 388, noes 39, not voting 9, as follows:

[Roll No. 725]

AYES—388

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle

Castor
Chabot
Chandler
Christensen
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—39

Alexander
Baker
Berry
Bonner
Clay
Delahunt
DeLauro
Dicks
Dingell
Ehlers
Everett
Frank (MA)
Frelinghuysen
Gutierrez
Hinchey
Hoekstra
Hoyer
Jackson (IL)
Kennedy
Langevin
Latham
Lynch
McCollum (MN)
McDermott
Melancon
Michaud
Mollohan
Oberstar
Obey
Olver
Pascrell
Rahall
Rothman
Ruppersberger
Sali
Terry
Visclosky
Wilson (SC)
Wynn

NOT VOTING—9

Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
Marshall
Rangel
Wamp
Young (AK)

□ 1826

Mr. DELAHUNT changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. MOLLOHAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having assumed the chair, Mr. HASTINGS of Florida, 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. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, July 24, 2007.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives, Washington, DC.*

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable Sonny Perdue, Governor, State of Georgia, indicating that, according to the official returns of the Special Election held July 17, 2007, the Honorable Paul Broun was elected Representative to Congress for the Tenth Congressional District, State of Georgia.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
*Clerk.*

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STATE OF GEORGIA,
OFFICE OF THE GOVERNOR,
*Atlanta, GA, July 24, 2007.*

Hon. LORRAINE C. MILLER,
*Clerk, House of Representatives, Washington, DC.*

DEAR MS. MILLER: This is to advise you that the Honorable Karen Handel, Secretary of State of Georgia, has certified the results of the Special Election held on Tuesday, July 17, 2007, for Representative in Congress from the Tenth Congressional District of Georgia. The results show that Paul C. Broun, Jr. received 23,529 or 50.42 percent of the total number of votes cast for that office. The Certification of Election is enclosed.

I have issued Dr. Broun's commission to serve as the Representative in Congress from Georgia's Tenth Congressional District of Georgia. There appears to be no contest to this election.

Sincerely,

SONNY PERDUE,
*Governor.*

## SWEARING IN OF THE HONORABLE PAUL C. BROUN, OF GEORGIA, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Representative-elect and the Members of the Georgia delegation present themselves in the well.

Mr. BROUN appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 110th Congress.

## WELCOMING THE HONORABLE PAUL C. BROUN TO THE HOUSE OF REPRESENTATIVES

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

Mr. LEWIS of Georgia. Madam Speaker, as dean of the Georgia delegation, I rise to welcome a new Member to the United States House of Representatives, Dr. PAUL BROUN.

Dr. BROUN is one of four men of medicine in the Georgia delegation. He succeeds our friend and late colleague, Dr. Charlie Norwood, who also was a physician.

Dr. BROUN is a graduate of the University of Georgia in Athens and the Medical College of Georgia in Augusta. He served his country as a United States Marine and as a Medical Officer in the United States Navy. He is married to Niki Bronson BROUN. They have two children and two grandchildren.

Dr. BROUN comes from a well-known political family in Georgia. His father was a well-respected State senator from Athens for 38 years. I could say, I can say, and I must say, he was a Democrat.

Mr. BROUN of Georgia. A conservative one, at that.

Mr. LEWIS of Georgia. On behalf of all of the Members of the delegation, I

want to welcome Dr. PAUL BROUN from the 10th Congressional District of Georgia to the United States House of Representatives.

Madam Speaker, I yield to Congressman JACK KINGSTON, from the First Congressional District of Georgia.

Mr. KINGSTON. Madam Speaker, Members of the House, and my friend JOHN LEWIS, you are correct. His father was my State senator and JOHN BARROW's State senator for 38 years. He was a very well-respected Democrat. We all liked him a lot. But he sure raised his son the right way. We are glad to have him.

We all miss and loved Charlie Norwood. You know, in this House, there are creatures of habit. Of course, any time you want to see Mr. MURTHA and the Pennsylvania delegation, you go to that corner. Any time you want to see Mr. YOUNG and anybody who wants something out of him from Appropriations, all the Florida Members, you go over to that corner. I think, in Charlie's memory, we will all begin to think that the Georgia delegation will be sitting there.

PAUL, we are going to be very happy to have you sitting amongst us.

PAUL, JOHN BARROW and I went to the same junior high school. We are very proud to boast about that. He is an avid fly-fisherman. He is a sportsman. He did volunteer work for Safari-International and worked with many of you, got to know Ron Marlene very well and JO ANN EMERSON, among others, and he is ready to go on any codel to Montana or Wyoming that he gets invited to.

PAUL is going to be a great Member of the House. He is a hard worker. I think you will like him on both sides of the aisle because he will work for what is best for the United States of America.

Mr. LEWIS has already gone over his resume, so I won't repeat it. But I will just say, PAUL, welcome to the greatest body the world has ever seen, the United States House of Representatives.

Mr. BROUN of Georgia. Madam Speaker and colleagues, I am glad to call you colleagues. I am eager to work with you. I am eager to represent the people of the 10th Congressional District of Georgia. It is exciting to me. Just 1 week ago, I was campaigning. Things have been going very quickly ever since then. I am just overwhelmed.

I look forward to working with you and working with this great, august body. I appreciate the opportunity. I appreciate the well wishes and all of the host of welcomes that I have gotten from each and every one of you.

So I appreciate the welcome that you all have given me. I look forward to working with you. Thank you so much. God bless you.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Georgia, Mr. PAUL BROUN, the whole number of the House is 433.

## COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER. Pursuant to House Resolution 562 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3093.

□ 1837

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentlewoman from California (Ms. ZOE LOFGREN) had been disposed of and the bill had been read through page 48, line 3.

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. Pursuant to the order of the House of today, this is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 19, noes 389, answered ''present'' 16, not voting 13, as follows:

[Roll No. 726]

AYES—19

Bishop (UT)
Buyer
Cannon
Davis (KY)
Deal (GA)
Foxx
Franks (AZ)
Garrett (NJ)
Gohmert
King (IA)
Lamborn
McHenry
Pearce
Pitts
Rogers (AL)
Sali
Sessions
Tancredo
Westmoreland

NOES—389

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
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)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays

Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

ANSWERED ''PRESENT''—16

Bachmann
Barrett (SC)
Blackburn
Bonner
Delahunt
Doyle
Green, Gene
Hastings (FL)
Hastings (WA)
Jones (OH)
Kline (MN)
Latham
McCaul (TX)
McCotter
Roybal-Allard
Sensenbrenner

NOT VOTING—13

Broun (GA)
Christensen
Clarke
Cubin
Davis, Jo Ann
DeFazio
Hill
Hunter
LaHood
Marshall
Rangel
Royce
Young (AK)

□ 1844

Mr. HASTINGS of Florida changed his vote from ''no'' to ''present.''

Mr. GINGREY changed his vote from ''present'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''), the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and other juvenile justice programs, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $399,900,000, to remain available until expended as follows:

(1) $725,000 for concentration of Federal efforts, as authorized by section 204 of the 1974 Act;

(2) $81,175,000 for State and local programs authorized by section 221 of the 1974 Act, including training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(3) $53,000,000 for demonstration projects, as authorized by sections 261 and 262 of the 1974 Act;

(4) $100,000,000 for youth mentoring grants;

(5) $70,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which—

(A) $17,500,000 shall be for the Tribal Youth Program;

(B) $25,000,000 shall be for a gang resistance education and training program; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(6) $20,000,000 for the Secure Our Schools Act, as authorized by part AA of the 1968 Act, as amended by section 1169 of Public Law 109–162;

(7) $15,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(8) $60,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of the 1968 Act, as amended by section 1166 of Public Law 109–162 and Guam shall be considered a State:

*Provided,* That not more than ten percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further,* That not more than two percent of each amount may be used for training and technical assistance: *Provided further,* That the previous two provisos shall not apply to demonstration projects, as authorized by sections 261 and 262 of the 1974 Act.

PUBLIC SAFETY OFFICERS BENEFITS

For payments and expenses authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340) (including amounts for administrative costs, which amounts shall be paid to the ''Justice Assistance'' account), to remain available until expended; and $5,000,000 for payments authorized by section 1201(b) of such Act; and $4,100,000 for educational assistance, as authorized by section 1212 of such Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $60,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided,* That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided,* That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed five percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than ten percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section: *Provided further,* That none of the funds appropriated to ''Buildings and Facilities, Federal Prison System'' in this or any other Act may be transferred to ''Salaries and Expenses, Federal Prison System'', or any other Department of Justice account, unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to section 505 of this Act.

SEC. 206. The Attorney General is authorized to extend through September 30, 2009, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for SENTINEL, or for any other major new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committee on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. (a) Section 589a of title 28, United States Code, is amended in subsection (b) by—

(1) striking ''and'' in paragraph (8);

(2) striking the period in paragraph (9) and inserting ''; and''; and

(3) adding the following new paragraph:

''(10) fines imposed under section 110(l) of title 11, United States Code.''.

(b) Section 110(l)(4)(A) of title 11, United States Code, is amended to read as follows:

''(A) Fines imposed under this subsection in judicial districts served by United States trustees shall be paid to the United States trustees, who shall deposit an amount equal to such fines in the United States Trustee Fund.''.

SEC. 212. (a) Section 1930(a) of title 28, United States Code, is amended in paragraph (6) by striking all that follows ''whichever occurs first.'' and inserting the following: ''The fee shall be $325 for each quarter in which disbursements total less than $15,000; $650 for each quarter in which disbursements

total $15,000 or more but less than $75,000; $975 for each quarter in which disbursements total $75,000 or more but less than $150,000; $1,625 for each quarter in which disbursements total $150,000 or more but less than $225,000; $1,950 for each quarter in which disbursements total $225,000 or more but less than $300,000; $4,875 for each quarter in which disbursements total $300,000 or more but less than $1,000,000; $6,500 for each quarter in which disbursements total $1,000,000 or more but less than $2,000,000; $9,750 for each quarter in which disbursements total $2,000,000 or more but less than $3,000,000; $10,400 for each quarter in which disbursements total $3,000,000 or more but less than $5,000,000; $13,000 for each quarter in which disbursements total $5,000,000 or more but less than $15,000,000; $20,000 for each quarter in which disbursements total $15,000,000 or more but less than $30,000,000; and $30,000 for each quarter in which disbursements total more than $30,000,000. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed''.

(b) This section and the amendment made by this section shall take effect January 1, 2008, or the date of the enactment of this Act, whichever is later.

SEC. 213. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

AMENDMENT NO. 9 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. SESSIONS: Strike section 213.

Mr. SESSIONS. Mr. Chairman, my amendment would strike section 213 of this legislation which, as drafted, would have the same anticompetitive effect as language already included in a number of the Democrat majority's other appropriations bills by preventing funds from being spent to conduct public-private competitions.

In this case, it would prevent funds from being used to allow the private sector to compete against the government for jobs at the Bureau of Prisons or Federal Prison Industries, Incorporated.

While this policy may be good for increasing dues payments to the public-sector union bosses, it is unquestionably bad for taxpayers and for Federal agencies because agencies are left with less money to spend on their core missions when Congress takes the opportunity to take competition away from them.

In 2006, Federal agencies ''competed'' only 1.7 percent of their commercial workforce, which makes up less than one-half of 1 percent of the entire civilian workforce. This very small use of competition for services is expected to generate savings of $1.3 billion over the next 10 years by closing performance gaps and improving efficiencies.

Competitions completed since 2003 are expected to produce almost $7 billion in savings for taxpayers over the next 10 years. This means that taxpayers will receive a return of about $31 for every dollar spent on competition, with annualized expected savings of more than $1 billion.

This provision, included by the Democrat Appropriations Committee, directly contradicts a number of legislative provisions recently passed on this issue by the House, including: The conference report for the 1997 omnibus appropriations bill, which specifically directed the Bureau of Prisons to undertake a prison privatization demonstration project; also, the National Capital Revitalization and Self-Government Improvement Act of 1997, which directed the Bureau of Prisons to rehabilitate D.C. inmates in private prisons; and since 2001, every Commerce-Justice-State appropriations bill has directed the Bureau of Prisons to contract for prison services.

I think the answer is clear, Mr. Chairman, that when the Democrats claim that these services are ''inherently governmental,'' despite numerous citations in the A–76 circular that these activities are exempt from this definition, and prevent competitive sourcing from taking place, that the Democrat leadership is clearly hearing from labor bosses that this bill represents another good opportunity to increase their power at the expense of taxpayers and good government.

In this time of stretched budgets and bloated Federal spending, Congress should be looking to use all of its tools it can to find taxpayer savings and reduce the cost of services that are being provided by thousands of hardworking companies nationwide.

I urge all of my colleagues to support this commonsense, taxpayer-first amendment to oppose the underlying provision to benefit public-sector union bosses by keeping cost-saving competition available to the government.

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

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, this provision is simply a provision of fairness. It provides that contracting out of Federal employees in the U.S. Bureau of Prisons cannot be done under these A–76 guidelines and puts a prohibition on that.

Now, we have accommodated in our language in our manager's amendments all of the concerns that we received from private industry. We have accommodated that. And the bill and report language were modified in the full committee's manager's amendment to clarify that the general provision does not impact the Bureau of Prisons' practice of contracting with State, local and private entities to meet needs for existing and new prison capacity.

This language is compromise language. It protects Federal employees, professionals working in the Bureau of Prisons, who obviously have a very sensitive job and position, at the same time it accommodates the concerns of private industry with regard to appropriate contracting out by State and local and private entities.

I urge opposition to the amendment on that basis. The bill is a good, balanced approach and accommodates the Federal employees who risk their lives every day working in correctional situations, but at the same time it accommodates the legitimate concerns of the private sector.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to support the Sessions amendment. I believe in the A–76 process. I do think public and private competition is important. The contracts are important. The A–76 process I do think provides more efficiency and is definitely better for the taxpayers. So I support his amendment quite strongly.

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

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

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

Mr. ANDREWS. Mr. Chairman, I would like to join the subcommittee chairman in opposition to this amendment.

Members who believe in a balanced and fair competition where the taxpayers get the greatest value for the dollar should oppose this amendment and support the underlying bill. The underlying bill, as the chairman said, is a carefully crafted compromise that permits a rational assessment of the cost and benefits of contracting out, and provides for a fair appeal process where whichever side loses that process would have the opportunity to bring its case to another level and have it reexamined.

So I think that the bill is neither pro-contracting out nor anti-contracting-out. I think the bill strikes a fair balance, and it says in instances where someone decides a contract should be permitted, it happens; and for instances where it should not be, it does not.

I commend the chairman for crafting a fair compromise. I join him in urging defeat of the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 56, after line 7, insert the following new section:

SEC. 214. The amounts otherwise provided by this title are revised by reducing the amount made available for ''GENERAL ADMINISTRATION—SALARIES AND EXPENSES'', and increasing the amount made available for ''OFFICE ON VIOLENCE AGAINST WOMEN—VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' (consisting of an additional $6,000,000 for grants to assist children and youth exposed to violence, $6,000,000 for services to advocate for and respond to youth, $1,000,000 for the national tribal sex offender registry, and $1,000,000 for research relating to violence against Indian women, as authorized by sections 41303, 41201, 905(b), and 904, respectively, of the Violence Against Women and Department of Justice Reauthorization Act of 2005), by $14,000,000.

Mr. INSLEE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. INSLEE. Mr. Chairman, I rise to offer an important amendment that will help continue our work in Congress to break the cycle of domestic violence from which we still suffer. We started that work in the Violence Against Women Act of 2005. We now need to extend it.

I want to recognize the chairman's strong showing of support for efforts against violence in this fashion by $60 million of funding. We appreciate that. But we do have several new programs that the Congress has authorized, has approved, has recognized as a valid effort that have not had an appropriation to date. We aim to fix that with an effort to provide that appropriation.

It would direct the Department of Justice to administer grants to fund four priority new programs for children and Native women in order to break this chain, this multigenerational chain of violence.

The amendment offered by myself and Mr. BURTON would, for the first time, provide Federal funding to local domestic violence programs that provide direct intervention services to children who have witnessed domestic violence in their families. We know how witnessing violence ends up perpetuating violence down the chain of generations. We have to nip this in the bud.

We have to get kids treatment early. We know this amendment will do it. Men who have experienced violence in their families as children are twice as likely to become perpetrators themselves.

□ 1900

This amendment will also, for the first time, fund a competitive grant program for nonprofit organizations to provide community services to teens and young adult victims of domestic violence, sexual assault and stalking. We know girls and young women between age 16 and 24 have the highest rate of intimate partner violence. Teens need to learn at an early age about healthy relationships. This amendment will help that.

My amendment also ensures that we can track crimes against American Indian and Alaska Native women through a national tribal sex offender registry. This is a place where we have been lacking resources in the tribes. One out of every three American Indian and Alaska Native women are victims of sexual assault on reservations.

Currently, every State has a sexual offender registry, but crimes against native women are rarely entered. We need to pass this to fix that problem.

So we know that this epidemic of domestic violence affects every State and community. We know that these VAWA programs can help break the cycle, and we know that we've authorized these programs, but we have not appropriated a dime for them. We have done this with some other new programs in this bill.

We have carefully selected four programs. This has the wide support of groups across the country who have selected these four programs as the highest priorities of those programs that have been authorized but not appropriated.

The Chair's done a good job with limited resources, but we hope that we can extend this effort and these authorized programs to nip and end this circle of violence.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BURTON of Indiana. First of all, I want to thank Mr. INSLEE for introducing this amendment. I'm very proud to cosponsor it with you. It's very needed, and the reason I know it's very needed is because the things you talked about I experienced as a boy. I won't be redundant and go into the things that you have mentioned and the reasons why this program is so necessary.

But I do want you to know that I don't normally support changing money from one area to another like from the Department of Justice to these programs, but this is one of the most urgent needs in America, and it's been like this for the last 50 to 60 years.

I can remember when we went to police headquarters with my mother after we'd been beaten and my father had beaten my mother, and the police sergeant said, If you don't get these kids home, I'm going to have you arrested for child abuse. That's the way it was in those days. There was no place for a woman to hide, and the children had to experience this.

At 4 o'clock in the morning, when you hear your mother being beaten and you come down the stairs and your hair is standing straight up on the back of your head and your father turns and says to you, If you don't get back up the stairs, you're going to get some of this, kids should not have to endure that. They should not ever have to endure that. And the women who are treated like that should never have to endure that as well.

It's a shame that there aren't more people talking about this because this is something that's an urgent, urgent need.

Mr. INSLEE's absolutely right about the chances for a child who's been abused like this to do the same things throughout the rest of their life. I was very fortunate that didn't happen, but I've known a lot of people who experienced that who did, and I think it's a tragic thing.

We really need to find a way to get these women and kids into shelter and away from these abusive parents, fathers and sometimes mothers, and we need to help the women who are abused.

As he just said, in the Native American community, there are women who are being raped and beaten, and there's really no place for them to turn. There's no registry so we can track these guys. That's a horrible thing to have to experience.

So I just want to say to my colleagues, and as I said, I won't be redundant, but I was reading in our information that we use when we discuss these issues, I was reading that between 3.3 million and 10 million children witness domestic violence every year. Can you imagine, up to 10 million kids that witness domestic violence in the home and elsewhere every single year? That's unforgivable. And at one time, in 1 day, one 24-hour period, there were 18,000 children in the United States that received services and support because they were experiencing domestic violence, in one day. That's something, in my opinion, that's inexcusable.

This is a very, very important piece of legislation. I would urge all of my colleagues to vote for this. There should not be one negative vote on this, not one, because there are kids and women who are suffering, sometimes every day. Sometimes the husband will beat the child and they'll turn around to the wife and say, I'll never do that again, and he does it the next week. Sometimes he'll beat his wife and he puts his arms around her, and I've seen this firsthand, he says, Honey, I will never do that again. And the next week she's beaten again, and she sometimes has no place to go and she feels like there's no hope.

It's extremely important that we give these women and these kids hope,

and that's why I say to you, Mr. INSLEE, thank you very much for introducing this amendment. I hope it passes unanimously.

With that, I yield back the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment, and first of all, I want to acknowledge the compelling story of the gentleman from Indiana. That's truly moving. There's no two ways about it, and that's why we have this program, and that's why the subcommittee and the full committee strongly supported funding for VAWA and all of these grant programs, acknowledging at the same time that there are additional grant programs authorized under VAWA that have not received funding. We look forward to working on those, and this one in particular, as we move forward through conference.

But let me suggest to the body that we would love to increase funding for programs like this, the Violence Against Women Act Programs. There's more compelling argument for it, particularly as described.

Let me note, however, for the record that we have increased VAWA funding to $430 million. We rejected the President's proposal to shrink the grant program, actually to eliminate these individual grant programs, and to have a bloc grant program. We have continued to fund the various categories, and we certainly look forward to considering other authorized grant programs that are not currently funded.

We funded, at $430 million, VAWA programs, a $60 million increase over the President's request, and $47 million over the 2007 funding level. That is a sizeable increase to this very worthy program, not that there couldn't be more. So I can't argue for one second to either of my colleagues against adding funding to VAWA.

The real point is that we have significantly increased that funding because we share the concerns of the gentlemen who have spoken here, and I hope that we can all understand and agree with that.

We are again targeting offsets in a general administration account. A $14 million cut to the Department of Justice general administration account will require layoffs. And let me just put this in perspective. We've already had a $30 million cut to this account. We're down from $104 million in Department of Justice general administration to $74 million, and we're looking at another $14 million cut.

At some point, everybody has to appreciate that there has to be some money in these administrative accounts to administer these programs that we all care about, and we have to get real about this process. This is obviously a very strong and passioned expression of support for the programs we've authorized to prevent violence against women, and we're all working in that venue. The committee did it by increasing the funding by $60 million over the President's request, almost $50 million over last year. You're doing it here today by adding another $14 million. And we can't argue with the merit of that sentiment, but we can express concern and try to bring some reality to the offset suggested here.

We are cutting Department of Justice general administration accounts below the level in which they can effectively operate and administer the very programs which we are increasing.

So, reluctantly, I oppose the amendment. At the same time, I do look forward to working with the gentlemen, no matter what the outcome of the amendment, as the process moves forward.

Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT OFFERED BY MR. LIPINSKI

Mr. LIPINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LIPINSKI:

Page 56, after line 7, insert the following new section:

SEC. 214. For ''OFFICE OF JUSTICE PROGRAMS—STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' for the Law Enforcement Tribute Act program, as authorized by section 11001 of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107-273), and the amount otherwise provided by this title for ''GENERAL ADMINISTRATION—SALARIES AND EXPENSES'' is hereby reduced by, $1,000,000.

Mr. LIPINSKI. Mr. Chairman, I rise today to offer an amendment which would provide $1 million in funding for the Law Enforcement Tribute Act Program. This program provides one-time grants to help State and local governments complete permanent tributes that honor law enforcement and public safety officers who have been killed or seriously injured in the line of duty.

There are currently 17,917 names engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC, including 928 from my home State of Illinois. But many communities also want to honor their law enforcement heroes with local memorials or permanent tributes. The Law Enforcement Tribute Act Program provides support to States and localities to help them do this. Without this support, many communities would not be financially able to provide these worthy tributes.

The Law Enforcement Tribute Act Program was authorized in fiscal year 2002 at $3 million per year, but no funding has been appropriated since 2003.

Last year, this Chamber approved a similar amendment by voice vote when I offered it with Representatives ADAM SCHIFF and TOM DAVIS. Unfortunately, that amendment, like the appropriations bill it was included in, never became law. Today, we have an opportunity to once again approve funding that will help communities honor all of those local heroes who have given so much to protect us.

This amendment has the strong support of law enforcement groups all over the country, including the National Association of Police Organizations.

Mr. Chairman, law enforcement and public safety officers dedicate their career and their lives to protecting us. Tributes provide us with a constant reminder of the sacrifices that they have made. The least we can do is help local communities honor these brave men and women.

I urge my colleagues today to support this amendment.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, let me commend the gentleman from Illinois (Mr. LIPINSKI) for bringing this matter before the body again this year.

The point is being made that this particular act is not being funded and it should be. It's extremely meritorious. The sacrifice, and the dedication, the commitment of our law enforcement people throughout the country need to be recognized, and this is the reason we passed the legislation.

As we move this bill forward to conference, I hope that we can work with the gentleman and assure that there is funding on this provision, and we will commit to the gentleman to work with him in that regard.

Mr. LIPINSKI. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Illinois.

□ 1915

Mr. LIPINSKI. Mr. Chairman, with that assurance, with the agreement that you will work, and I know that you see the great value in the program, to work in the conference on providing funding for this, I will withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,515,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $14,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $5,696,100,000, of which not less than $278,000,000 shall be for the Hubble Space Telescope, not less than $545,000,000 shall be for the James Webb Space Telescope, not less than $90,000,000 shall be for the Global Precipitation Measurement mission, not less than $625,700,000 shall be for the Mars Exploration Program, and not less than $71,600,000 shall be for the Space Interferometry Mission, to remain available until September 30, 2009.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $14,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $700,000,000 to remain available until September 30, 2009.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $14,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,923,800,000, to remain available until September 30, 2009: *Provided*, That none of the funds under this heading shall be used for any research, development, or demonstration activities related exclusively to the human exploration of Mars.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education, including personnel and related costs, uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $4,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $220,300,000 to remain available until September 30, 2009.

Mr. LAMPSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. LAMPSON. Mr. Chairman, I want ask Chairman MOLLOHAN to enter into a colloquy with me for just a minute.

I want to thank the chairman for his efforts on behalf of NASA. As the chairman knows, the Johnson Space Center is the crown jewel of our Nation's space program and resides in my congressional district. The hard work of many bright minds down there has yielded tremendous accomplishments and results over the years.

Of course, it's important to be fiscally responsible. I am glad that the chairman knows it's just as important to continue funding our Nation's top science projects, including NASA.

Mr. MOLLOHAN. I thank the gentleman from Texas for his tireless efforts on behalf of NASA. He has been working, I know, diligently in that vineyard all year long. I know, personally, because he has been contacting me and the committee in order to advance the best interests of NASA, to personally facilitate important meetings between the NASA Administrator, and I know the chairman of our full committee Mr. OBEY, and several of our colleagues throughout the year.

These meetings and my talks with the gentleman from Texas have made it clear how important NASA funding is to the gentleman, significantly contributing to NASA's ability to meet all of its mission commitments.

The gentleman is to be commended for his commitment and his hard work on behalf of NASA and on behalf of NASA's employees. I will continue to work on the House floor and in conference to maintain funding levels as reported out of the subcommittee.

I sincerely appreciate the gentleman's interest and hard work.

Mr. LAMPSON. Well, I appreciate the chairman's kind words on our combined efforts. I am thankful for his hard work and attention to this important matter.

NASA is doing so many important things right now, including our work on the international space station, continued shuttle flights, and our transition to the next-generation crew exploration vehicle, advanced scientific experiments and many other projects, both large and small, that we can't afford to fall behind on these projects, and the various programs, program transitions that NASA is trying to make.

I will continue to work with you and all of our colleagues on the Appropriations Committee to help maintain these funding levels as well.

Mr. MOLLOHAN. As the gentleman knows, our bill funds NASA in excess of the President's request. We intend to work very hard between now and conference and through the signing ceremony to ensure that funding is maintained. The gentleman is a champion for NASA here in the House. I know he is working hard for that part of NASA that's back in his district, and we look forward to his support as we move forward.

Mr. LAMPSON. Thank you for entering into the colloquy. I look forward to working with you.

AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 59, line 21, insert '', of which not less the $70,700,000 shall be for the Minority University Research and Education Programs,'' after the dollar amount.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of my amendment to the Commerce, Justice, Science and Related Agencies appropriations bill for fiscal year 2008.

My amendment is focused on the education activities at NASA, the National Aeronautics and Space Administration. Specifically, the amendment designates $70.7 million of NASA's $220.3 million for education appropriations for the minority workforce preparation.

This program has been in action before. It was a good program, but because of the cuts that NASA did suffer, it was defunded actually, as they rearranged the funding. I thank the committee for the increase that they did make and commend their recognition of the importance of education funding for NASA.

All of us know that this is the focus of education, now, trying to make sure we have workforce available so that we can maintain the competitive edge.

NASA had proposed to spend about $40 million, or 27 percent, of its education budget on minority university research and education programs, commonly called the Hispanic-Serving Institutions, as well as the Historically Black Institutions.

So the program includes Partnership Awards for Integration of Research, the Space Science Collaboration, the Math Science Teacher and Curriculum Enhancement Program, the Undergraduate Scholars program, Network

Resource and Training Sites, Model Institutes for Excellence and the Earth Science Collaborations program.

I think that since only 2 percent of our Nation's engineers are African American and Hispanic, we really do need to encourage them to be in this part of the workforce. It's critically important to support these Federal programs.

I urge adoption, although I would like to have a colloquy with the chairman.

Mr. MOLLOHAN. I thank the gentlelady. I think this amendment is one more expression of a number one concern about the attention that education is getting in our various science accounts. We have attempted very diligently, pointedly, to address that by increasing funding in education accounts across the bill. This account, the NASA account, first of all, we broke it out as a separate account and then increased it by $66.6 million for a total of $220 million.

The fact that the gentlelady is reaching out to NASA, NASA should be listening. Universities, education, K–12, they want NASA. They realize how important, and the gentlelady realizes how important, NASA is to inspiring youth and also getting resources on programs and funding them. That's the gentlelady's purpose behind this.

I hope that the gentlelady will allow us to work with her to achieve her purposes as this bill moves forward within the funding allocations that we have received. I want her to know that I have heard her interest, and we intend to be responsive to her as we move forward. I commend her for her leadership in this area.

We will be as responsive as possible, and I appreciate the opportunity to do so.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CROSS-AGENCY SUPPORT PROGRAMS

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and exploration research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $10,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $356,000,000, to remain available until September 30, 2009.

Ms. SUTTON. Mr. Chairman, I move to strike the last word. I would like to enter into a colloquy with the chairman.

The CHAIRMAN. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. SUTTON. I really appreciate having this opportunity to talk with you, and I commend your work on putting this very strong legislation together that includes important increases for science and technology programs, as well as law enforcement, among many other things.

But I want to discuss with you just for a moment my concerns for funding and oversight in this bill for the United States Trade Representative. Now, many of my colleagues have been pretty vocal, since the beginning of this Congress, in expressing our concerns with our current trade policy and its harmful effects on our families and communities. A large part of this is what I see as a lack of responsibility by the USTR in promoting exports to other nations and protecting American workers and businesses against unfair trade practices against other nations.

I was going to offer a number of amendments here today dealing with increasing USTR funding, specifically for oversight and enforcement of our trade laws, but I appreciate the increase in funding in the bill for the ITC, but I believe so much more needs to be done. Instead of fixing the many problems we have with our current policies, whether it's our current record trade deficit or the loss of millions of manufacturing jobs, the USTR has, instead, focused efforts on enacting more flawed trade agreements.

It seems as if, instead of working to make our trade agreements better, the administration and the USTR have focused on joining with private interests and using USTR funding to lobby Congress. I believe we must rein this in, what I see as an improper and excessive lobbying by USTR of Congress.

While I was hoping to offer an amendment on that here today as well, I hope that this Congress will take a closer look at their activities in the future. I strongly believe that we have a responsibility to stand up and tell the USTR that they must start working for American businesses and workers, rather than continue current policies that cost jobs here at home and have decimated our manufacturing base.

While I would have hoped that we could have done more on this bill to move USTR in that direction to be more responsive to the responsibility to the American people and to the workers in my district, rather than foreign governments and large corporations, I am happy to be here and am supportive of the bill.

I appreciate the opportunity to share this with you and look forward to working with you in the future.

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

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I want to commend the gentlelady for bringing this issue to our attention. I want her to know that the House knows she knows something about basic industry in America. She knows something about the challenges of transitioning economies, and she knows something about the importance of USTR trying to protect the very best interests of American citizens and American workers working in all sectors of the economy. From my perspective, I am particularly concerned about those workers in basic industry, in extraction-related industries in America.

A lot of us have concerns about the USTR and the Trade Representative's actual commitment to representing the very best interests of those sectors of our economy. As we transition into an increasingly international economic community, we have to be cognizant of the impacts of a trade policy that is precipitous to the point of creating real chaos and tremendous hardship, particularly in those sectors of the economy that I represent and that I know the gentlelady is particularly sensitive to.

So we need to provide oversight of the USTR as we encourage them to enforce our trade laws and to be aggressive advocates, advocates for our best interests as they approach our trading partners and trade negotiations. They should be looking at issues to balance and level the playing field, such as insisting that trade agreements include environmental laws that we have correctly imposed upon our industry and our manufacturing processes.

Incorporating those regulations into the manufacturing process is expensive. Our competitors around the world, many of them, particularly in the developing countries, don't have those costs. Where we have incorporated health and safety regulations in the workplace, statutorily imposed, that has cost money.

The USTR needs to be sensitive to that. The administration needs to be sensitive to that. It needs to incorporate those kinds of public interest concerns as they negotiate trade agreements.

Why? Why? Because we have done it, and we are their competitors. We are a country with a higher standard of living, and if we can't level the playing field with regard to regulatory activity, then we will never be able to begin to be competitive with our competitors from developing nations.

Let me again compliment the gentlelady for being focused on this very early in her career, being a champion for the working people, and for the best interests of our trade policy generally in all sectors of the economy, and for bringing this to our attention in this bill.

I can assure her that we will be sensitive in large part because of the concerns that she expresses here today. Thank you very much, Ms. SUTTON, for bringing that to our attention.

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

□ 1930

Mr. LAMPSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. LAMPSON. Mr. Chairman, a few hundred miles above us the astronauts of Expedition 15 work around the clock on board the international space station. Their efforts have just been boosted by delivery of a huge new power element from the space shuttle *Atlantis* crew. The *Atlantis* astronauts, working with station crew mates, brought the orbiting base ever closer to completion and a whole new era of living and working in space.

The international space station is a remarkable achievement of global cooperation now entering its most critical period. Over the next 3 years, more than a dozen flights of the space shuttles *Atlantis*, *Discovery*, and *Endeavor* will complete assembly that began in 1998. The completed station will be home to a crew of six astronauts and generation-spanning research that will reach into the lives of every American family. Yes, completion and operation of the international space station is that important to America's future.

I am fortunate to represent one of the most enduring and important NASA facilities, the Johnson Space Center in Houston, and have had the honor over my five terms in Congress to work with dedicated and amazing people at the Johnson Space Center. Their passion and commitment to space exploration led me to introduce the Space Exploration Act of 2002. I introduced the Space Exploration Act as a challenge to this country and the leaders in Congress and the White House to offer a vision and concrete goals for the human space flight program after the international space station. Many here on this floor joined me in that call to action, to invest in a space exploration vital for the future of this country.

In 2004, President Bush announced a similar plan, the Vision for Space Exploration. The President's vision outlined a sustained and affordable human and robotic program to explore the solar system and beyond. I fully supported the President in pushing for an expanded mission for NASA. But in the years that have followed, this Nation has seen rhetoric not supported by action. The administration's vision for space and subsequent authorized funding limits have consistently been ignored, and the President's yearly budget does not fund a robust vision for NASA's future. As a result, we now see a widening gap in the period of time between the retirement of the space shuttle in 2010 and the next generation Crew Exploration Vehicle and Crew Launch Vehicle.

This gap will impede access to the station for our astronauts in the years immediately following the shuttle's retirement. During that period, before the new Orion and Ares space vehicles are operational, NASA and America will be totally reliant upon Russia for access to the space station by our astronauts and to carry cargo into space. We will be forced to spend more money than could ever be spent to accelerate arrival of our new space vehicles. This year alone, the administration worsened that gap by making its budget request some $1.4 billion below the congressionally authorized level.

Adding to the strain, millions of dollars have been shifted from the station and shuttle accounts to pay for repairs made necessary by Hurricanes Katrina and Rita which damaged NASA facilities in New Orleans, the Mississippi gulf coast, and Florida.

NASA now faces the stark reality that the timeline for next-generation human space exploration is becoming increasingly hard to meet. We as a Congress must do more to ensure viability of NASA space exploration programs. And I stand here not to criticize the past efforts of the President or previous Congresses, but to call on leaders of both parties to help us meet and even exceed the funding levels required to continue all the important projects in NASA's orbit. As this bill goes to conference, I believe we can find additional resources for NASA to reduce the widening gap between the shuttle and the Orion and Ares programs.

Mr. Chairman, now is not the time to trim our sails into space. I join with the heroes of the space program, past and present, our Nation's industry leaders, and other forward-looking supporters to urge our colleagues to fund NASA fully into the coming years at the amount authorized by Congress. In today's global competition, there is no substitute for keeping America first in outer space.

I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities including operations, production, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $14,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $6,691,700,000 to remain available until September 30, 2009.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $34,600,000, to remain available until September 30, 2009.

AMENDMENT OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. This amendment appropriately comes toward the end of the bill, and we have not read to that section yet.

Mrs. BIGGERT. I understood that. I am going to withdraw the amendment and ask unanimous consent to present it at this time.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mrs. BIGGERT:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) Of the amounts made available for ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' for the Edward Byrne Memorial Justice Assistance Grant program, $15,000,000 shall be available for the Internet Crimes Against Children Task Force program, as authorized by title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.).

(b) Of the amounts made available for ''JUSTICE ASSISTANCE'', $15,000,000 shall be available for the Internet Crimes Against Children Task Force program, as authorized by title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.).

Mrs. BIGGERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from West Virginia reserves a point of order.

Mrs. BIGGERT. I thank Chairman MOLLOHAN for all of his work on this bill, and I appreciate your commitment to all the missing children's programs. It is very important. And I know that you are equally disturbed by the prevalence of Internet crimes against our children. And the numbers certainly don't lie.

According to the National Center for Missing and Exploited Children's CyberTip Line, the number of reports relating to the online enticement of children for sexual acts increased by 139 percent between 2005 and 2006. Over the same period, there was a 194 percent increase in the number of reports related to unsolicited obscene material sent to a child on the Internet.

Certainly more can and must be done. And this problem is not regional; it is not isolated to big cities or rural

communities. This is a real national problem that will not go away unless we can expand our capabilities of our law enforcement, which is exactly what my amendment will do by increasing the funding for the Internet Crime Against Children Task Force.

The Internet Crime Against Children Task Force, or ICAC, plays a very critical role in protecting our children on the Internet. The ICAC Task Force's mission is clear: to help State and local government enforcement agencies develop an effective response to cyber-enticement and child pornography cases. This help involves forensic and investigative support training and technical assistance, victims services, and community education.

The amendment would carve out $15 million out of the Justice Assistance account's Missing Children Program for the Internet Crime Against Children Task Force. It would also carve out $15 million out of the Edward Byrne Memorial Justice Assistance Grant program for the ICAC Task Force. Both accounts were used in fiscal year 2007 to fund the Internet Crime Against Children Task Force at $26 million.

And I certainly understand the problems that having to do with this amendment, so I am certainly willing to withdraw my amendment if the chairman and ranking member are willing to work toward an increase in funding for the Internet Crime Against Children Task Force in conference.

I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I appreciate the gentlelady yielding.

The gentlelady is really at the forefront of this issue. She is co-chair of the 131 Member strong Congressional Missing and Exploited Children Caucus. She is to be commended for that. She has worked with me, she has worked with Mr. FRELINGHUYSEN, she has worked with the committee. To some extent she can declare success because she is tenacious in getting additional funding for Missing Children's programs. She has been successful in increasing funding 100 percent, you could argue, since the President asked for no funding here.

But we would like to point out that in response to her and the caucus's expressions of concern to the committee, we have funded the Missing Children's program account to the tune of $61.4 million, which is $14 million above the 2007 enacted funding level. That is in large part because of her efforts, and we do appreciate it. She should declare success, and she should be proud of that. She is, as I say, tenacious. And speaking for myself, and Mr. FRELINGHUYSEN who I know shares this interest, we look forward to working with her as we move forward. She is representing this caucus here today, and we look forward to trying to even increase this amount of money as we go to conference.

I want to thank her for her efforts and for helping the committee as we have marked up our bill and funded this account.

Mrs. BIGGERT. Reclaiming my time, I would thank the gentleman for his kind words. And I bring this up to just enforce the importance of missing children, the caucus and the task force, tonight, because every problem is increasing so much, as I said earlier. The problems that we used to have, we are seeing many more problems with the use of the Internet, with just what is happening to children in this day and age. And the more that we can do to prevent online enticement, to prevent children being sexually assaulted, all of the tragedies that are happening right now. So I appreciate that.

Mr. MOLLOHAN. The gentlelady makes her point. And out of the Office of Justice programs, we funded the Missing Children account higher than any other programs. So she can take credit for a great success, and we appreciate her help.

Mrs. BIGGERT. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

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The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding the limitation on the duration of availability of funds appropriated for ''Science'', ''Aeronautics'', ''Exploration'', ''Cross-Agency Support Programs'', or ''Space Operations'' under this title, when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and minor construction of facilities, and institutional facility planning and design.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn. Funding shall not be made available for Centennial Challenges unless authorized.

Funding made available under the headings ''Science'', ''Aeronautics'', ''Exploration'', ''Education'', ''Cross-Agency Support Programs'', and ''Space Operations'' for the National Aeronautics and Space Administration shall be governed by the terms and conditions specified in the report accompanying this Act.

The unexpired balances of prior appropriations to the National Aeronautics and Space Administration for activities for which funds are provided under this Act may be transferred to the new accounts established for the appropriation that provides such activity under this Act. Balances so transferred may be merged with funds in the newly established accounts and thereafter may be accounted for as one fund under the same terms and conditions.

Not to exceed five percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than ten percent by any such transfers. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Notwithstanding any other provision of law, no funds shall be used to implement any Reduction in Force or other involuntary separations (except for cause) by the National Aeronautics and Space Administration prior to September 30, 2008.

The Administrator of the National Aeronautics and Space Administration shall prepare a strategy for minimizing job losses when the National Aeronautics and Space Administration transitions from the Space Shuttle to a successor human-rated space transport vehicle. This strategy shall include: (1) specific initiatives that the National Aeronautics and Space Administration has undertaken, or plans to undertake, to maximize the utilization of existing civil service and contractor workforces at each of the affected Centers; (2) efforts to equitably distribute tasks and workload between the Centers to mitigate the brunt of job losses being borne by only certain Centers; (3) new workload, tasks, initiatives, and missions being secured for the affected Centers; and (4) overall projections of future civil service and contractor workforce levels at the affected Centers. The Administrator shall transmit this strategy to Congress not later than 90 days after the date of enactment of this Act. The Administrator shall update and transmit to Congress this strategy not less than every six months thereafter until the successor human-rated space transport vehicle is fully operational.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861–1875), and Public Law 86–209, relating to the National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,139,690,000, to remain available until September 30, 2009, of which not to exceed $510,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided,* That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861–1875), including authorized travel, $244,740,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $822,600,000, to remain available until September 30, 2009.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $285,590,000: *Provided*, That contracts may be entered into under this heading in fiscal year 2008 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880–1881), $4,030,000, to remain available until September 30, 2009: *Provided*, That not more than $9,000 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, $12,350,000, to remain available until September 30, 2009.

TITLE IV—RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,000,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and not to exceed $28,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, $332,748,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: *Provided further*, That no funds made available under this heading may be used to outsource operations of the National Contact Center.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $68,400,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $377,000,000, of which $355,134,000 is for basic field programs and required independent audits; $3,041,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $13,825,000 is for management and administration; $4,000,000 is for client self-help and information technology; and $1,000,000 is for loan repayment assistance.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501 through 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2007 and 2008, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $3,000,000.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses of the National Veterans Business Development Corporation established under section 33 of the Small Business Act (15 U.S.C. 657c), $2,500,000, to remain available until expended.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $48,407,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further*, That negotiations of the United States at the World Trade Organization shall be conducted consistent with the trade negotiating objectives of the United States contained in section 2102 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3802).

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.), $4,640,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE V—GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committee on Appropriations is notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or ten percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by ten percent funding for any existing program, project, or activity, or numbers of personnel by ten percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committee on Appropriations is notified 15 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the Committee on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of section 922(t) of title 18, United States Code; and

(2) any system to implement section 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. None of the funds made available in this Act may be used to pay the salaries and expenses of personnel of the Department of Justice to obligate more than $625,000,000 during fiscal year 2008 from the fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601).

AMENDMENT OFFERED BY MR. POE

Mr. POE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POE:

Page 75, line 24, strike ''$625,000,000'' and insert ''$635,000,000''.

Page 76, line 2, insert '', and the amount otherwise provided under this Act for Department of Commerce, Departmental Management, Salaries and Expenses is reduced by $10,000,000'' after ''(42 U.S.C. 10601)''.

Mr. POE. Mr. Chairman, I want to talk briefly on the Poe-Costa-Moore amendment. As stated in the amendment, this is a bipartisan amendment. And I want to thank the gentleman from California and the gentleman from Kansas for their support for crime victims under this amendment and the VOCA fund.

The VOCA fund was established under the Reagan administration. It's a novel concept where criminals who are convicted of crime pay fees into a fund that goes to victims of crime. It's kind of like criminals pay the rent on the courthouse, as they should. And so this fund has been established to supply victims and victims services throughout the country necessary funds for those victims and those projects.

At this present time, the fund is up to $1.3 billion. But this year the fund is capped at $625 million for victims services and victims throughout the United States.

This amendment is asking that 10 million more dollars be applied to this fund because of two reasons: Unfortunately, there are more crime victims in the United States than there ever have been. And also, by necessity, there are more programs that are victims services than ever have been in the United States.

Over 4,400 different programs and agencies receive funding under the VOCA fund. Over 3 million victims receive funds from this fund every year. And this covers the gamut, from sexual assault victims to child victims, to robbery victims and victims and families of homicide.

These funds are needed for these families. But they're also needed for domestic violence shelters. They're needed for child assessment centers. Those are centers throughout the United States that take sexually exploited children and help them through the process; not only the medical process, not only the psychological process, but the criminal justice system as well.

There are 26 organizations that support an additional $10 million for this crime victims fund, because it is necessary to help victims throughout the United States. So under this amendment, we're asking for 10 million additional dollars taken from human resources that would be applied to crime victims organizations throughout the United States and money for crime victims. This money, as I stated, is necessary. Unfortunately, it is necessary to help victims.

As chairman of the Crime Victims Caucus, and my cochair Mr. COSTA, and other Members like Mr. MOORE from Kansas, we all support this additional funding for crime victims. Take it and place it where it is necessary.

It is a novel concept to allow people who violate the law to contribute to a constant fund, and we want that to continue, but this year there needs to be 10 million additional dollars contributed to that fund so that numerous organizations that provide specifically victims services that funding has been cut in the past will be allowed to continue those victims services in the United States.

LIST OF ORGANIZATIONS WHO SUPPORT THE POE-COSTA-MOORE AMENDMENT

American Probation and Parole Association; American Society of Victimology; Break the Cycle; Jewish Women International; Justice Solutions; Legal Momentum; Mothers Against Drunk Driving; National Alliance to End Sexual Violence; National Association of Crime Victim Compensation Boards; National Association of VOCA Assistance Administrators; National Center for Victims of Crime; National Children's Alliance; and National Coalition Against Domestic Violence.

National Congress of American Indians; National Criminal Justice Association; National Grange; National Judicial College; National Network to End Domestic Violence; National Organization for Victim Assistance; National Organization of Parents of Murdered Children, Inc.; Pennsylvania Coalition Against Rape; Rape Abuse & Incest National Network; Sacred Circle, National Resource Center to End Violence Against Native Women; Security On Campus, Inc.; Stop Family Violence; and YWCA USA.

Mr. Chairman, I yield back.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I oppose the amendment, again, not because of the intended purpose of the gentleman trying to do good here and getting additional resources into the crime victims fund. That's worthy.

It's being authorized at $625 million, this amendment would raise it to $635 million. And you might ask, if there are additional resources, why don't we disperse all of them?

Well, that's because that fund has to be managed to ensure that there's a source of funds that will remain available for the program despite the inconsistent levels of the criminal fees that are deposited there annually. So part of that is trying to manage the account to assure stability year in and year out so that funds will be available for victims to be paid out according to the authority.

I would like to point out that the gentleman's offset draws from an account that has been drawn from in the past, and it is the offset is in Commerce. We started out at $58.6 million at the beginning of the day. We've had a $25 million cut, a $10 million cut. This cut would take us down to $23 million, if my math is right. But if my math is not precisely right, my point should be taken that we've gone from $58.6 million down to approximately $23 million in this S&E account. That's a 60 percent reduction. There is going to be nobody left to administer these programs. And that's why we have to think very carefully.

And actually, folks coming here and offering amendments go through the same difficult exercise that the subcommittee and the full committee have gone through. How do you apportion funds when I would argue, the allocation is not adequate to fund all the worthy projects and to fund all of the people who need to administer the worthy projects in this bill?

A 60 percent cut the gentleman's amendment would effect in this S&E account, it simply cannot stand. So for that reason, I must oppose the gentleman's amendment.

Ms. WOOLSEY. Mr. Chairman, I rise in support of this amendment because I believe we

should respect state authority in regards to medical marijuana.

Like my constituents, I believe that doctors should be permitted to prescribe marijuana for patients suffering from cancer, AIDS, glaucoma, spastic disorders, and other devastating diseases.

The people that I represent from Marin and Sonoma counties have made it clear that they want doctors to be permitted to prescribe marijuana for their patients suffering from debilitating diseases, and I believe that the Federal Government must not stand in the way.

I support this amendment because it would stop the Justice Department from punishing those who are abiding by their state's law. Please join me in supporting this important amendment so that those who suffer from debilitating diseases can continue to get relief without the fear of federal interference.

The Federal Government should get its priorities straight—and stop going after fully licensed physicians and their patients instead of the real criminals.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. POE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 518. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 519. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 520. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to section 38(b)(1) of the Arms Control Export Act (22 U.S.C. 2778(b)(1)(B)) and qualified pursuant to 27 C.F.R. 478.112 or 478.113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

SEC. 521. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 522. Section 313(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459f(a)) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; and the laws amended by these Acts.

SEC. 524. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

SEC. 525. Section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking ''2007'' and inserting ''2009''.

SEC. 526. Section 605 of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note) is amended—

(1) in the matter preceding paragraph (1) by striking ''$25,500,000 for fiscal year 2008'' and inserting ''$30,000,000 for each of fiscal years 2008 through 2010'';

(2) in each of paragraphs (1), (2), (3), (4), and (6) by striking ''2008'' and inserting ''2010''; and

(3) in paragraph (5) by striking ''fiscal year 2008'' and inserting ''each of fiscal years 2008 through 2010''.

SEC. 527. Effective January 13, 2007, section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a) is amended—

(1) by striking ''association'' in subsection (c)(4)(A)(iii) and inserting ''association, among willing parties'';

(2) by striking paragraph (2) of subsection (i);

(3) by striking ''(1) IN GENERAL.—'' in subsection (i) and resetting paragraph (1) as a full measure paragraph following ''(i) TRANSITION RULES.—''; and

(4) by redesignating subparagraphs (A), (B), and (C) of subsection (i)(1) (before its amendment by paragraph (3)) as paragraphs (1), (2), and (3), respectively and resetting them as indented paragraphs 2 ems from the left margin.

SEC. 528. None of the funds made available in this Act may be used to enter into a contract with an entity that does not participate in the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

AMENDMENT OFFERED BY MR. REICHERT

Mr. REICHERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REICHERT:

Page 83, after line 6, insert the following new section:

SEC. 529. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''DEPARTMENTAL MANAGEMENT—SALARIES AND EXPENSES'', and by increasing the amount made available for ''OFFICE ON VIOLENCE AGAINST WOMEN—VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' for the court training and improvements program authorized by section 105 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), by $5,000,000.

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Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The point of order is reserved.

Mr. REICHERT. Mr. Chairman, as a former sheriff of King County in Seattle, Washington, and a member of the Congressional Victims' Rights Caucus, I am proud to offer this amendment along with my colleague from Connecticut, Congressman MURPHY, to provide $5 million to fully fund the Court Training and Improvements Program, offset from the Department of Commerce departmental management salaries and expenses account.

The Court Training and Improvements Program enhances our courts' ability to keep victims of domestic and sexual abuse safe and to hold offenders accountable. It was authorized early last year as a part of the Violence Against Women Act but has not yet been funded. Mr. Chairman, this program must be funded.

I spent 33 years of my life working in law enforcement, and during that time I walked into many unpredictable domestic violence situations. Responding to a domestic violence call is one of the most dangerous calls a police officer can go to. Domestic violence cases have their own unique challenges, and we in law enforcement have had to learn specific strategies for how to deal with those situations. People are physically and mentally harmed and homes are torn apart. I have seen how domestic and sexual abuse not only affects spouses but the children, the families, and the lives of the entire community. Safe homes and families are the root of a safe society.

Statistics show that every year almost 1 million incidents of violence occur against current and former spouses, boyfriends, girl friends, and each year nearly 10 million children are exposed to domestic violence. We need to implement and fund every tool at our disposal to combat this terrible problem.

One of the key ways to reduce the impact of domestic violence is to ensure that our justice system has the tools to deal with these cases. Too often lives hang in the balance as judges and court personnel make decisions without an understanding of the dynamics of abuse and violence in relationships. Judges themselves have repeatedly cited a need and a desire for specialized knowledge and judicial education regarding sex offenders and victims.

The desperate need for trained judges and court personnel was recently brought to light in the tragic case of Yvette Cade. On the morning of October 10, 2005, Yvette was doused with gasoline and set on fire by her estranged husband while at work here in the suburbs of Washington, D.C. At the time of the attack, she had a protection order out against him, but a judge had dismissed her protection order 3 weeks before, saying she didn't need it. This judge had likened victims of domestic violence to buses that come along all the time. Cade's husband was recently sent to prison for attempted murder.

Better-trained judges are essential if we are to keep victims and children alive and hold abusers and rapists accountable for their behavior. I urge my colleagues to support this amendment to improve our courts, protect the victims of domestic violence and sexual abuse, prevent future crimes, and ensure that perpetrators are appropriately punished.

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

Mr. MURPHY of Connecticut. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Mr. Chairman, I rise in support of the amendment. First I would like to thank Chairman MOLLOHAN.

This bill is a vast improvement on previous efforts to fund domestic violence efforts. It goes a very long way. And we rise today with my colleague Mr. REICHERT to simply ask that we fund yet one more important program that has been authorized.

As a child, Mr. Chairman, I remember sitting at home with a baby-sitter while my mother went off to volunteer in a domestic violence shelter, and that memory still stays with me today. Victims of domestic violence require and are entitled to special assistance when dealing with their trauma. However, judges and court personnel need specialized training to deal with these victims in a way that both preserves justice and addresses the severe trauma associated with these crimes.

Some States have already put programs in place to deal with the special needs of these domestic violence victims. My home State of Connecticut is amongst those that has been pioneering these types of programs. In the biggest city in my district, Waterbury, we have a program through which law enforcement personnel, prosecutors, family services organizations, probation officers, and domestic violence advocates all review cases together in an effort to reveal more information about the perpetrator to ensure that victims are protected from further abuse. What makes the Waterbury operation so outstanding is the vertical case management model that should serve as an example to the rest of the country, a model that could be funded under the proposed appropriation in this amendment.

Congressman REICHERT and I are offering this amendment today so that States can have a partner in the Federal Government. Our amendment will fund the Court Improvements Program to train judges and court personnel to better identify and resolve the complex issues involved in domestic violence cases.

Congress has a responsibility to recognize the unique and horrific nature of domestic violence crimes, and we have done that in the underlying appropriation bill today with a new investment in domestic violence programs. Our amendment today simply seeks to fund yet one more innovative program to make sure that courts, prosecutors, domestic violence advocates, and the victims themselves all have the resources necessary to navigate what can be sometimes a very complex system.

I urge adoption.

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

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Does the gentleman continue to reserve his point of order?

Mr. MOLLOHAN. I withdraw my point of order.

The CHAIRMAN. The gentleman withdraws his point of order and is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

If I might, for the Department of Commerce here, the S&E account is now down to $18 million if the last two amendments are adopted and you add it to the offsets that were affected by the amendments that have already passed. The Department of Commerce S&E account, they are just going to have to shut down their office again. I would just encourage Members, when they offer these amendments, to get serious about the offsets. And, my goodness, I don't know what would have happened to President Bush's budget if we had not increased it, because his S&E account would have been really decimated in increasing the Violence Against Women account. We increased VAWA by $60 million over the President's request, $47 million over 2007.

I understand that our colleagues who are offering these amendments are absolutely in the forefront of protecting women. As we oppose these amendments, at the same time we embrace your cause and that that is why we have worked so hard in effecting these funding increases above the President's request. If we had a larger allocation, we would put more money on these accounts.

Having said all that, and because the offset is so draconian to the Department of Commerce, I will continue to oppose amendments with these negative offsets. If we aren't able to restore

the salaries and administrative accounts to the extent these amendments are successful, the Department of Commerce would have to shut down. That is how, as I have used the word before, cavalier we are being about these offsets.

Mr. Chairman, while I certainly support the cause and the purposes of the programs these amendments are increasing funding for, I have to oppose them because of the offsets and because we don't have enough resources to go around, a point which is demonstrated by the offsets that these amendments are having to resort to.

I oppose the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. REICHERT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

The Clerk will read.

The Clerk read as follows:

TITLE VI—RESCISSIONS

DEPARTMENT OF COMMERCE

(RESCISSION)

Of the unobligated balances available to the Department of Commerce from prior year appropriations, $41,848,000 are rescinded: *Provided,* That within 30 days after the date of the enactment of this section the Secretary of Commerce shall submit to the Committee on Appropriations of the House of Representatives a report specifying the amount of each rescission made pursuant to this section.

DEPARTMENT OF JUSTICE

(RESCISSION)

Of the unobligated balances available to the Department of Justice from prior year appropriations, $86,000,000 are rescinded: *Provided,* That within 30 days after the date of the enactment of this section the Attorney General shall submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $41,000,000 are rescinded.

DETENTION TRUSTEE

(RESCISSION)

Of the unobligated balances available from prior year appropriations under this heading, $135,000,000 are rescinded.

LEGAL ACTIVITIES

ASSETS FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $240,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

(RESCISSION)

Of the unobligated recoveries from prior year appropriations available under this heading, $87,500,000 are rescinded.

COMMUNITY ORIENTED POLICING SERVICES

(RESCISSIONS)

Of the unobligated recoveries from prior year appropriations available under this heading for purposes other than program management and administration, $87,500,000 are rescinded.

Of the unobligated funds previously appropriated from the Violent Crime Reduction Trust Fund under this heading, $10,278,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(RESCISSION)

Of the unobligated balances available to the National Aeronautics and Space Administration from prior year appropriations, $69,832,000 are rescinded: *Provided,* That within 30 days after the date of the enactment of this section the Administrator shall submit to the Committees on Appropriations of the House of Representatives a report specifying the amount of each rescission made pursuant to this section.

NATIONAL SCIENCE FOUNDATION

(RESCISSION)

Of the unobligated balances available to the National Science Foundation from prior year appropriations, $24,000,000 are rescinded: *Provided,* That within 30 days after the date of the enactment of this section the Director shall submit to the Committee on Appropriations of the House of Representatives a report specifying the amount of each rescission made pursuant to this section.

AMENDMENT OFFERED BY MR. LAMPSON

Mr. LAMPSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAMPSON:

Page 85, after line 24, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used for business-class or first-class airline travel by employees of the Department of Commerce in contravention of sections 301-10.122 through 301.10-124 of title 41, Code of Federal Regulations.

Mr. LAMPSON. Mr. Chairman, as we consider today's appropriations bill, we are all mindful of how harmful wasteful government spending is to hard-working American families. In fact, just this morning I was joined by the majority leader and some of my Blue Dog Coalition colleagues to highlight many of the smart, fiscally responsible initiatives our new majority is pursuing in Congress this year. American citizens expect the Congress to be good stewards of taxpayer dollars, and when we allow deceptive fiscal practices to continue in our government, we set a bad example for our Nation and create a reckless blueprint for future spending.

That is why I have introduced this amendment to today's bill, which will clarify guidelines for premium travel by Department of Commerce employees. The Department's Inspector General March 2007 report showed that these guidelines are not being followed or controlled properly. In fact, the report has a specific section entitled ''The Department Needs to Tighten Controls, Update Guidance for Premium-Class Travel,'' and includes very glaring findings, notably numerous instances in which the Department failed to authorize or approve properly premium-class travel. The report concludes that the two primary reasons for these oversights are outdated policy and poorly implemented internal controls.

Thankfully, Mr. Chairman, there is a simple solution here that can save the taxpayers their hard-earned dollars and continue good government practices, and it is embodied in my amendment. This amendment offers a direct method of guidance by referencing the Code of Federal Regulations 301–10.122 to 10.124 to withhold funds for such premium travel for Department of Commerce employees. A similar amendment applying to Department of State employees was passed by voice vote last year when the House considered the Commerce-Justice-State appropriations bill.

As we continue to tackle large instances of taxpayer dollar waste and abuse, let's not overlook the small steps that we can take that will help lead the way for good government practices.

I thank my colleagues for their attention to this quick and simple way to practice better fiscal responsibility. I ask for support for my amendment.

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

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Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, we have no objection to the amendment.

I yield to the ranking member.

Mr. FRELINGHUYSEN. Mr. Chairman, we have no objection to the amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. LAMPSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOSWELL

Mr. BOSWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOSWELL:

At the end of the bill (before the short title), insert the following:

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amount made available for the ''DEPARTMENT OF JUSTICE—General Administration—salaries and expenses'', by increasing the amount made available for ''DEPARTMENT OF JUSTICE—Office of Justice Programs—community oriented policing services'', and by increasing the amount made available for paragraph (5) of the last proviso under the heading ''DEPARTMENT OF JUSTICE—Office of Justice Programs—community oriented policing services'' by ''$1,000,000'', ''$1,000,000'', and ''$1,000,000'', respectively.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from New Jersey reserves a point of order.

Mr. BOSWELL. Mr. Chairman, I've just conferred with the Chair of the subcommittee, and he has asked me to offer it and withdraw it, and we will work on it before we go to conference. So out of my respect for him and the ranking member, of course I will do that.

I would just like to say this: In the last 2 years, we have done a little bit more than this for this good cause, and it's something that's helping law enforcement out across the country. And it's not big bucks, it's pretty small. But then again, you've got to work with where you're at. But it does increase law enforcement agencies' access to records on persons who pose a risk to local communities. I can assure you that the law enforcement agencies need this access, as we think about the things that happen to our children and older folks and so on, to be able to access that good information.

So with my appreciation, Mr. Chairman, I will ask unanimous consent to withdraw, with looking forward to working on this at a later point.

Mr. MOLLOHAN. Will the gentleman yield?

Mr. BOSWELL. I will yield to the gentleman.

Mr. MOLLOHAN. The committee has heard the gentleman. In years past the gentleman has been very concerned. He has asked for increases to the Criminal Records Upgrade Program grants, and the committee has been very receptive to that. Indeed, the committee this year has increased funding for this program by $2.1 million over 2007, which in part was an effort to be responsive to the gentleman's consistently expressed concerns about this, and genuine concerns, about this account.

If the gentleman has looked at this carefully, we respect his expertise in this area, and we would be interested in visiting with him as we move this to conference and understanding more clearly the justification for an additional increase.

And because of who the gentleman is, I have no doubt that his reasons are valid. And so we look forward to working with him to find a better offset and to be responsive to his needs, if at all possible, as we move to and through conference.

Mr. BOSWELL. Well, I know your sincerity, and I know the ranking member's sincerity in this area. You have worked very hard on it. And I accept that, with appreciation.

Mr. MOLLOHAN. Well, I just want to emphasize that in response to your efforts, we've increased it this year above last year, so we've already been successful.

Mr. BOSWELL. We will have some interesting discussion, and I look forward to it. Thank you for letting me have this moment.

I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 23 OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I offer an amendment.

Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from West Virginia reserves a point of order.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. GINGREY:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated by this Act may be used by the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives to pay the compensation of employees of the Bureau of Alcohol, Tobacco, Firearms and Explosives to test and examine firearms without written and published testing standards.

Mr. GINGREY. Mr. Chairman, the Bureau of Alcohol, Tobacco, Firearms and Explosives, BATFE, has been in operation without substantial changes since the days of prohibition, bootlegging and gang violence in the 1920s and 1930s.

Last year the House Judiciary Committee considered legislation that would have introduced real reform to BATFE, updating the agency for the 21st century, although time ran out before Congress could get anything accomplished.

One issue of reform I remain particularly concerned about is how BATFE actually tests firearms submitted by law-abiding firearm designers and manufacturers seeking approval to put their product on the market.

Mr. Chairman, without written and uniform standards, gun manufacturers are left guessing about which agent will inspect the firearm this week, whether or not they will be able to ship a product out to potential customers, and whether or not BATFE agents might even prosecute someone because of a shipping mistake or a firearm malfunction. So I have introduced legislation called the Fairness in Firearms Testing Act to address this problem, and it requires BATFE, the Bureau of Alcohol, Tobacco, Firearms and Explosives, to actually videotape firearms tests for the purpose of general oversight, and encourage the agency to adopt these testing standards. However, the amendment I'm offering today would cut right to the point by withholding funds to BATFE if they do not write and publish these testing standards.

More specifically, this amendment creates a level playing field for all United States firearm manufacturers who depend on getting a firearm patented and on the market as soon as possible.

Mr. Chairman, without written procedures, BATFE has literally a free rein to mistreat manufacturers, change their mind after the fact, and leave both manufacturers and customers at a legal and financial disadvantage. In fact, BATFE regulations are so inconsistent that some manufacturers have been threatened with prosecution after receiving written approval for their products from other BATFE personnel.

Since 2002, 85 percent of American firearm manufacturers have been forced to close their doors. Let me repeat that, Mr. Chairman. Since 2002, 85 percent of American firearm manufacturers have been forced to close their doors. There are only 373 licensed firearm inventors and manufacturers left in America. Moreover, with the increase in number of imported firearms purchased by civilians and law enforcement alike, our Nation is at a strategic defensive disadvantage.

Mr. Chairman, I realize that the chairman has reserved a point of order, and he will explain that, I'm sure, momentarily, but it's my understanding that if I do agree to withdraw this amendment, that the chairman and the committee will work with me to help bring reforms to the BATFE, including these written standards, to help United States firearm manufacturers. I would be happy to yield to the chairman and to engage in a colloquy with him regarding that. Otherwise, in the absence of an agreement, then certainly I want to go forward with my amendment.

Mr. Chairman, I yield to the chairman.

Mr. MOLLOHAN. We would, at that point, talk about the point of order a little more.

We want to be responsive to the gentleman. I have not gotten deeply into his concerns, so I'm not sure exactly where he's coming from on this. But I can commit to him that we're willing to talk about it, we're willing to understand more clearly what his concerns are and in good faith work with him. And if there is an accommodation, we certainly want to make it in good faith. But I certainly cannot telegraph or represent to the gentleman an outcome; I can only promise him the process to work with him in good faith on this issue.

Mr. GINGREY. Reclaiming my time, Mr. Chairman, I understand exactly what the chairman is saying. I'm not necessarily expecting any hard and fast promises on his behalf.

And I didn't mean, Mr. Chairman, for the amendment to catch the distinguished chairman of the Appropriations Committee by surprise in any way, not to be blind-sided or coming up at the last minute. We've had the amendment, we filed the amendment. In fact, I had, Mr. Chairman, introduced legislation pertaining specifically to this effect last year in the 109th Congress, so this amendment basically is a follow-up to that legislation.

I want to thank the gentleman from West Virginia, the distinguished chairman. I appreciate your spirit of cooperation. And I know there are some concerns about the amendment, I appreciate that. But I welcome your support on this matter, and I look forward

to working with you. Let's discuss it and make sure you understand exactly where I'm coming from in regard to the amendment. I think it makes a lot of sense, and I hope I can convince you of the same.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. SALI

Mr. SALI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SALI:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Of the funds appropriated in this Act for ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'', $2,000,000 shall be available to provide grants to develop, expand, and strengthen victim service programs for victims of trafficking, as authorized by section 107(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)).

Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from West Virginia reserves a point of order.

Mr. SALI. Mr. Chairman, our great country was founded on the recognition of the most basic rights of mankind, that all persons are created equal and endowed by their Creator, with the rights of life, liberty and the pursuit of happiness. Yet for decades this conviction wasn't perfectly realized because of the blight of slavery, which we fought a civil war to end.

Tragically, this is not just a long-past episode in human history. Human trafficking, frequently referred to as modern-day slavery, is an ugly reality not only in the developing world, but also in the United States. Our country is the destination of thousands of people trafficked for purposes of sexual and labor exploitation.

Between October 2000 and March 2007, the U.S. Department of Health and Human Services had certified nearly 1,200 victims of human trafficking. As Americans, we must defend the dignity of human life.

With my amendment, I propose to designate $2 million of the monies appropriated in this bill for the formation of a task force to combat this barbaric trade coming across our borders in the States of Washington, Idaho and Montana. This task force would join 42 other such task forces nationwide in serving as a cooperative effort between State and local governments, NGOs and compassionate citizens all working together.

The northern border of our country is a point of entry for this horrific practice. In 2004, it was estimated there were between 1,500 and 22,000 people trafficked through Canada to the United States, numbers that some observers believe significantly understate the problem.

Currently, however, there are no human trafficking task forces along most of the northern borders of Washington, Idaho and Montana, yet these same States cover more than half of the northern land border of the United States, hundreds of miles of which are extremely rural and rugged, being patrolled only by officers on horseback or even on foot, if patrolled at all. Given the rural nature of these northern borders, opportunities for human trafficking continue, with few resources available to the many rural communities along the same border.

By my amendment, I seek to make $2 million in the DOJ budget available in grant funds to establish the Tristate Task force to provide training and resources to rural communities in Washington, Idaho and Montana to combat human trafficking. This important task force will work to coordinate local efforts to combat modern-day slavery.

This measure goes to the heart of equality, dignity and worth of every person. I ask my colleagues to join me today in the defense of these essential American values and support this amendment.

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

Mr. MOLLOHAN. Mr. Chairman, I continue to reserve my point of order.

The gentleman raises an interesting concern. We have just been handed this amendment. We would be pleased to work with the gentleman as we move forward.

□ 2030

In response to his withdrawing the amendment, we are going to have to insist on our point of order if we don't proceed in that fashion. I hope the gentleman will allow us to work with him.

Mr. SALI. Mr. Chairman, if the gentleman will yield, I would agree to work with the chairman.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act to the Department of Justice may be used, with respect to the States of Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont, and Washington, to prevent such States from implementing their own State laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

Mr. HINCHEY. Mr. Chairman, I am introducing an amendment that is designed to protect States' rights and to provide people across our country in these 12 States that have passed laws authorizing the use of marijuana for medicinal purposes to have access to that medical use.

It is a very simple, very serious proposal. The Constitution of the United States is very clear. It authorizes States' rights in every other area that is not specifically designated to the Federal Government. One of those main areas is health care. The States have the authority to take care of their own people and to make sure that they have access to the best possible health care.

The amendment is supported by a number of other important organizations across the country, in addition to organizations in those 12 States of Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont and Washington that have passed laws authorizing the medicinal use of this product. Two of those States have passed it through their legislatures. The other 10 have passed it by means of referendum. In other words, the people themselves have passed this in referendum.

This is an amendment that really should be adopted. It doesn't do anything to stimulate any violations of the law. It just says those States ought to be able to determine how to take care of their own people. There are a variety of ways in which that can be done to make sure that they get proper attention.

I yield to the gentlewoman from California.

Ms. LEE. Mr. Chairman, let me thank the gentleman from New York for yielding and also for his leadership and for continuing to beat the drum on this very, very important issue.

Mr. Chairman, this amendment is about allowing State governments to provide relief for a small, very important group of people who are suffering from chronic pain or terminal illness. This amendment does not encourage or make legal the recreational use of marijuana. Eleven States, including my home State of California, have legalized medical marijuana, with clear guidelines for doctors' approval before usage.

For example, a constituent from Oakland, Angel Raich, has been diagnosed with more than 10 serious medical conditions, including an inoperable brain tumor. Ms. Raich and others who use medical marijuana are simply trying to relieve their crushing pain while following the guidelines and laws that their doctors and the States have already established. Taxpayer dollars shouldn't be spent on sending seriously or terminally ill patients to jail. Their doctors, not Congress, should decide which drugs will work best.

Mr. Chairman, I urge my colleagues to vote ''yes'' on this amendment and ensure that patients' rights are upheld. This is the right thing to do. This is the compassionate thing to do. This is about health care.

Mr. Chairman, I want to thank the gentleman from New York again for once again offering this amendment.

Mr. HINCHEY. Mr. Chairman, reclaiming my time, I want to make it clear that there are many dozens of organizations that are focused on health care and constitutional rights across the country; not just in those 12 States, but in a lot of other places, as well, who have endorsed this idea and support this amendment.

They include the American Nurses Association, the American Public Health Association, and the Leukemia and Lymphoma Society. Medical societies all across this country have endorsed this amendment because they know it is in the best interests of people suffering from diseases such as AIDS, cancer, glaucoma and others that can be relieved of pain and suffering and be of assistance in recovering from the debilitating aspects of these diseases.

It simply makes good common sense for us to authorize this amendment. I hope that the majority of the Members in this House of Representatives will now take this opportunity to support good health care for Americans and also support this basic provision of the Constitution.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, not only does this amendment hurt law enforcement's efforts to combat drug trafficking, but it sends the wrong message. Marijuana is the most widely abused drug in the United States. According to the Drug Enforcement Agency, which is under the jurisdiction of our committee, more young people are now in treatment for marijuana dependency than for alcohol or for all other illegal drugs combined.

This amendment does not address the problem of marijuana abuse and possibly makes it worse by sending the message to young people that there can be health benefits from smoking marijuana.

Our committee received a letter last week from John Walters, director of the Office of National Drug Control Policy opposing the gentleman's amendment. He warns of the potential public health impacts of encouraging the unfounded belief that smoking marijuana is a safe and effective medicine, contrary to prevailing expert opinion.

Last year, our own FDA stated: ''Smoked cannabis has no acceptable medical use in treatment in the United States,'' and that no animal or human data supported the safety or efficacy of marijuana for general medical use. Furthermore, the FDA has not approved smoked marijuana for any condition or disease indication.

Mr. Chairman, I urge rejection of the gentleman's amendment.

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

Mr. MOLLOHAN. Mr. Chairman, I ask unanimous consent that the gentleman from New York have 3 additional minutes.

The CHAIRMAN. Without objection, the gentleman from New York is recognized for 3 additional minutes.

There was no objection.

Mr. HINCHEY. Mr. Chairman, I just want to point out that the people who are opposed to this amendment, including the gentleman who just spoke, apparently do not understand what we are doing here.

This amendment does not affect States, other than those that have passed laws with respect to medical marijuana, only those 12 States. This amendment would not require or encourage other States to adopt medical marijuana laws. This amendment would not stop law enforcement officials from prosecuting the illegal use of marijuana. This amendment does not encourage drug use in children. Teen use of marijuana has declined in States that have passed medical marijuana laws, and in some of those States it has declined dramatically.

The purpose of this amendment is to allow these States to give relief to people suffering from horrific diseases without fearing Federal intervention or prosecution. At stake in this debate is who should be deciding what is best for patients: Should it be the patients themselves, the doctors, or should it be arbitrarily somebody in the Federal Government?

Support this amendment and support States' rights and compassion. Doctors in these 12 States know what is best for their patients. The Federal Government should not stand in their way.

I yield the remainder of my time to the gentleman from Tennessee.

Mr. COHEN. Mr. Chairman, I had a dear friend named Oral James Mitchell, Jr. Oral James Mitchell, Jr., was a Navy SEAL. He fought in Vietnam. Oral James Mitchell, Jr., got pancreatic cancer. He lived in Bethesda, Maryland, a 210-pound strapping man that you would want on your side in a fight, and I have had on my side in a fight, and this country had on its side in a fight in the Vietnam War.

When he had pancreatic cancer, he smoked marijuana. And his 88-year-old Irish Catholic mother said to me, ''Thank God for the marijuana. It is the only thing that makes Oral smile or eat.''

I watched that man go down to 115 pounds and die. And Mrs. Mitchell was correct. As he was dying of pancreatic cancer, if he was in a State that made it legal, States' rights say they should have some authority, and Brandeis said States are the laboratories of democracy. And as laboratories of democracy, we ought to experiment and find out if it works and if it is good for people who are dying, if it gives them some relief. If it is glaucoma, if it is cancer, whatever the illness, they should have that relief.

I would ask that we not have the Federal Government and DEA infringe on the laws of the States that have had changes in their laws, oftentimes through referenda of their people, and we allow those States to be the laboratories of democracy and not interfere with people who are dying, people who might have given their lives for this country, but who are dying and get some respite and some relief.

So I ask you to pass this and allow States to have rights and people to have some relief in their dying days.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Chairman, I rise in opposition to this amendment.

I just want to say a few words about marijuana. First of all, it does cause cancer. I have seen it. I have seen people with lung cancer, no risk other than they were chronic marijuana smokers.

Additionally, the last time we were debating this bill, I called one of my former colleagues in my medical practice who is an oncologist, I had three oncologists, and I asked him for the latest information on cannabis, or THC. He again informed me this is available in pill form. You can actually get it in pill form. Additionally, it is not a very good antiemetic and not a good appetite stimulator. There are about 18 different products legally available that doctors can prescribe.

By and large, most of the people who want to use this want to get high and there are consequences to letting this move forward.

Saying that this State and this State allows this, we need to remember something: States govern where you practice medicine. If I want to practice medicine here, I have got to get a license in the District of Columbia. If I want to open a satellite office, I have got to get a license in Maryland or Virginia. But the Federal Government regulates prescribing, for obvious reasons. If the patient comes in to see me here and lives in Virginia, they are going to go over to a pharmacy there. So the Federal Government has always regulated this.

There are significant consequences to making this product widely available, and that is what this amendment will do. This is a very, very bad amendment. Marijuana has been implicated in railroad accidents. It has been implicated in car accidents. It is documented to have an adverse effect on memory.

Jeepers, we have people dying in this country from the effects of cigarettes. We have people dying in this country from the effects of alcohol. We have people in this body wanting to ban cigarettes and ban smoking. And now we are going to take action to allow another dangerous substance on the market? And there is an agenda of the people who are behind these kinds of amendments.

□ 2045

They want to legalize marijuana, and they want to make another dangerous product available to our society. I think that this is a bad direction for us to go in. This a bad amendment and a dangerous amendment. I would encourage all of my colleagues to vote ''no'' on the amendment.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Hinchey-Rohrabacher amendment, which would prohibit any funds made available in this act to be used to prevent implementation of legally passed State laws in those 12 States that have authorized the use of marijuana for medical purposes.

The Founding Fathers wanted criminal law to be the domain of local and State governments. Sick and infirm people who live in the 12 States that have been granted by the voters in these States the legal right to use marijuana to alleviate their suffering if a doctor agrees, we should not make them targets of prosecution. If the voters in a State have so voted, and a doctor agrees, it is a travesty for the Federal Government to waste scarce Federal resources to harass sick people, elderly cancer patients and frail, multiple sclerosis sufferers and prevent them from getting the relief their personal doctors have recommended.

We have heard here hysterical talk about how voting for this amendment will somehow prevent the Federal Government from being able to go after narcotics traffickers. That is nonsense. The DEA would still have the power to arrest anyone selling marijuana for recreational use, as well as anyone selling cocaine or any other drugs. After all, although related to opium, yes, and even heroin, morphine is already used legally in hospitals throughout the United States. That does not mean that we are going to open up the whole country to heroin because we allow hospitals to use morphine.

Whether morphine or marijuana, the fact is that Federal resources could be better used and shouldn't be wasted on arresting sick people or their doctors. Those Federal resources, if this amendment passes, can be redirected away from these people, but to major drug traffickers or crime syndicates. That makes a lot more sense than trying to stop somebody or arrest somebody who has a doctor's prescription because they are suffering from cancer treatment. It makes more sense to focus on the drug dealers, for Pete's sake.

Here in the House there is a wide coalition of Republicans and Democrats, conservatives and liberals, and this number has grown year by year, who want to promote State autonomy on this issue. This is what the Founding Fathers wanted. Criminal matters should be left up to the States.

A vote ''yes'' on Hinchey-Rohrabacher is a vote to respect the intent of our Founding Fathers and respect the rights of our people at the State level to make the criminal law under which they and their families will live. It reinforces rules surrounding the patient-doctor relationship, and it is in contrast to emotional posturing and Federal power grabs and bureaucratic arrogance, which is really at the heart of the opposition.

This is a vote for good government. This is a good vote for honest compassion. The legal, humanitarian and practical thing to do is to vote ''yes'' on this amendment.

Let me just note this. I have had personal experiences on this, and I certainly respect Dr. WELDON and his opinion. And I have asked him for his opinion many times for problems of my own. But I lost my mother, and I recently lost my brother, to cancer. I will tell you in both cases there was a loss of appetite and just a pessimism that came over my mother and my brother both. If marijuana would have helped them, and if a doctor would have prescribed it for them, it would have been a horrible thing to think that Federal agents would come in and try to interfere with that so they would not be able to get marijuana, if that is what their doctor felt would have helped them.

That is what we are deciding today: Is that a right use of resources, number one, to go in and interfere with this doctor-patient relationship? They already use morphine in hospitals. That doesn't interfere with people trying to get control of the sale of heroin on our streets. No, this will not interfere with that. But what this will do is prevent a terrible waste of Federal resources.

And let us note again, if people are sick, and a doctor says yes, this would be a good treatment, I don't think our Founding Fathers, who wanted the State governments to make these criminal laws, but I don't even think that they would have wanted the State governments to interfere in such a relationship.

Our Founding Fathers believed in individual freedom, and they believed in limited government. Where else but in the doctor-patient relationship should we have a limit on the government coming in and making things criminal matters? I urge my colleagues to vote ''yes'' on the Hinchey-Rohrabacher amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT OFFERED BY MR. POE

Mr. POE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POE:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated in this Act may be used to enforce—

(1) the judgment of the United States District Court for the Western District of Texas in the case of United States v. Ignacio Ramos, Et Al. (No. EP:05–CR–856–KC) decided March 8, 2006; and

(2) the sentences imposed by the United States District Court for the Western District of Texas in the case of United States v. Ignacio Ramos, Et Al. (No. EP:05–CR–856–KC) on October 19, 2006.

Mr. POE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in my previous life before coming to Congress, I was a prosecutor in Texas for a long time. Then I was a criminal court judge. Justice is one thing that we should always find in our country, but we don't always find it in our courts, unfortunately.

This case that has now become very famous throughout the United States happens to deal with two border agents doing their job. They come in contact with a drug dealer on the violent Texas-Mexico border. The drug dealer bring in a million dollars' worth of drugs in a van. He abandons the drugs and the van, takes off, tries to run back to Mexico, gets in a confrontation with our border agents. Shots are fired. He is shot in the buttocks and disappears into Mexico.

Our Federal Government brings the drug dealer back to the United States and grants him immunity from prosecution of a million dollars' worth of drugs in order to prosecute the border agents who were doing their job. He was given that immunity and testified against the two border agents. They were convicted and sent to a Federal penitentiary for 11 and 12 years. And for the most part of their sentence, which started in January, they have been in solitary confinement, what we reserve normally for the hardest and meanest and most violent criminals in our society.

It turns out that this drug dealer was not just a mule bringing in drugs to get a little money for his sick mother back in Mexico, but while he was waiting to testify, given immunity, he goes back to Mexico and brings in another load of drugs worth about $800,000.

Our Federal prosecutors knew about that second load of drugs, but they insisted that the jury not know about that second load of drugs, and the jury never heard about that second load of drugs.

It is relentless prosecution in this case that is chilling the effect of our border agents on the border to do their job, which is to enforce the rule of law, to arrest drug dealers. Our Federal Government had the choice to prosecute two border agents that violated

policy, or a drug dealer bringing in a million dollars' worth of drugs.

Now, you would think that public policy would say we would go after drug dealers. But no, our Federal prosecutors went after the border agents. We still don't know why they were so relentless in that prosecution, but they were. So tonight, while we are here, we have two border agents serving time in the penitentiary.

This amendment simply tries to right a wrong. It requires that no funds be used to incarcerate either one of these two border agents, Ramos and Compean, any further, and that they can be released from custody.

Almost everyone agrees that the punishment is way out of line. Even the prosecutor said that once. Last week the Senate held hearings on the prosecution of this case in a bipartisan manner and said that these sentences were way out of line. And so this amendment will simply allow no Federal funds to be used to incarcerate these two border agents.

Hopefully the House will continue to have hearings on why these two agents and other border agents have been prosecuted by the Western District of Texas while ignoring other violations of the law by drug dealers.

I hope that my fellow colleagues on both sides of the aisle would agree to support this amendment and to allow the release of these two individuals, and not allow any Federal funds to be used to incarcerate two men who were simply doing their job for the rest of us on the violent Texas border.

Mr. CULBERSON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Mr. Chairman, every American is born with an innate sense of fairness and what is right and wrong. This case, more than any other, has struck a chord among Americans as being fundamentally unjust and flat wrong; that two law enforcement officers who swore an oath to protect this Nation, who were out on that violent Texas-Mexico border to protect this Nation against criminals and terrorists, every American understands the case where the two Border Patrol agents doing their job are thrown in prison for 11 and 12 years, and the drug smuggler goes free with a visa to pass back and forth as often as he wants. And the drug smuggler sues us, the taxpayers, for millions of dollars. Every American gets that.

I have never seen a level of outrage among my constituents and really across the country on any issue as there has been on this issue of freeing Border Patrol Agents Ramos and Compean.

It is patently unfair these two men, whatever you may say about the circumstances of the case, if they improperly picked up shell casings, they did not report the shooting, it is an administrative violation. At most you fire them from their job. But to be sentenced to 10 to 12 years in prison, these two law enforcement officers, to be sentenced to prison for 10 to 12 years is an outrage. It is just, it is unfair. The drug smuggler to this day is free.

As Judge POE said, the drug smuggler ran another load of dope into the United States, and the DEA knew about it during the trial of this case. This guy ran more drugs into the United States, and the prosecutor ordered the DEA not to arrest him and let him go free.

Every American understands this case. People may not have understood the Nigerian oil barge transfer and the Enron case; everybody gets this one. And the Congress, I am very proud to stand here tonight with many, many other Members of Congress who have asked the President first to pardon these two officers. And now that they are in prison and have suffered so much and have lost everything, many of my colleagues, who you will hear speak, have joined together in writing a letter and asking the President, and we reiterate that call tonight, Mr. Chairman, asking the President to commute the sentences of two Border Patrol agents, Ramos and Compean, for the same reason that he commuted the case of Scooter Libby.

In the case of Scooter Libby, the President said the sentence did not fit the crime. Certainly that is true here. If they picked up shell casings and didn't report the shooting, you don't go to prison for 10 and 11 years. In the case of Scooter Libby, the President said Scooter Libby had already suffered enough. Clearly these two Border Patrol agents have already suffered enough. They have lost everything. Their lives have been destroyed. They have been thrown in prison. It is just simply wrong for their incarceration to continue another day.

For whatever reason, the White House is turning a deaf ear on the call of the American people, the overwhelming outrage of the American people to have these two men released from prison. So what other choice do we have, Mr. Chairman, as Members of Congress, but to cut off the funding to the Bureau of Prisons to incarcerate them? We cannot as Members of Congress send a stronger signal to the White House and to the American people how committed we are to protecting this border and standing behind our law enforcement agents, and letting the Border Patrol agents know that we are proud of them and support the work that they are doing for the sake of our children and for the sake of our constituents. We understand clearly that we will never win the war on terror until we have truly protected our borders.

□ 2100

The border today is unprotected and wide open. If you cross in Arizona, you won't even be arrested the first 15 times you cross over. You're going to be put right back across the border.

If you cross in Brownsville, an agent told us on a trip just a couple of weeks ago, Brownsville will only arrest an illegal alien if they come up and knock on the window of the vehicle.

But yet, right next door in Del Rio, thank God Del Rio is arresting everybody. In Del Rio, using existing law and existing resources, Federal Judge Alia Ludlum, Border Patrol Sector Chief Randy Hill are arresting every single illegal alien crossing the border in Del Rio. They have zero tolerance for illegal aliens crossing in Del Rio. The local community loves it because it keeps the streets safe, the schools safe, the business community thriving. The illegal crossings have plummeted, burglaries have plummeted, and the result in Del Rio is peace and quiet. Yet, right next door in Brownsville there's chaos.

So, we all of us have a stake as Americans. In winning the war on terror, you've got to secure the border. No better way to secure the border than enforce existing law, and the best way to make sure that our agents out there in the field know that they're going to have the support of the American people is for the President to step up and commute the sentences of these two border patrol agents.

Until that happens, it is up to us here in Congress to do all that we can to send a message to every border patrol agent that we're doing everything within our power, officers of the law, to support you, to tell you we're proud of you. You are in front lines of the war on terror on the border, just as our soldiers are in Iraq.

I urge the Members of the House to support Mr. POE's amendment so we can stop the funding of the incarceration of these two agents and send as strong as possible a message to the White House and, frankly, also to every law enforcement agent in the field that we're proud of you and that we want you to protect our border.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Well, with Mr. CULBERSON speaking on this issue with such knowledge, he's a member of our subcommittee and I respect his knowledge of border issues so much that I approach this debate with fear and trembling. I know that he is passionate about this issue as he has talked with me about it before, in addition with the other border issues that I'm totally serious he is nigh an expert on.

Nevertheless, Mr. Chairman, I have to rise in opposition to this amendment for a number of reasons, but principally, let's get our jobs straight here. We're article I. We're the legislature. We pass the laws. We appropriate the dollars, and then the executive branch, of course they administer, and it goes on and on.

But the executive branch is article III, and the executive branch takes

these criminal cases and they process them. I heard some really excellent defense summary arguments here before juries in support of this amendment. I cannot imagine a body less capable, less appropriate to adjudicate the issues surrounding the incarceration, conviction, prosecuting of the cases against these two gentlemen than the United States House of Representatives.

First of all, it is a very serious issue, and if we were to act as a jury, we ought to be sitting here. And look around and we're not, not very many of us.

But secondly, it's not at all the appropriate forum. So we really shouldn't even be taking this up. This is a limitation amendment on an expenditure of funds to incarcerate two individuals who have been processed, due process arguably, and have had a very unfavorable result so far as they are concerned. This issue ought to be resolved in the courts surely, or if the President of the United States wanted to take it up, he has the power that we don't have, to my knowledge. He has a pardoning power. We don't have that here, but in effect, we are attempting to act as if we did here with these two amendments.

So I don't even begin to speak to the merits of the cases, and some folks have spoken to the merits of the cases here. I don't have the facts to argue the case, but I do know this is a particularly inappropriate forum and a particularly inappropriate and imperfect process by which to address these gentlemen's grievances.

So I rise in opposition to the amendment. I trust the body will recognize the merit of the arguments that I'm making, because I think they're sound, and will likewise oppose these amendments.

Mr. Chairman, with that, I yield back the balance of my time.

Mr. TANCREDO. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Colorado is recognized for 5 minutes.

Mr. TANCREDO. Mr. Chairman, in fact, this is not a unique situation, unique to the extent that the House has not acted before in a criminal case of this nature, but in fact, the House has acted in the past to intervene in cases where we have determined that the outcome was something we did not agree with. We've done it. We've stripped courts of certain abilities to actually hear cases.

In the past, we've actually passed legislation to change or overturn cases. One was, of course, the case of the Ten Commandments. Another one was, I believe, Congressman BERNIE SANDERS at the time passed a bill to overturn a case with regard to pension funds. So it is not unique that we would be doing this.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. TANCREDO. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, my only point is that we have the power to define jurisdictions for the courts. It's in the Constitution. We don't have power to adjudicate the guilt or innocence of two individuals.

Mr. TANCREDO. Reclaiming my time, it is again not the position that we are taking here that we are, in fact, changing the decision of the court in regard to their guilt or innocence. We are saying that the punishment handed down is far in excess of what it is they may have done wrong, and that is something I think that we have the absolute ability and right to do here.

These two gentlemen have served now 190 days, 180 days, something, already in prison, and for what? I mean, the most significant thing that we can actually determine, even according to some of the discussions that have been held and some of the statements that have been made by the prosecuting attorney, they're sorry. They made mistakes in terms of maybe using the type of prosecution that would require this kind of penalty. They have even said this may have been the wrong thing to do. Members of the jury have indicated that if they had seen all of the information now provided to them they would not have voted this way.

So it isn't an issue of the facts of the case so much as it is whether or not we believe these people have actually spent enough time in jail, have they been punished according to the crime. And I would suggest to the gentleman that if you look at this case carefully, certainly that is the case.

The person that brought this stuff through, the individual that actually was the drug dealer, he is walking free. I have visited Mr. Ramos in prison after he was severely beaten in his cell. They attacked him in his cell, of course, because they found out he was a Federal agent, and I went down there and visited him. You cannot imagine how, in a way, heartbreaking it is to see this guy in the orange jumpsuit, in shackles, and knowing that he is being deprived of the comfort of his own family, as is Mr. Compean, and here's a drug dealer that's going free in the meantime. It is absolutely incredible. This is a travesty.

We have begged the President to please become involved with this, please pardon, please commute. He has chosen not to. This is the only option we have open to us, and that is why we are doing what we're doing tonight.

And yes, to some extent, I understand that it is not a common practice here, but I think the situation is not an ordinary situation where we have two people who have sworn to defend and protect this country. They are in jail. They have served enough time; that's what we are saying. They have served enough time.

Please adopt the Poe-Tancredo-Hunter amendment.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. TANCREDO. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I commend the sentiments of the gentleman who's bringing forth this amendment. I don't for a second do anything but think that that's laudable, and I make no judgment about the merits of this case. As the gentleman describes the merits in the favor of these gentlemen, they're powerful. I mean, it sounds like the equities are running all in their favor. I make no comment on that at all because I don't know the facts. And I have read about it, and it does make one sympathetic based upon the facts as you cited.

But I don't make any judgments about that. I just oppose it because I don't think this is the right forum. The President, of course, would be an appropriate forum, but that's the only basis of my concern about the amendment. So I commend the gentleman for bringing the issue to the House.

Mr. TANCREDO. I thank the gentleman. If there were another way to do this, I assure you we would look at it. We have tried everything imaginable to get these two people to actually get justice, and the justice would be to set them free. And that is what I suggest we do with this amendment, and I certainly would urge this body to adopt the Poe-Hunter-Tancredo amendment.

Mr. FARR. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, I didn't come here to speak on this issue. I've certainly, I think like most Members of Congress, been following the sensation that television and others have made of this issue. But in the debate, I just wanted to share a couple of things that I've observed as a member of the Appropriations Subcommittee on Homeland Security and as Member of Congress who spent several days traveling all along the border with the Border Patrol.

It was very interesting because I ran into a lot of people that had been detained. I speak Spanish and was able to interview many of the people that were detained, and we don't really get into the day-to-day administration of the detention, release and so on. What was very interesting and kind of surprising to me, because this case has been argued in the media and certainly here on the floor, I was a little bit shocked by the last speaker who indicated that this is not a matter of facts. It is a matter of facts, and I think that we don't always deal with the facts.

I would point out that the drug dealer, the person that was shot in this case, was released. Did you know that the U.S. Attorney's office does not prosecute anybody who brings less than $5,000 worth of drugs across the border, less than $5,000? A lot of those marijuana packs that the smugglers carry are determined to be less than $5,000, and so nobody who is essentially

a mula is arrested, arrested but not detained.

We also, when we detain people, we give them the option, Do you understand you're now arrested? You have the right to a trial by jury as anybody in this country would have a right to unless you waive it. And 99.9 percent of everybody waives that and, therefore, gets released to their country of origin.

So this catch-and-release is not unusual. In fact, it's the norm, and the fact that this gentleman wasn't prosecuted for his drug record is of other facts.

What really struck me, and I'm just sharing, this is anecdotal information, but I think this amendment and the Congress bringing this up, in my opinion, is an abuse of power. Why? Because if, indeed, and I don't know the sentencing of these border patrolmen, but I know that there is a process if these sentences are extreme, you can appeal those. We have a sentencing commission, and the courts certainly review that. And so I think there is a remedy within our justice system to appeal where the sentences are too harsh.

But here's the thing that's most interesting to me. I didn't find one single member of the Border Patrol that supported these two people that had been arrested, who had been convicted by trial of law. So, on this floor, you're making them out as national heroes. They were convicted in a court of law in the United States for wrongdoing, and I think that, as the chairman has indicated, that it is not wise for the Congress to second-guess and make this a sensational case.

I've visited high school friends who were convicted of drug issues in prison, and I sympathize with everything that people say about these gentlemen, about their families and about the situation of being incarcerated. But I'm also concerned as a Member of Congress that we ought not to override the jurisprudence system that we've established in this country, and that I do think that the remedies in law lie in a court of law, and therefore, this amendment is not appropriate.

Mr. Chairman, I yield back.

Mr. HUNTER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, let me explain why this case is different from all the rest. This is an extraordinary case. It's a case which, even if you accept the drug dealer's word and all of his testimony as fact, finds results in not only the Members who have sponsored this amendment, Mr. POE, Mr. TANCREDO, myself, Mr. ROHRABACHER, Mr. CULBERSON and many others, that list should be extended to about 1 million ordinary Americans who now know the basic facts of this case, having been laid out in hearings in the other body and soon to be laid out in hearings here, because these gentlemen have been given murder verdicts. They have been given time in excess of the average convicted murderer in the United States.

□ 2115

That's what makes this case so extraordinary, along with the facts that attend the way evidence was kept from the jury.

Let me just explain this extraordinary case, this case in which the so-called victim was moving close to $1 million of drugs across the border, was shot, was wounded, was brought back into the United States, given immunity to testify against these two Border Patrol agents.

Yet after he had been given immunity, and presumably had told the U.S. attorney that in exchange for that immunity he would not continue to move narcotics, he was connected with another massive case of moving almost another $1 million of drugs across the border. That information was never communicated to the court, even though the testimony of that drug dealer is the testimony that sent both these agents to the penitentiary for, essentially, murder sentences; that is, 11 and 12 years respectively.

Certainly the U.S. Government at that point had an obligation to go to the court and tell the court that, indeed, the credibility of their key witness had been doubly compromised by this second movement of narcotics.

Lastly, let me just say this: Pardons are given, commutations are given. This is, I think you could look at this as maybe another species of commutation. That is, if the Congress speaks loud and clear, and the President signs this bill, then that will be a commutation of the sentence of Agents Compean and Ramos.

In light of the commutations that have been given recently by the executive branch, I think we need to remember that people that live in small houses sometimes have a right to commutations of sentences, just like people who live in big houses.

In this case, these two Border Patrol men are now in isolation, having spent a long time in jail, Mr. Ramos having been beaten up. Their families, most of us have met their families. This is a matter of little children wanting to see their daddies come home who, in my estimation, have not broken any law anywhere as significant as that which would justify these massive sentences that they have been given, this 11 and 12 years in Federal penitentiary, respectively.

Let me add my voice to support of this amendment, which I, along with a number of other colleagues have cosponsored with our great friend from Texas (Mr. POE).

Mr. Speaker, I yield to Mr. POE the balance of my time.

Mr. POE. Mr. Chairman, how much time do I have?

The CHAIRMAN. There is 1 minute remaining.

Mr. POE. I appreciate the support. I would like to comment on the comments earlier by the gentleman from California.

It is true. I don't know if the American public knows this, but if drug dealers bring in $5,000 of drugs or less, they are not prosecuted. But this wasn't a $5,000 case. The drug dealer first brought in $1 million worth of drugs, and in the second case he snuck in $800,000 worth of drugs. The jury was never told about that.

The other thing I would like to point out is that Members of Congress met with the Homeland Security inspector general about this case. They gave us information that turned out not to be true. Mr. Skinner finally testified under oath before Congress that the information they gave us about this case was false. That is disconcerting in this type of matter when we have Homeland Security telling Members of Congress things that are not true about this particular matter.

I don't have time to go on that, but I would ask for support of this case. This is the only remedy available. In my judicial experience, I do believe in our court system, and our courts eventually will work this case out. It will be reversed, but meanwhile they are in jail. The only way they can get out of jail is if we pass this amendment. I appreciate it.

Mr. GOODE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODE. Mr. Chairman, I was over in my office signing letters, and I heard the discussion on the floor about Ramos and Compean, and I heard what the great gentleman from West Virginia had to say. He talked about procedures and how, really, this would be better off left to the courts in some other avenue.

But this is not about procedure. It's not about some rules and regulations that we must adhere to over what is just. What is just in this case is to set Ramos and Compean free.

This is an issue of what's right for the United States of America. The morale of our Border Patrol has had a truck driven through it by those who have prosecuted and persecuted Ramos and Compean. They deserve no more prosecution. They deserve no more persecution. They need to be set free and enhance the morale of our Border Patrol and enhance the security and integrity of the United States of America.

This is an issue about our borders. If you believe that our borders should be secure, and if you believe that those who enforce our borders should be stood up for, you need to vote ''yes'' for this amendment.

I ask you to vote for our country. Vote for our sovereignty, vote for our borders and vote ''yes'' for the Poe-Hunter-Tancredo amendment.

Mr. ROYCE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. ROYCE. Mr. Chairman, this amendment would prevent the expenditures of any funds for the purpose of enforcing the judgment or imposing the sentences handed down in the case of United States v. Ignacio Ramos and Jose Compean.

As most of you know, President Bush so far has rejected appeals by many of us for a pardon for these two Border Patrol agents who are now sitting in Federal prison for shooting a professional drug smuggler who worked for the cartels, who was fleeing back across the Rio Grande. These two agents are now serving 11 and 12 years, respectively.

I have talked to many Border Patrol agents about these cases, about the circumstances they face down there. I haven't found any that don't support Jose Compean and Ignacio Ramos, and certainly their association supports them fully.

In the meantime, of course, the great irony here is the smuggler they apprehended for attempting to smuggle some 750 pounds of drugs into our country is free.

The U.S. attorney here claimed that the agents fired on an unarmed man, but how do we know that? Because the U.S. attorney asked the jury to take the smuggler's word for that and to disbelieve the two Border Patrol agents who testified they thought he had a gun.

I can tell you I held numerous hearings down there on the border in Texas in the past, over 400 attacks on our Border Patrol agents. The family members of the individual here who was smuggling say he would not move drugs without a gun on him. That is what his own family says about him.

Frankly, it does take a stretch of the imagination to believe that an employee of a cartel down there would not have a gun somewhere near him moving this quantity of drugs.

Now, the U.S. attorney said the agents failed to file a report for their actions, and that proved they tried to cover up the shooting. I am not sure that was true. Two of their supervisors were on the scene within minutes, and the agents made a verbal report to them, according to Ramos and Compean.

Failing to file a written report is an administration violation and normally punishable by a 3-day suspension, but it is the supervisor who is supposed to file that report, as I understand it, not the agents.

The U.S. attorney says that Ramos and Compean were convicted by a jury in Texas after all the evidence was presented. But, the U.S. Attorney, his team, prevented crucial evidence from being admitted in the trial. For example, the jury did not learn that the smuggler committed a second smuggling operation while he was under the grant of immunity given by the U.S. attorney. That information was withheld from the jury while it was argued that the agents, that the Border Patrol agents, couldn't have known he was a drug smuggler, even though there was this quantity of drugs in his van.

The U.S. attorney had prosecutorial discretion in choosing to do this, and he chose to throw the book at Ramos and Compean while giving the professional drug smuggler a visa that allowed him free passage across our border to smuggle again. The attorneys for Ramos and Compean have filed an appeal with the U.S. circuit court asking for a new trial. They deserve a new trial. Yet the quickest and surest way to manifest this injustice is for President Bush to grant a full pardon or, at a minimum, a commutation of the prison sentence.

These men deserve better, and today we have an opportunity to right that wrong. By voting for this amendment to free these men, Congress will not only be correcting a terrible mistake, it will begin repairing the morale and effectiveness of our Border Patrol that have been damaged by, frankly, these reckless actions.

It's time to send a different message to both the courageous men and women of the Border Patrol and to the mules and to the bosses in the drug cartels. Let's send that message today by telling the cartels that our Border Patrol means business, not business as usual.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Chairman, the Ramos and Compean prosecution has been the greatest miscarriage of justice in my 30 years in Washington, DC, and, believe me, I have seen a lot.

Ramos and Compean were veteran Border Patrol agents. They had unblemished records. They had both served in the military. Ramos and Compean were veterans of the Border Patrol, 5 and 10 years, respectively. Both had been in the military. In fact, Mr. Ramos, I believe, had been a 10-year veteran. He was a naval officer in the Navy Reserve for 10 years. Ramos had been nominated the year before as Border Patrol Agent of the Year.

Yet these two agents, their lives have been destroyed, and they have been vilified by Department of Justice officials and this administration. One day 2 years ago, they interdicted a drug dealer. After a scuffle ensued, the drug dealer ran toward the border, shots were fired, the drug dealer was shot in the buttocks. At the end of this incident that took place in just a few minutes, where a split-second decision was made to shoot their weapons, they decided that he had gotten away. They didn't know that the drug dealer had been hit.

There is where they made their mistake. They decided to not go through the 8 hours of arduous drudgery of filling out all of the reports that are necessary, the paperwork that is necessary when there is a shooting incident. So they and their supervisors, I might add, helped collect the little shell casings and determined, well, the guy didn't get hit, we will just forget it.

Well, that was a violation of procedure, yes. For that they might have deserved a suspension. Instead, this administration chose to throw the book at these men and turn what should have been just a violation of procedure, perhaps just a paperwork mistake, which sometimes happens even here in this body, they turned that into a felony.

They have destroyed the lives of these two defenders of our country who have spent 5 and 10 years of their lives willing to take bullets for us on the border. But our administration, this administration, decided to throw the book at them and give a free pass to the drug dealer, to the man who is bringing in $1 million worth of narcotics into our country.

That decision is so indefensible that I believe that the administration has been trying to cover up for that mistaken decision since that moment. What we have had, for those of us who have been looking into this, is we have been completely stonewalled by this administration, by the Department of Justice, by U.S. Attorney Johnny Sutton in trying to get the information about the drug dealer and the free passes, the free passes that he had to transit into our country unescorted after this incident.

The fact of the matter is that the jury was told that the drug dealer involved was a one-timer who was trying to raise money so he could buy medicine for his mother, his sick mother. That was a lie that was presented to the jury, a lie.

Let me repeat that. It was not true, and the prosecutors understood they were given something not true. In fact, we were told by the U.S. attorney, Johnny Sutton, well, the fact that the information that the drug dealer had been picked up a second time before that trial was kept from the jury, but that the judge was the one who decided that.

□ 2130

That too is a lie. A lawyer may believe that, but the fact is we know the prosecutors were the ones who demanded the judge. It was their motion to keep that from the jury.

So why do we have an administration that feels so intent on destroying the lives of these two Border Patrol agents that they vilified them, that they keep information from the jury? This whole thing stinks to high heaven and the smell seems to be emanating from the White House.

Ladies and gentlemen, these are two people, two men, two brave heroes who were defending our country every bit as much as those men and women who are overseas right now defending our country. They were willing to risk their lives for us. We should not sit aside and let them languish in prison as their families go down into abject poverty without any health care, without any source of income. Their retirement benefits are destroyed. This is

the most mean-spirited, nasty attack on some of the defenders of our country that I have ever seen in my lifetime. We cannot let it sit. If we are patriotic Americans, it doesn't go to just posture ourselves with the defenders of this country and then let these two men languish in prison.

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. MOLLOHAN, and by unanimous consent, Mr. ROHRABACHER was allowed to proceed for 3 additional minutes.)

Mr. ROHRABACHER. Mr. Chairman, I would ask my colleagues to search their hearts. We can do something about this.

You know, first of all, it has been a dismay to me to see how we have treated each other in this body. I don't know why, but people are looking to bring down each other because people disagree. We can understand that with philosophical differences, but how can we ever justify someone who has gone out of their way, our representatives in the Department of Justice going out of their way to bring down two defenders, turning a paperwork mistake, a procedural error, into a felony which has destroyed these men's lives.

If we stand up for Ramos and Compean, we stand up for the people of the United States. They know that; they are watching us. They know if we really care about the little guy, and that is what this is all about. We care about the little guy because that is what America is all about.

I support the amendment and ask my colleagues to join me in doing so.

Mr. BILBRAY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. BILBRAY. To the gentleman from West Virginia, let me just say I know your concern about the process here. But I think that if you reviewed this situation and the process these two Border Patrol agents went through, you would understand why some of us are standing up and saying, first of all, the 10-year minimum for the commission of a crime while carrying a firearm, it was used to apply to these agents, was never meant to apply to law enforcement agents who are required by law to carry firearms. And I think we can kind of understand.

Remember when we passed that and it went through, it was sort of like, criminals, if you are going to engage in criminal activity, leave your gun at home, as a way of lowering the level of violence and the potential violence of criminals carrying firearms at the time of the commission of the crime.

This law that we passed at the Federal level is being applied to Federal officers who are required by statute to carry a firearm. And so now what we have is that we have law enforcement agents who are sworn to serve the American people, that are being prosecuted under a statute that says we are going to nail you because you were carrying a firearm during the commission of a crime when, as a requirement of their employment, they had to carry the firearm.

Doesn't anybody else find this kind of absurd, if not ridiculous?

And all I have to say is I would sincerely hope that the chairman of the committee will take a second thought about opposing this amendment, because I think in all fairness the American people are saying we have two agents who were serving their Nation as best as they could. They might have made a mistake that should have been administered through an administrative process; and those of us in local government that have worked with law enforcement know this, excessive force happens in certain situations.

But this is where a Federal law that we passed in Congress that says we are going to nail the criminals who use firearms in the commission of a crime and tell them don't ever carry a firearm when you are thinking of breaking a crime, that that law is being applied to our agents who are executing the requirements of Federal law. That was never the intention of this law, but it is being applied to these two agents.

So I just have to say sincerely, I would really ask the chairman to reconsider his opposition to this amendment. I think fair-minded people that know why this Federal law was passed know that it was not meant for Border Patrol agents or any Federal agents that are required to carry a firearm, to use this law against those agents. And if you can do it to Border Patrol agents, you can do it to FBI agents, you can do it to everybody.

Now, let me just say something about the unique situation that we are seeing down at the border. At this location, Mr. Chairman, within the month of this incident you had Border Patrol agents under fire by automatic gunfire, AK–47s firing at our agents from across the border. There was good reason to think that our agents might have been a little more active with their guns than we might have preferred. But, in all fairness, it really comes down to: Are we willing to stand up and say there has been a mistake, that mistake needs to be addressed, needs to be reassessed, and do we now relinquish our responsibility of the budget to the executive branch where we say these agents have been wronged?

And if those of you that want to talk about this, in all the years I was in local government I saw excessive force cases brought very seldom. In this one sector, this Federal attorney has brought excessive force cases against three different law enforcement officers. Every one of them that we know of, or I know of, just happened to have been cases that involved illegal aliens, drug smugglers, foreign nationals committing a crime. That is really unique. I have never heard of that kind of situation occurring anywhere else.

In this case, it is time that we stand up and we say, you have the jurisdiction to prosecute, you have the jurisdiction not to give clemency on this issue, but we have the jurisdiction of saying you will not use the taxpayers' funds to prosecute these men.

Mr. KENNEDY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. I understand, Mr. Chairman, the President of the United States today issued a press release saying that he was not going to ask that these officers be allowed out on bail or bond even after it was requested that they do be permitted to be released on bail and bond. I find it regrettable that the President did not give some explanation for why he didn't give these officers an opportunity to be given release on bail or bond as other people who would be on trial or given that kind of opportunity would otherwise be given.

At the very least, I think the President, given the nature of these officers being in law enforcement, has an obligation to ensure their security when they are in prison because they are, I understand, at greater threat to their own lives being law enforcement officers if they are incarcerated. And I would hope that the Department of Justice in its incarceration procedures does take into account the very increased threat level to these officers because of the nature of them being law enforcement officers.

That being said, however, we do have to keep in mind that it is a Bush-appointed U.S. Attorney that prosecuted these Border Patrol officers and it was a jury of a U.S. citizens who rendered a verdict based upon the U.S. law and based upon the evidence of U.S. law, not the Members of Congress here standing based upon newspapers and based upon Fox news stories and everything else, but based upon the evidence in a case presented to a jury through an evidentiary hearing. And that is what we need to abide by is a legal process. We can't abide by a political process.

If we were to abide by political process every time a legal case came along and were to suspend the process every time we thought one case was more popular than the other, it would just upend the idea of justice as we know it in this country, because I think all of us could come here to the floor and tell of a unique story where someone was wronged by the system of justice in this country.

And I think that it is kind of ironic that my friends are so outraged by mandatory minimums with guns, because they are so outraged by mandatory minimums with everything, and yet they are the first ones to pass these mandatory minimums and then wonder, now finding their own friends in the behind and saying, no, we can't have it touch our friends, and then all of a sudden they don't want it that way.

Well, you know what? There are lots of people in this country who have been

caught behind these mandatory minimums who have just been caught in the wrong place at the wrong time that are now serving life sentences. Kids that have been caught in ghettos just because they have been friends of friends who have been part of gangs. Now that they have been associated with gangs, they have gotten the gang-related crime tagged onto them, which has added another 10 years to their sentence, and that has been a mandatory minimum just because of some law that we have passed saying that you get another 10 years because you are related to a gang member. Now it is very interesting that all of a sudden people are so outraged by these minimums that have been tacked on to these officers carrying firearms in the commission of a crime.

So I just think that we should all pause for a moment when we think about being tough on crime. Here is a perfect example of where it comes back to bite us in the you-know-where when we think that we are trying to be tough on crime and then find out that sometimes when we are passing these mandatory minimums it doesn't always work out the way we expected it to be.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY. I yield to the gentleman from California.

Mr. BILBRAY. I think you agree, though, that when we talked about the 10-year minimum, the jury was told that they had to administer the 10-year execution based on the commission of the crime. And I think you were here when the 10-year minimum was passed. I think you would agree the idea was to try to encourage anybody that, if you are going to do something that was illegal, you don't carry a gun, because it would lower that level of potential.

Mr. KING of Iowa. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, I very much appreciate the gentlemen that have bought this amendment to the floor. It is something that all America has been fixated upon, because they understand the injustice that underlies the prosecution of these two Border Patrol officers. And I would like to characterize this perhaps a little bit differently.

Listening to the gentleman, my friend who just got done speaking, talking about the mandatory minimums being something that comes back to bite us in the you-know-where, no, this isn't the mandatory minimum issue that is before us tonight. This is the equivalent of a private bill.

We have brought private bills through this Congress a number of times when we see issues that there is such an egregious case for specific individuals that we will generally bring that language through the Judiciary Committee, through the Immigration Subcommittee and on through Judiciary and onto the floor. It has happened a number of times in my time here in Congress. In fact, I have one here today that one of your colleagues from your side of the aisle offered to me, and I will consider it. But this is actually in my jacket pocket. This is a private bill asking for relief for people who have violated the law but find themselves in unique circumstances and pleading upon this Congress to make an exception because they are unique circumstances, and this is a measure to our heart.

What does our heart have to say to us when you see two Border Patrol officers who put their lives on the line on a daily basis and find themselves caught in this legalistic vice that has unfolded because, I think, of a discretionary decision by a U.S. Attorney in his prosecution?

What I am concerned about is if this Congress doesn't stand up and defend these two people, Ramos and Compean, Border Patrol officers will be reluctant to pull their weapon in the line of duty and they will be in the line of fire. And I am afraid we will lose one or more Border Patrol officers in the line of duty because they will be hesitant to ever pull their weapon. That is a piece of their thing.

I yield to the gentleman from Texas, and again thank him for his work in bringing this amendment to the floor.

□ 2145

Mr. POE. I thank the gentleman from Iowa for yielding.

I know that we've discussed this issue a lot tonight, but it's important because it has to do with the most important concept that any of us have, liberty. And we have found in the investigation of this case that the U.S. Attorney's Office has done everything it can to make sure that these two people stay in jail.

The key to this is that the jury did decide the facts of this case, but the jury didn't get all the facts given to them under the law. There was another case where the drug dealer brought in another $800,000 worth of drugs while he's running free at American taxpayer expense, and brings in these drugs while he's waiting to testify. Anybody who served on any jury in the country would want to know about that second case. This jury was prohibited from knowing about that because of the insistence and the relentless prosecutor who demanded that the jury not hear about all of the facts.

The question is why? Why wouldn't the prosecutor want the jury to know all the truth about this case?

We don't know. We do know that the Mexican Government, in its righteous indignation, sent a speedy letter over to the U.S. Attorney's Office demanding prosecution of these border agents. The Mexican Government dealing in our court system, their opinion is irrelevant, I submit, Mr. Chairman.

And this case is a case where our Border Patrol agents are in Fabans, Texas. I don't believe there's been a person here that's been to Fabans, Texas, unless they've gone there on purpose to see the border. It's a violent, dangerous, desolate area. And based upon the rules they have to follow, they cannot fire their weapon unless they are fired upon. In other words, they've got to take a bullet before they can defend the border. And they operate under that environment because of the national security of our border.

In this case, overreaching by the prosecutor; too heavy a sentence. He even said so later after the prosecution. And what this does is release these two individuals while the appeal goes on. It releases them from custody of our Federal Government. And it's the responsibility of Congress in further investigations to find out why our Western District of Texas is so relentless in prosecuting border protectors. And this is one way we can do something. We have that authority. We can cut the funds, and we ought to cut the funds that incarcerate these two individuals. We ought to pass this amendment in a bipartisan manner.

Mr. KING of Iowa. Mr. Chairman, I'd say also there is a bill following this. If this doesn't do the job, I have a bill ready to introduce that grants them a new trial, a de novo review, and it removes the jurisdiction to the Northern District of Texas.

We're going to find a solution this. We're going to stand up and defend Ramos and Compean. This sends the message. It might get the job done. I urge adoption.

I yield back.

Mr. GILCHREST. I move to strike the last word.

The CHAIRMAN. The gentleman from Maryland is recognized for 5 minutes.

Mr. GILCHREST. Mr. Chairman, what I would like to do is have a colloquy with the gentleman from Texas (Mr. POE) to inquire about some of the comments that have been made here tonight so I can better understand Congress's role in this particular judicial decision, court decision, conviction in Texas, just to give me a little comfort in trying to understand our role in this case and whether or not it is appropriate.

Can the gentleman from Texas tell me, after the incident occurred with the border agents and the drug dealer, who brought that information to the U.S. attorney in the very beginning? Does anybody know that?

Mr. POE. There's a disagreement over who brought that to them. We first heard that the Mexican Consulate brought it to someone working in the Federal Government. And then we also heard that another border agent brought it, so I don't know the answer to that question.

Mr. GILCHREST. So that's not clear.

Did the border agents supervisors, or do you have any idea who spoke, if there was, in fact, a grand jury, to determine whether or not there was enough evidence?

Mr. POE. There was a grand jury investigation. I do not know who testified. The border supervisors were on the scene and were aware of the entire circumstances.

No one knew that the drug dealer who disappeared back into Mexico had even been shot, and so they thought that the person was shot at and he disappeared. And the next thing they know, they are being questioned about 30 to 60 days later about the incident that occurred.

Mr. GILCHREST. Under those circumstances, with the supervisors aware of the actions of the border agents, the defendant subsequently was found out to be wounded, under those circumstances, in a Federal court, did the prosecutor take into consideration those mitigating circumstances that border agents are often, and in your case, in the area where you represent, a very dangerous situation? This was a known drug smuggler. He had smuggled in $1 million worth of drugs. He had, apparently, a violent past.

What sentencing guidelines did the prosecutor use to give these border agents 11 years and then 12 years?

Mr. POE. The border agents were offered, if they pled guilty to the offense, 2 years incarceration. If they did not plead guilty and went to trial, the prosecutor added the section under our law, 924(c) section that required or would allow a mandatory additional 10 years incarceration because a weapon was used. That is subject to appeal as to whether that applies to peace officers or not. That was added. Therefore they received 11 and 12 years in the penitentiary after the trial and after sentencing because they would not plead guilty for a crime they didn't do.

Mr. GILCHREST. Has there been an appeal filed on behalf of the defendants?

Mr. POE. Yes. There has been an appeal. Both of these cases are on appeal, and they are in custody while these cases are on appeal.

Mr. GILCHREST. And it is also under appeal to determine whether or not the sentencing guidelines that we passed in the House applied in this case?

Mr. POE. The indictment on its face is being challenged because in the indictment it alleges the deadly weapon or the brandishing of a firearm, which requires an additional 10 years. That is also contested on appeal, whether it applies to peace officers or not.

Mr. GILCHREST. Was it the intent of this Congress that that particular statute be applied to a peace officer or a border agent in defense of the country, the border or his own life?

Mr. POE. In my opinion, absolutely not. It applies to other cases where a firearm is used, such as in a robbery. It doesn't apply to border agents who are required to use and possess a firearm while they are on duty. And so it is not, in my opinion, the intent of Congress. And, of course, that will be litigated on appeal as well.

Mr. GILCHREST. I thank the gentleman for answering the questions.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. DRAKE

Mrs. DRAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. DRAKE:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Mrs. DRAKE. Mr. Chairman, I introduced an amendment today that merely reinforces current Federal law and provides a penalty for jurisdictions that choose not to follow this law.

My amendment would prohibit funds from being made available to States and localities that do not abide by section 642(a) of the Illegal Immigration Reform and Immigration Responsibility Act of 1996. Simply put, Congress will not distribute funds to any jurisdiction that is a sanctuary city.

Mr. Chairman, I yield time to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. I thank the gentlelady for yielding, and I want to commend her on a very thoughtful amendment. As I understand it, the majority is going to be willing to accept it.

I had two amendments that dealt with this very same issue that specifically dealt with the SCAAP program and the COPS program, denying funds to any of the sanctuary city or sanctuary community jurisdictions.

As I understand it, her language covers both of those things, and I am going to be looking forward to working with the gentlelady in the years ahead to make sure that these sanctuary cities do not have access to these funds.

Mrs. DRAKE. Mr. Chairman, I yield back.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, we have no objection to this amendment. We're going to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Virginia (Mrs. DRAKE).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CAPITO:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used in contravention of section 402(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

Mrs. CAPITO. Mr. Chairman, I rise today to offer an amendment to help prevent aliens who lack authorization to work legally from taking Federal jobs.

In the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Congress responded to the problem of document verification when hiring folks by establishing three pilot programs for employment eligibility verification. Private employers in selected States could volunteer to participate in these programs.

Under a program called the Basic Pilot Program, Social Security numbers and Alien Identification Numbers of new hires are checked against Social Security Administration and Department of Homeland Security records. This weeds out fraudulent numbers and assures that new hires are legally eligible to work.

A 2001 report on the Basic Pilot Program found 96 percent of employers found it to be an effective tool.

In 2003, Congress extended the Basic Pilot Program for another 5 years and made it available to employers nationwide.

The 1996 law stipulates that each department of the Federal Government must participate in the Basic Pilot Program. Incredibly, the Departments of Commerce, Justice and State, are currently not participating.

My amendment basically says, because I hear from constituents all the time who are angry about those working who do not have legal verification. What message does it send when Federal agencies do not abide by the Federal laws?

There's no excuse for having any illegal aliens taking Federal jobs. We have a Basic Pilot Program to stop this from happening. We have a law on the books that requires Federal agencies, including Commerce, Justice and State, to use it for employment verification.

My amendment provides that no funds in this appropriation bill shall be spent in contravention of the Illegal Immigration Reform and Immigrant Responsibility Act.

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

Mr. MOLLOHAN. I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, we are willing to accept the gentlelady's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The amendment was agreed to.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mrs. CAPITO of West Virginia.

An amendment by Mr. ETHERIDGE of North Carolina.

Amendment No. 9 by Mr. SESSIONS of Texas.

An amendment by Mr. INSLEE of Washington.

An amendment by Mr. POE of Texas.

An amendment by Mr. REICHERT of Washington.

An amendment by Mr. HINCHEY of New York.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MRS. CAPITO

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 243, noes 186, not voting 8, as follows:

[Roll No. 727]

AYES—243

Aderholt
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Castle
Chabot
Coble
Cole (OK)
Conaway
Costa
Costello
Crenshaw
Cuellar
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Ellison
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Al
Gutierrez
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Higgins
Hobson
Hodes
Hoekstra
Holden
Hulshof
Hunter
Issa
Jefferson
Jindal
Johnson (GA)
Jones (NC)
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nadler
Neugebauer
Norton
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Rush
Sali
Saxton
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Waters
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOES—186

Abercrombie
Ackerman
Akin
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boyd (FL)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castor
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Courtney
Cramer
Crowley
Culberson
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Gonzalez
Gordon
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Shadegg
Shea-Porter
Sherman
Sires
Smith (WA)
Snyder
Solis
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—8

Clarke
Cubin
Cummings
Davis, Jo Ann
LaHood
Marshall
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining on the vote.

□ 2228

Ms. CORRINE BROWN of Florida, Mr. NEAL and Mr. MCNULTY changed their vote from ''aye'' to ''no.''

Messrs. HOBSON, LAMPSON, HALL of Texas, CAMP of Michigan, LOEBSACK, HIGGINS, ARCURI, TOM DAVIS of Virginia, KIND, DOGGETT, HERGER, POMEROY, DELAHUNT, SESTAK, COSTELLO, GUTIERREZ, DAVIS of Alabama, HARE, WYNN, JOHNSON of Georgia, ELLISON, MELANCON, AL GREEN of Texas, SHULER, NADLER, HODES, SCOTT of Georgia and RUSH, and Ms. GRANGER, Mrs. MALONEY of New York, Ms. WATERS and Ms. GIFFORDS changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ETHERIDGE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. ETHERIDGE) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 421, noes 2, not voting 14, as follows:

[Roll No. 728]

AYES—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley

Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—2

Flake
Moran (VA)

NOT VOTING—14

Clarke
Cubin
Cummings
Davis, Jo Ann
Johnson, Sam
Keller
LaHood
Marshall
McCrery
Michaud
Rangel
Ross
Serrano
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2232

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. SESSIONS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 267, not voting 8, as follows:

[Roll No. 729]

AYES—162

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Linder
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Pickering
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (FL)

NOES—267

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff

Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Clarke
Cubin
Cummings
Davis, Jo Ann
LaHood
Marshall
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 45 seconds remain in this vote.

□ 2237

Mr. CONYERS changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. INSLEE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 18, not voting 7, as follows:

[Roll No. 730]

AYES—412

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

NOES—18

Abercrombie
Campbell (CA)
Cannon
Clay
Frelinghuysen
Hall (TX)
Hastert
Herger
Hirono
Hoyer
Inglis (SC)
Johnson, Sam
Kingston
Lewis (CA)
Mollohan
Rahall
Ryan (OH)
Shadegg

NOT VOTING—7

Clarke
Cubin
Davis, Jo Ann
LaHood
Marshall
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2240

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. POE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. POE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 395, noes 34, not voting 8, as follows:

[Roll No. 731]

AYES—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.

Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
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
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOES—34

Becerra
Butterfield
Clay
Cleaver
Clyburn
Conyers
Dingell
Frelinghuysen
Grijalva
Hastings (FL)
Holt
Honda
Hoyer
Jackson (IL)
Jones (OH)
Kilpatrick
Kucinich
Larsen (WA)
Lee
Lewis (CA)
Lewis (GA)
Mollohan
Olver
Rahall
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Smith (WA)
Solis
Stark
Velázquez
Visclosky
Watt
Woolsey

NOT VOTING—8

Clarke
Cubin
Davis, Jo Ann
LaHood
Marshall
Michaud
Walsh (NY)
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 2244

Mr. FRANK of Massachusetts and Mr. DELAHUNT changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. REICHERT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. REICHERT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 405, noes 25, not voting 7, as follows:

[Roll No. 732]

AYES—405

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

Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOES—25

Becerra
Cleaver
Clyburn
Filner
Frank (MA)
Frelinghuysen
Gilchrest
Hastings (FL)
Honda
Hoyer
Jackson (IL)
Jones (OH)
Kilpatrick
Kucinich
Lee
Lewis (CA)
Lewis (GA)
Mollohan
Rahall
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Solis
Stark
Woolsey

NOT VOTING—7

Clarke
Cubin
Davis, Jo Ann
LaHood
Marshall
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in the vote.

□ 2248

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 262, not voting 10, as follows:

[Roll No. 733]

AYES—165

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Brady (PA)
Broun (GA)
Campbell (CA)
Capps
Capuano
Carnahan
Carson
Christensen
Clay
Cleaver
Cohen
Conyers
Courtney
Crowley
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Flake
Frank (MA)
Garrett (NJ)
Giffords
Gilchrest
Gonzalez
Green, Al
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kucinich
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Melancon
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Porter
Price (NC)
Rangel
Rehberg
Renzi
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Solis
Sutton
Tancredo
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—262

Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Baker
Barrett (SC)
Barrow
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Faleomavaega
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (NY)
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hulshof
Hunter
Inglis (SC)
Issa
Jefferson
Jindal
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Larsen (WA)
Latham
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tanner
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—10

Bachus
Boucher
Clarke
Cubin
Davis, Jo Ann
LaHood
Marshall
Michaud
Stark
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains on the vote.

□ 2252

Mr. GUTIERREZ changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MOLLOHAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALTMIRE) having assumed the chair, Mr. SNYDER, 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. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

## CONFERENCE REPORT ON H.R. 1, IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

Mr. THOMPSON of Mississippi submitted the following conference report and statement on the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States:

CONFERENCE REPORT (H. REPT. 110–259)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1), to provide for the implementation of the recommendation of the National Commission on Terrorist Attacks Upon the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the ''Implementing Recommendations of the 9/11 Commission Act of 2007''.*

*(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*TITLE I—HOMELAND SECURITY GRANTS*
*Sec. 101. Homeland Security Grant Program.*
*Sec. 102. Other amendments to the Homeland Security Act of 2002.*
*Sec. 103. Amendments to the Post-Katrina Emergency Management Reform Act of 2006.*
*Sec. 104. Technical and conforming amendments.*
*TITLE II—EMERGENCY MANAGEMENT PERFORMANCE GRANTS*
*Sec. 201. Emergency management performance grant program.*
*Sec. 202. Grants for construction of emergency operations centers.*
*TITLE III—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS*
*Sec. 301. Interoperable emergency communications grant program.*
*Sec. 302. Border interoperability demonstration project.*
*TITLE IV—STRENGTHENING USE OF THE INCIDENT COMMAND SYSTEM*
*Sec. 401. Definitions.*
*Sec. 402. National exercise program design.*
*Sec. 403. National exercise program model exercises.*
*Sec. 404. Preidentifying and evaluating multijurisdictional facilities to strengthen incident command; private sector preparedness.*
*Sec. 405. Federal response capability inventory.*
*Sec. 406. Reporting requirements.*
*Sec. 407. Federal preparedness.*
*Sec. 408. Credentialing and typing.*
*Sec. 409. Model standards and guidelines for critical infrastructure workers.*
*Sec. 410. Authorization of appropriations.*
*TITLE V—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS*
*Subtitle A—Homeland Security Information Sharing Enhancement*
*Sec. 501. Homeland Security Advisory System and information sharing.*
*Sec. 502. Intelligence Component Defined.*
*Sec. 503. Role of intelligence components, training, and information sharing.*
*Sec. 504. Information sharing.*
*Subtitle B—Homeland Security Information Sharing Partnerships*
*Sec. 511. Department of Homeland Security State, Local, and Regional Fusion Center Initiative.*
*Sec. 512. Homeland Security Information Sharing Fellows Program.*
*Sec. 513. Rural Policing Institute.*
*Subtitle C—Interagency Threat Assessment and Coordination Group*
*Sec. 521. Interagency Threat Assessment and Coordination Group.*
*Subtitle D—Homeland Security Intelligence Offices Reorganization*
*Sec. 531. Office of Intelligence and Analysis and Office of Infrastructure Protection.*
*Subtitle E—Authorization of Appropriations*
*Sec. 541. Authorization of appropriations.*
*TITLE VI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE*
*Sec. 601. Availability to public of certain intelligence funding information.*
*Sec. 602. Public Interest Declassification Board.*
*Sec. 603. Sense of the Senate regarding a report on the 9/11 Commission recommendations with respect to intelligence reform and congressional intelligence oversight reform.*
*Sec. 604. Availability of funds for the Public Interest Declassification Board.*
*Sec. 605. Availability of the Executive Summary of the Report on Central Intelligence Agency Accountability Regarding the Terrorist Attacks of September 11, 2001.*
*TITLE VII—STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL*
*Subtitle A—Terrorist Travel*
*Sec. 701. Report on international collaboration to increase border security, enhance global document security, and exchange terrorist information.*
*Subtitle B—Visa Waiver*
*Sec. 711. Modernization of the visa waiver program.*
*Subtitle C—Strengthening Terrorism Prevention Programs*
*Sec. 721. Strengthening the capabilities of the Human Smuggling and Trafficking Center.*
*Sec. 722. Enhancements to the terrorist travel program.*
*Sec. 723. Enhanced driver's license.*
*Sec. 724. Western Hemisphere Travel Initiative.*
*Sec. 725. Model ports-of-entry.*
*Subtitle D—Miscellaneous Provisions*
*Sec. 731. Report regarding border security.*
*TITLE VIII—PRIVACY AND CIVIL LIBERTIES*
*Sec. 801. Modification of authorities relating to Privacy and Civil Liberties Oversight Board.*
*Sec. 802. Department Privacy Officer.*
*Sec. 803. Privacy and civil liberties officers.*
*Sec. 804. Federal Agency Data Mining Reporting Act of 2007.*
*TITLE IX—PRIVATE SECTOR PREPAREDNESS*
*Sec. 901. Private sector preparedness.*
*Sec. 902. Responsibilities of the private sector Office of the Department.*
*TITLE X—IMPROVING CRITICAL INFRASTRUCTURE SECURITY*
*Sec. 1001. National Asset Database.*
*Sec. 1002. Risk assessments and report.*
*Sec. 1003. Sense of Congress regarding the inclusion of levees in the National Infrastructure Protection Plan.*
*TITLE XI—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION*
*Sec. 1101. National Biosurveillance Integration Center.*
*Sec. 1102. Biosurveillance efforts.*
*Sec. 1103. Interagency coordination to enhance defenses against nuclear and radiological weapons of mass destruction.*
*Sec. 1104. Integration of detection equipment and technologies.*
*TITLE XII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING*
*Sec. 1201. Definitions.*
*Sec. 1202. Transportation security strategic planning.*
*Sec. 1203. Transportation security information sharing.*
*Sec. 1204. National domestic preparedness consortium.*
*Sec. 1205. National transportation security center of excellence.*
*Sec. 1206. Immunity for reports of suspected terrorist activity or suspicious behavior and response.*
*TITLE XIII—TRANSPORTATION SECURITY ENHANCEMENTS*
*Sec. 1301. Definitions.*
*Sec. 1302. Enforcement authority.*
*Sec. 1303. Authorization of visible intermodal prevention and response teams.*
*Sec. 1304. Surface transportation security inspectors.*
*Sec. 1305. Surface transportation security technology information sharing.*
*Sec. 1306. TSA personnel limitations.*
*Sec. 1307. National explosives detection canine team training program.*
*Sec. 1308. Maritime and surface transportation security user fee study.*
*Sec. 1309. Prohibition of issuance of transportation security cards to convicted felons.*
*Sec. 1310. Roles of the Department of Homeland Security and the Department of Transportation.*
*TITLE XIV—PUBLIC TRANSPORTATION SECURITY*
*Sec. 1401. Short title.*
*Sec. 1402. Definitions.*
*Sec. 1403. Findings.*
*Sec. 1404. National Strategy for Public Transportation Security.*
*Sec. 1405. Security assessments and plans.*
*Sec. 1406. Public transportation security assistance.*
*Sec. 1407. Security exercises.*
*Sec. 1408. Public transportation security training program.*
*Sec. 1409. Public transportation research and development.*
*Sec. 1410. Information sharing.*
*Sec. 1411. Threat assessments.*
*Sec. 1412. Reporting requirements.*
*Sec. 1413. Public transportation employee protections.*
*Sec. 1414. Security background checks of covered individuals for public transportation.*
*Sec. 1415. Limitation on fines and civil penalties.*
*TITLE XV—SURFACE TRANSPORTATION SECURITY*
*Subtitle A—General Provisions*
*Sec. 1501. Definitions.*
*Sec. 1502. Oversight and grant procedures.*
*Sec. 1503. Authorization of appropriations.*
*Sec. 1504. Public awareness.*
*Subtitle B—Railroad Security*
*Sec. 1511. Railroad transportation security risk assessment and national strategy.*
*Sec. 1512. Railroad carrier assessments and plans.*
*Sec. 1513. Railroad security assistance.*
*Sec. 1514. Systemwide Amtrak security upgrades.*
*Sec. 1515. Fire and life safety improvements.*
*Sec. 1516. Railroad carrier exercises.*
*Sec. 1517. Railroad security training program.*
*Sec. 1518. Railroad security research and development.*
*Sec. 1519. Railroad tank car security testing.*
*Sec. 1520. Railroad threat assessments.*
*Sec. 1521. Railroad employee protections.*
*Sec. 1522. Security background checks of covered individuals.*
*Sec. 1523. Northern border railroad passenger report.*
*Sec. 1524. International Railroad Security Program.*
*Sec. 1525. Transmission line report.*
*Sec. 1526. Railroad security enhancements.*
*Sec. 1527. Applicability of District of Columbia law to certain Amtrak contracts.*
*Sec. 1528. Railroad preemption clarification.*
*Subtitle C—Over-The-Road Bus and Trucking Security*
*Sec. 1531. Over-the-road bus security assessments and plans.*
*Sec. 1532. Over-the-road bus security assistance.*
*Sec. 1533. Over-the-road bus exercises.*
*Sec. 1534. Over-the-road bus security training program.*
*Sec. 1535. Over-the-road bus security research and development.*
*Sec. 1536. Motor carrier employee protections.*
*Sec. 1537. Unified carrier registration system agreement.*

*Sec. 1538. School bus transportation security.*
*Sec. 1539. Technical amendment.*
*Sec. 1540. Truck security assessment.*
*Sec. 1541. Memorandum of understanding annex.*
*Sec. 1542. DHS Inspector General report on trucking security grant program.*
*Subtitle D—Hazardous Material and Pipeline Security*
*Sec. 1551. Railroad routing of security-sensitive materials.*
*Sec. 1552. Railroad security-sensitive material tracking.*
*Sec. 1553. Hazardous materials highway routing.*
*Sec. 1554. Motor carrier security-sensitive material tracking.*
*Sec. 1555. Hazardous materials security inspections and study.*
*Sec. 1556. Technical corrections.*
*Sec. 1557. Pipeline security inspections and enforcement.*
*Sec. 1558. Pipeline security and incident recovery plan.*
*TITLE XVI—AVIATION*
*Sec. 1601. Airport checkpoint screening fund.*
*Sec. 1602. Screening of cargo carried aboard passenger aircraft.*
*Sec. 1603. In-line baggage screening.*
*Sec. 1604. In-line baggage system deployment.*
*Sec. 1605. Strategic plan to test and implement advanced passenger prescreening system.*
*Sec. 1606. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.*
*Sec. 1607. Strengthening explosives detection at passenger screening checkpoints.*
*Sec. 1608. Research and development of aviation transportation security technology.*
*Sec. 1609. Blast-resistant cargo containers.*
*Sec. 1610. Protection of passenger planes from explosives.*
*Sec. 1611. Specialized training.*
*Sec. 1612. Certain TSA personnel limitations not to apply.*
*Sec. 1613. Pilot project to test different technologies at airport exit lanes.*
*Sec. 1614. Security credentials for airline crews.*
*Sec. 1615. Law enforcement officer biometric credential.*
*Sec. 1616. Repair station security.*
*Sec. 1617. General aviation security.*
*Sec. 1618. Extension of authorization of aviation security funding.*
*TITLE XVII—MARITIME CARGO*
*Sec. 1701. Container scanning and seals.*
*TITLE XVIII—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM*
*Sec. 1801. Findings.*
*Sec. 1802. Definitions.*
*Subtitle A—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism*
*Sec. 1811. Repeal and modification of limitations on assistance for prevention of weapons of mass destruction proliferation and terrorism.*
*Subtitle B—Proliferation Security Initiative*
*Sec. 1821. Proliferation Security Initiative improvements and authorities.*
*Sec. 1822. Authority to provide assistance to cooperative countries.*
*Subtitle C—Assistance to Accelerate Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism*
*Sec. 1831. Statement of policy.*
*Sec. 1832. Authorization of appropriations for the Department of Defense Cooperative Threat Reduction Program.*
*Sec. 1833. Authorization of appropriations for the Department of Energy programs to prevent weapons of mass destruction proliferation and terrorism.*
*Subtitle D—Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism*
*Sec. 1841. Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.*
*Sec. 1842. Sense of Congress on United States-Russia cooperation and coordination on the prevention of weapons of mass destruction proliferation and terrorism.*
*Subtitle E—Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism*
*Sec. 1851. Establishment of Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.*
*Sec. 1852. Purposes of Commission.*
*Sec. 1853. Composition of Commission.*
*Sec. 1854. Responsibilities of Commission.*
*Sec. 1855. Powers of Commission.*
*Sec. 1856. Nonapplicability of Federal Advisory Committee Act.*
*Sec. 1857. Report.*
*Sec. 1858. Termination.*
*Sec. 1859. Funding.*
*TITLE XIX—INTERNATIONAL COOPERATION ON ANTITERRORISM TECHNOLOGIES*
*Sec. 1901. Promoting antiterrorism capabilities through international cooperation.*
*Sec. 1902. Transparency of funds.*
*TITLE XX—9/11 COMMISSION INTERNATIONAL IMPLEMENTATION*
*Sec. 2001. Short title.*
*Sec. 2002. Definition.*
*Subtitle A—Quality Educational Opportunities in Predominantly Muslim Countries.*
*Sec. 2011. Findings; Policy.*
*Sec. 2012. International Muslim Youth Opportunity Fund.*
*Sec. 2013. Annual report to Congress.*
*Sec. 2014. Extension of program to provide grants to American-sponsored schools in predominantly Muslim Countries to provide scholarships.*
*Subtitle B—Democracy and Development in the Broader Middle East Region*
*Sec. 2021. Middle East Foundation.*
*Subtitle C—Reaffirming United States Moral Leadership*
*Sec. 2031. Advancing United States interests through public diplomacy.*
*Sec. 2032. Oversight of international broadcasting.*
*Sec. 2033. Expansion of United States scholarship, exchange, and library programs in predominantly Muslim countries.*
*Sec. 2034. United States policy toward detainees.*
*Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia*
*Sec. 2041. Afghanistan.*
*Sec. 2042. Pakistan.*
*Sec. 2043. Saudi Arabia.*
*TITLE XXI—ADVANCING DEMOCRATIC VALUES*
*Sec. 2101. Short title.*
*Sec. 2102. Findings.*
*Sec. 2103. Statement of policy.*
*Sec. 2104. Definitions.*
*Subtitle A—Activities to Enhance the Promotion of Democracy*
*Sec. 2111. Democracy Promotion at the Department of State.*
*Sec. 2112. Democracy Fellowship Program.*
*Sec. 2113. Investigations of violations of international humanitarian law.*
*Subtitle B—Strategies and Reports on Human Rights and the Promotion of Democracy*
*Sec. 2121. Strategies, priorities, and annual report.*
*Sec. 2122. Translation of human rights reports.*
*Subtitle C—Advisory Committee on Democracy Promotion and the Internet Website of the Department of State*
*Sec. 2131. Advisory Committee on Democracy Promotion.*
*Sec. 2132. Sense of Congress regarding the Internet website of the Department of State.*
*Subtitle D—Training in Democracy and Human Rights; Incentives*
*Sec. 2141. Training in democracy promotion and the protection of human rights.*
*Sec. 2142. Sense of Congress regarding ADVANCE Democracy Award.*
*Sec. 2143. Personnel policies at the Department of State.*
*Subtitle E—Cooperation With Democratic Countries*
*Sec. 2151. Cooperation with democratic countries.*
*Subtitle F—Funding for Promotion of Democracy*
*Sec. 2161. The United Nations Democracy Fund.*
*Sec. 2162. United States democracy assistance programs.*
*TITLE XXII—INTEROPERABLE EMERGENCY COMMUNICATIONS*
*Sec. 2201. Interoperable emergency communications.*
*Sec. 2202. Clarification of congressional intent.*
*Sec. 2203. Cross border interoperability reports.*
*Sec. 2204. Extension of short quorum.*
*Sec. 2205. Requiring reports to be submitted to certain committees.*
*TITLE XXIII—EMERGENCY COMMUNICATIONS MODERNIZATION*
*Sec. 2301. Short title.*
*Sec. 2302. Funding for program.*
*Sec. 2303. NTIA coordination of E-911 implementation.*
*TITLE XXIV—MISCELLANEOUS PROVISIONS*
*Sec. 2401. Quadrennial homeland security review.*
*Sec. 2402. Sense of the Congress regarding the prevention of radicalization leading to ideologically-based violence.*
*Sec. 2403. Requiring reports to be submitted to certain committees.*
*Sec. 2404. Demonstration project.*
*Sec. 2405. Under Secretary for Management of Department of Homeland Security.*

***TITLE I—HOMELAND SECURITY GRANTS***

***SEC. 101. HOMELAND SECURITY GRANT PROGRAM.***

*The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:*

***"TITLE XX—HOMELAND SECURITY GRANTS***

***"SEC. 2001. DEFINITIONS.***

*''In this title, the following definitions shall apply:*

*''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.*

*''(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—*

*''(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and*

*''(B) those committees of the House of Representatives that the Speaker of the House of Representatives determines appropriate.*

''(3) CRITICAL INFRASTRUCTURE SECTORS.—The term 'critical infrastructure sectors' means the following sectors, in both urban and rural areas:

''(A) Agriculture and food.

''(B) Banking and finance.

''(C) Chemical industries.

''(D) Commercial facilities.

''(E) Commercial nuclear reactors, materials, and waste.

''(F) Dams.

''(G) The defense industrial base.

''(H) Emergency services.

''(I) Energy.

''(J) Government facilities.

''(K) Information technology.

''(L) National monuments and icons.

''(M) Postal and shipping.

''(N) Public health and health care.

''(O) Telecommunications.

''(P) Transportation systems.

''(Q) Water.

''(4) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means—

''(A) any Indian tribe—

''(i) that is located in the continental United States;

''(ii) that operates a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services;

''(iii)(I) that is located on or near an international border or a coastline bordering an ocean (including the Gulf of Mexico) or international waters;

''(II) that is located within 10 miles of a system or asset included on the prioritized critical infrastructure list established under section 210E(a)(2) or has such a system or asset within its territory;

''(III) that is located within or contiguous to 1 of the 50 most populous metropolitan statistical areas in the United States; or

''(IV) the jurisdiction of which includes not less than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code; and

''(iv) that certifies to the Secretary that a State has not provided funds under section 2003 or 2004 to the Indian tribe or consortium of Indian tribes for the purpose for which direct funding is sought; and

''(B) a consortium of Indian tribes, if each tribe satisfies the requirements of subparagraph (A).

''(5) ELIGIBLE METROPOLITAN AREA.—The term 'eligible metropolitan area' means any of the 100 most populous metropolitan statistical areas in the United States.

''(6) HIGH-RISK URBAN AREA.—The term 'high-risk urban area' means a high-risk urban area designated under section 2003(b)(3)(A).

''(7) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination Act (25 U.S.C. 450b(e)).

''(8) METROPOLITAN STATISTICAL AREA.—The term 'metropolitan statistical area' means a metropolitan statistical area, as defined by the Office of Management and Budget.

''(9) NATIONAL SPECIAL SECURITY EVENT.—The term 'National Special Security Event' means a designated event that, by virtue of its political, economic, social, or religious significance, may be the target of terrorism or other criminal activity.

''(10) POPULATION.—The term 'population' means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

''(11) POPULATION DENSITY.—The term 'population density' means population divided by land area in square miles.

''(12) QUALIFIED INTELLIGENCE ANALYST.—The term 'qualified intelligence analyst' means an intelligence analyst (as that term is defined in section 210A(j)), including law enforcement personnel—

''(A) who has successfully completed training to ensure baseline proficiency in intelligence analysis and production, as determined by the Secretary, which may include training using a curriculum developed under section 209; or

''(B) whose experience ensures baseline proficiency in intelligence analysis and production equivalent to the training required under subparagraph (A), as determined by the Secretary.

''(13) TARGET CAPABILITIES.—The term 'target capabilities' means the target capabilities for Federal, State, local, and tribal government preparedness for which guidelines are required to be established under section 646(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 746(a)).

''(14) TRIBAL GOVERNMENT.—The term 'tribal government' means the government of an Indian tribe.

**"Subtitle A—Grants to States and High-Risk Urban Areas**

**"SEC. 2002. HOMELAND SECURITY GRANT PROGRAMS.**

''(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants under sections 2003 and 2004 to State, local, and tribal governments.

''(b) PROGRAMS NOT AFFECTED.—This subtitle shall not be construed to affect any of the following Federal programs:

''(1) Firefighter and other assistance programs authorized under the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.).

''(2) Grants authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(3) Emergency Management Performance Grants under the amendments made by title II of the Implementing Recommendations of the 9/11 Commission Act of 2007.

''(4) Grants to protect critical infrastructure, including port security grants authorized under section 70107 of title 46, United States Code, and the grants authorized under title XIV, XV, and XVI of the Implementing Recommendations of the 9/11 Commission Act of 2007 and the amendments made by such titles.

''(5) The Metropolitan Medical Response System authorized under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

''(6) The Interoperable Emergency Communications Grant Program authorized under title XVIII.

''(7) Grant programs other than those administered by the Department.

''(c) RELATIONSHIP TO OTHER LAWS.—

''(1) IN GENERAL.—The grant programs authorized under sections 2003 and 2004 shall supercede all grant programs authorized under section 1014 of the USA PATRIOT Act (42 U.S.C. 3714).

''(2) ALLOCATION.—The allocation of grants authorized under section 2003 or 2004 shall be governed by the terms of this subtitle and not by any other provision of law.

**"SEC. 2003. URBAN AREA SECURITY INITIATIVE.**

''(a) ESTABLISHMENT.—There is established an Urban Area Security Initiative to provide grants to assist high-risk urban areas in preventing, preparing for, protecting against, and responding to acts of terrorism.

''(b) ASSESSMENT AND DESIGNATION OF HIGH-RISK URBAN AREAS.—

''(1) IN GENERAL.—The Administrator shall designate high-risk urban areas to receive grants under this section based on procedures under this subsection.

''(2) INITIAL ASSESSMENT.—

''(A) IN GENERAL.—For each fiscal year, the Administrator shall conduct an initial assessment of the relative threat, vulnerability, and consequences from acts of terrorism faced by each eligible metropolitan area, including consideration of—

''(i) the factors set forth in subparagraphs (A) through (H) and (K) of section 2007(a)(1); and

''(ii) information and materials submitted under subparagraph (B).

''(B) SUBMISSION OF INFORMATION BY ELIGIBLE METROPOLITAN AREAS.—Prior to conducting each initial assessment under subparagraph (A), the Administrator shall provide each eligible metropolitan area with, and shall notify each eligible metropolitan area of, the opportunity to—

''(i) submit information that the eligible metropolitan area believes to be relevant to the determination of the threat, vulnerability, and consequences it faces from acts of terrorism; and

''(ii) review the risk assessment conducted by the Department of that eligible metropolitan area, including the bases for the assessment by the Department of the threat, vulnerability, and consequences from acts of terrorism faced by that eligible metropolitan area, and remedy erroneous or incomplete information.

''(3) DESIGNATION OF HIGH-RISK URBAN AREAS.—

''(A) DESIGNATION.—

''(i) IN GENERAL.—For each fiscal year, after conducting the initial assessment under paragraph (2), and based on that assessment, the Administrator shall designate high-risk urban areas that may submit applications for grants under this section.

''(ii) ADDITIONAL AREAS.—Notwithstanding paragraph (2), the Administrator may—

''(I) in any case where an eligible metropolitan area consists of more than 1 metropolitan division (as that term is defined by the Office of Management and Budget) designate more than 1 high-risk urban area within a single eligible metropolitan area; and

''(II) designate an area that is not an eligible metropolitan area as a high-risk urban area based on the assessment by the Administrator of the relative threat, vulnerability, and consequences from acts of terrorism faced by the area.

''(iii) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Administrator to—

''(I) designate all eligible metropolitan areas that submit information to the Administrator under paragraph (2)(B)(i) as high-risk urban areas; or

''(II) designate all areas within an eligible metropolitan area as part of the high-risk urban area.

''(B) JURISDICTIONS INCLUDED IN HIGH-RISK URBAN AREAS.—

''(i) IN GENERAL.—In designating high-risk urban areas under subparagraph (A), the Administrator shall determine which jurisdictions, at a minimum, shall be included in each high-risk urban area.

''(ii) ADDITIONAL JURISDICTIONS.—A high-risk urban area designated by the Administrator may, in consultation with the State or States in which such high-risk urban area is located, add additional jurisdictions to the high-risk urban area.

''(c) APPLICATION.—

''(1) IN GENERAL.—An area designated as a high-risk urban area under subsection (b) may apply for a grant under this section.

''(2) MINIMUM CONTENTS OF APPLICATION.—In an application for a grant under this section, a high-risk urban area shall submit—

''(A) a plan describing the proposed division of responsibilities and distribution of funding among the local and tribal governments in the high-risk urban area;

''(B) the name of an individual to serve as a high-risk urban area liaison with the Department and among the various jurisdictions in the high-risk urban area; and

''(C) such information in support of the application as the Administrator may reasonably require.

''(3) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis.

''(4) STATE REVIEW AND TRANSMISSION.—

''(A) IN GENERAL.—To ensure consistency with State homeland security plans, a high-risk urban area applying for a grant under this section shall submit its application to each State within which any part of that high-risk urban area is located for review before submission of such application to the Department.

''(B) DEADLINE.—Not later than 30 days after receiving an application from a high-risk urban area under subparagraph (A), a State shall transmit the application to the Department.

''(C) OPPORTUNITY FOR STATE COMMENT.—If the Governor of a State determines that an application of a high-risk urban area is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

''(i) notify the Administrator, in writing, of that fact; and

''(ii) provide an explanation of the reason for not supporting the application at the time of transmission of the application.

''(5) OPPORTUNITY TO AMEND.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

''(d) DISTRIBUTION OF AWARDS.—

''(1) IN GENERAL.—If the Administrator approves the application of a high-risk urban area for a grant under this section, the Administrator shall distribute the grant funds to the State or States in which that high-risk urban area is located.

''(2) STATE DISTRIBUTION OF FUNDS.—

''(A) IN GENERAL.—Not later than 45 days after the date that a State receives grant funds under paragraph (1), that State shall provide the high-risk urban area awarded that grant not less than 80 percent of the grant funds. Any funds retained by a State shall be expended on items, services, or activities that benefit the high-risk urban area.

''(B) FUNDS RETAINED.—A State shall provide each relevant high-risk urban area with an accounting of the items, services, or activities on which any funds retained by the State under subparagraph (A) were expended.

''(3) INTERSTATE URBAN AREAS.—If parts of a high-risk urban area awarded a grant under this section are located in 2 or more States, the Administrator shall distribute to each such State—

''(A) a portion of the grant funds in accordance with the proposed distribution set forth in the application; or

''(B) if no agreement on distribution has been reached, a portion of the grant funds determined by the Administrator to be appropriate.

''(4) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO HIGH-RISK URBAN AREAS.—A State that receives grant funds under paragraph (1) shall certify to the Administrator that the State has made available to the applicable high-risk urban area the required funds under paragraph (2).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

''(1) $850,000,000 for fiscal year 2008;

''(2) $950,000,000 for fiscal year 2009;

''(3) $1,050,000,000 for fiscal year 2010;

''(4) $1,150,000,000 for fiscal year 2011;

''(5) $1,300,000,000 for fiscal year 2012; and

''(6) such sums as are necessary for fiscal year 2013, and each fiscal year thereafter.

**"SEC. 2004. STATE HOMELAND SECURITY GRANT PROGRAM.**

''(a) ESTABLISHMENT.—There is established a State Homeland Security Grant Program to assist State, local, and tribal governments in preventing, preparing for, protecting against, and responding to acts of terrorism.

''(b) APPLICATION.—

''(1) IN GENERAL.—Each State may apply for a grant under this section, and shall submit such information in support of the application as the Administrator may reasonably require.

''(2) MINIMUM CONTENTS OF APPLICATION.—The Administrator shall require that each State include in its application, at a minimum—

''(A) the purpose for which the State seeks grant funds and the reasons why the State needs the grant to meet the target capabilities of that State;

''(B) a description of how the State plans to allocate the grant funds to local governments and Indian tribes; and

''(C) a budget showing how the State intends to expend the grant funds.

''(3) ANNUAL APPLICATIONS.—Applicants for grants under this section shall apply or reapply on an annual basis.

''(c) DISTRIBUTION TO LOCAL AND TRIBAL GOVERNMENTS.—

''(1) IN GENERAL.—Not later than 45 days after receiving grant funds, any State receiving a grant under this section shall make available to local and tribal governments, consistent with the applicable State homeland security plan—

''(A) not less than 80 percent of the grant funds;

''(B) with the consent of local and tribal governments, items, services, or activities having a value of not less than 80 percent of the amount of the grant; or

''(C) with the consent of local and tribal governments, grant funds combined with other items, services, or activities having a total value of not less than 80 percent of the amount of the grant.

''(2) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—A State shall certify to the Administrator that the State has made the distribution to local and tribal governments required under paragraph (1).

''(3) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Administrator extend the period under paragraph (1) for an additional period of time. The Administrator may approve such a request if the Administrator determines that the resulting delay in providing grant funding to the local and tribal governments is necessary to promote effective investments to prevent, prepare for, protect against, or respond to acts of terrorism.

''(4) EXCEPTION.—Paragraph (1) shall not apply to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the Virgin Islands.

''(5) DIRECT FUNDING.—If a State fails to make the distribution to local or tribal governments required under paragraph (1) in a timely fashion, a local or tribal government entitled to receive such distribution may petition the Administrator to request that grant funds be provided directly to the local or tribal government.

''(d) MULTISTATE APPLICATIONS.—

''(1) IN GENERAL.—Instead of, or in addition to, any application for a grant under subsection (b), 2 or more States may submit an application for a grant under this section in support of multistate efforts to prevent, prepare for, protect against, and respond to acts of terrorism.

''(2) ADMINISTRATION OF GRANT.—If a group of States applies for a grant under this section, such States shall submit to the Administrator at the time of application a plan describing—

''(A) the division of responsibilities for administering the grant; and

''(B) the distribution of funding among the States that are parties to the application.

''(e) MINIMUM ALLOCATION.—

''(1) IN GENERAL.—In allocating funds under this section, the Administrator shall ensure that—

''(A) except as provided in subparagraph (B), each State receives, from the funds appropriated for the State Homeland Security Grant Program established under this section, not less than an amount equal to—

''(i) 0.375 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2008;

''(ii) 0.365 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2009;

''(iii) 0.36 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2010;

''(iv) 0.355 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2011; and

''(v) 0.35 percent of the total funds appropriated for grants under this section and section 2003 in fiscal year 2012 and in each fiscal year thereafter; and

''(B) for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive, from the funds appropriated for the State Homeland Security Grant Program established under this section, not less than an amount equal to 0.08 percent of the total funds appropriated for grants under this section and section 2003.

''(2) EFFECT OF MULTISTATE AWARD ON STATE MINIMUM.—Any portion of a multistate award provided to a State under subsection (d) shall be considered in calculating the minimum State allocation under this subsection.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—

''(1) $950,000,000 for each of fiscal years 2008 through 2012; and

''(2) such sums as are necessary for fiscal year 2013, and each fiscal year thereafter.

**"SEC. 2005. GRANTS TO DIRECTLY ELIGIBLE TRIBES.**

''(a) IN GENERAL.—Notwithstanding section 2004(b), the Administrator may award grants to directly eligible tribes under section 2004.

''(b) TRIBAL APPLICATIONS.—A directly eligible tribe may apply for a grant under section 2004 by submitting an application to the Administrator that includes, as appropriate, the information required for an application by a State under section 2004(b).

''(c) CONSISTENCY WITH STATE PLANS.—

''(1) IN GENERAL.—To ensure consistency with any applicable State homeland security plan, a directly eligible tribe applying for a grant under section 2004 shall provide a copy of its application to each State within which any part of the tribe is located for review before the tribe submits such application to the Department.

''(2) OPPORTUNITY FOR COMMENT.—If the Governor of a State determines that the application of a directly eligible tribe is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, not later than 30 days after the date of receipt of that application the Governor shall—

''(A) notify the Administrator, in writing, of that fact; and

''(B) provide an explanation of the reason for not supporting the application.

''(d) FINAL AUTHORITY.—The Administrator shall have final authority to approve any application of a directly eligible tribe. The Administrator shall notify each State within the boundaries of which any part of a directly eligible tribe is located of the approval of an application by the tribe.

''(e) PRIORITIZATION.—The Administrator shall allocate funds to directly eligible tribes in accordance with the factors applicable to allocating funds among States under section 2007.

''(f) DISTRIBUTION OF AWARDS TO DIRECTLY ELIGIBLE TRIBES.—If the Administrator awards funds to a directly eligible tribe under this section, the Administrator shall distribute the grant funds directly to the tribe and not through any State.

''(g) MINIMUM ALLOCATION.—

''(1) IN GENERAL.—In allocating funds under this section, the Administrator shall ensure that, for each fiscal year, directly eligible tribes collectively receive, from the funds appropriated for the State Homeland Security Grant Program established under section 2004, not less than an

*amount equal to 0.1 percent of the total funds appropriated for grants under sections 2003 and 2004.*

*''(2) EXCEPTION.—This subsection shall not apply in any fiscal year in which the Administrator—*

*''(A) receives fewer than 5 applications under this section; or*

*''(B) does not approve at least 2 applications under this section.*

*''(h) TRIBAL LIAISON.—A directly eligible tribe applying for a grant under section 2004 shall designate an individual to serve as a tribal liaison with the Department and other Federal, State, local, and regional government officials concerning preventing, preparing for, protecting against, and responding to acts of terrorism.*

*''(i) ELIGIBILITY FOR OTHER FUNDS.—A directly eligible tribe that receives a grant under section 2004 may receive funds for other purposes under a grant from the State or States within the boundaries of which any part of such tribe is located and from any high-risk urban area of which it is a part, consistent with the homeland security plan of the State or high-risk urban area.*

*''(j) STATE OBLIGATIONS.—*

*''(1) IN GENERAL.—States shall be responsible for allocating grant funds received under section 2004 to tribal governments in order to help those tribal communities achieve target capabilities not achieved through grants to directly eligible tribes.*

*''(2) DISTRIBUTION OF GRANT FUNDS.—With respect to a grant to a State under section 2004, an Indian tribe shall be eligible for funding directly from that State, and shall not be required to seek funding from any local government.*

*''(3) IMPOSITION OF REQUIREMENTS.—A State may not impose unreasonable or unduly burdensome requirements on an Indian tribe as a condition of providing the Indian tribe with grant funds or resources under section 2004.*

*''(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the authority of an Indian tribe that receives funds under this subtitle.*

***"SEC. 2006. TERRORISM PREVENTION.***

*''(a) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—*

*''(1) IN GENERAL.—The Administrator shall ensure that not less than 25 percent of the total combined funds appropriated for grants under sections 2003 and 2004 is used for law enforcement terrorism prevention activities.*

*''(2) LAW ENFORCEMENT TERRORISM PREVENTION ACTIVITIES.—Law enforcement terrorism prevention activities include—*

*''(A) information sharing and analysis;*

*''(B) target hardening;*

*''(C) threat recognition;*

*''(D) terrorist interdiction;*

*''(E) overtime expenses consistent with a State homeland security plan, including for the provision of enhanced law enforcement operations in support of Federal agencies, including for increased border security and border crossing enforcement;*

*''(F) establishing, enhancing, and staffing with appropriately qualified personnel State, local, and regional fusion centers that comply with the guidelines established under section 210A(i);*

*''(G) paying salaries and benefits for personnel, including individuals employed by the grant recipient on the date of the relevant grant application, to serve as qualified intelligence analysts;*

*''(H) any other activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the Law Enforcement Terrorism Prevention Program; and*

*''(I) any other terrorism prevention activity authorized by the Administrator.*

*''(3) PARTICIPATION OF UNDERREPRESENTED COMMUNITIES IN FUSION CENTERS.—The Administrator shall ensure that grant funds described in paragraph (1) are used to support the participation, as appropriate, of law enforcement and other emergency response providers from rural and other underrepresented communities at risk from acts of terrorism in fusion centers.*

*''(b) OFFICE FOR STATE AND LOCAL LAW ENFORCEMENT.—*

*''(1) ESTABLISHMENT.—There is established in the Policy Directorate of the Department 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 counterterrorism functions.*

*''(3) ASSIGNMENT OF PERSONNEL.—The Secretary shall assign to the Office for State and Local Law Enforcement permanent staff and, as appropriate and consistent with sections 506(c)(2), 821, and 888(d), 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) coordinate 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 law enforcement and terrorism-focused grants to State, local, and tribal government agencies, including grants under sections 2003 and 2004, the Commercial Equipment Direct Assistance Program, and other grants administered by the Department to support fusion centers and law enforcement-oriented programs, are appropriately focused on terrorism prevention activities;*

*''(E) coordinate with the Science and Technology Directorate, 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; and*

*''(F) conduct, jointly with the Administrator, a study to determine the efficacy and feasibility of establishing specialized law enforcement deployment teams to assist State, local, and tribal governments in responding to natural disasters, acts of terrorism, or other man-made disasters and report on the results of that study to the appropriate committees of Congress.*

*''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to diminish, supercede, or replace the responsibilities, authorities, or role of the Administrator.*

***"SEC. 2007. PRIORITIZATION.***

*''(a) IN GENERAL.—In allocating funds among States and high-risk urban areas applying for grants under section 2003 or 2004, the Administrator shall consider, for each State or high-risk urban area—*

*''(1) its relative threat, vulnerability, and consequences from acts of terrorism, including consideration of—*

*''(A) its population, including appropriate consideration of military, tourist, and commuter populations;*

*''(B) its population density;*

*''(C) its history of threats, including whether it has been the target of a prior act of terrorism;*

*''(D) its degree of threat, vulnerability, and consequences related to critical infrastructure (for all critical infrastructure sectors) or key resources identified by the Administrator or the State homeland security plan, including threats, vulnerabilities, and consequences related to critical infrastructure or key resources in nearby jurisdictions;*

*''(E) the most current threat assessments available to the Department;*

*''(F) whether the State has, or the high-risk urban area is located at or near, an international border;*

*''(G) whether it has a coastline bordering an ocean (including the Gulf of Mexico) or international waters;*

*''(H) its likely need to respond to acts of terrorism occurring in nearby jurisdictions;*

*''(I) the extent to which it has unmet target capabilities;*

*''(J) in the case of a high-risk urban area, the extent to which that high-risk urban area includes—*

*''(i) those incorporated municipalities, counties, parishes, and Indian tribes within the relevant eligible metropolitan area, the inclusion of which will enhance regional efforts to prevent, prepare for, protect against, and respond to acts of terrorism; and*

*''(ii) other local and tribal governments in the surrounding area that are likely to be called upon to respond to acts of terrorism within the high-risk urban area; and*

*''(K) such other factors as are specified in writing by the Administrator; and*

*''(2) the anticipated effectiveness of the proposed use of the grant by the State or high-risk urban area in increasing the ability of that State or high-risk urban area to prevent, prepare for, protect against, and respond to acts of terrorism, to meet its target capabilities, and to otherwise reduce the overall risk to the high-risk urban area, the State, or the Nation.*

*''(b) TYPES OF THREAT.—In assessing threat under this section, the Administrator shall consider the following types of threat to critical infrastructure sectors and to populations in all areas of the United States, urban and rural:*

*''(1) Biological.*

*''(2) Chemical.*

*''(3) Cyber.*

*''(4) Explosives.*

*''(5) Incendiary.*

*''(6) Nuclear.*

*''(7) Radiological.*

*''(8) Suicide bombers.*

*''(9) Such other types of threat determined relevant by the Administrator.*

***"SEC. 2008. USE OF FUNDS.***

*''(a) PERMITTED USES.—Grants awarded under section 2003 or 2004 may be used to achieve target capabilities related to preventing, preparing for, protecting against, and responding to acts of terrorism, consistent with a State homeland security plan and relevant local, tribal, and regional homeland security plans, through—*

*''(1) developing and enhancing homeland security, emergency management, or other relevant plans, assessments, or mutual aid agreements;*

*''(2) designing, conducting, and evaluating training and exercises, including training and exercises conducted under section 512 of this Act and section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748);*

*''(3) protecting a system or asset included on the prioritized critical infrastructure list established under section 210E(a)(2);*

*''(4) purchasing, upgrading, storing, or maintaining equipment, including computer hardware and software;*

*''(5) ensuring operability and achieving interoperability of emergency communications;*

''(6) responding to an increase in the threat level under the Homeland Security Advisory System, or to the needs resulting from a National Special Security Event;

''(7) establishing, enhancing, and staffing with appropriately qualified personnel State, local, and regional fusion centers that comply with the guidelines established under section 210A(i);

''(8) enhancing school preparedness;

''(9) supporting public safety answering points;

''(10) paying salaries and benefits for personnel, including individuals employed by the grant recipient on the date of the relevant grant application, to serve as qualified intelligence analysts;

''(11) paying expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant;

''(12) any activity permitted under the Fiscal Year 2007 Program Guidance of the Department for the State Homeland Security Grant Program, the Urban Area Security Initiative (including activities permitted under the full-time counterterrorism staffing pilot), or the Law Enforcement Terrorism Prevention Program; and

''(13) any other appropriate activity, as determined by the Administrator.

''(b) LIMITATIONS ON USE OF FUNDS.—

''(1) IN GENERAL.—Funds provided under section 2003 or 2004 may not be used—

''(A) to supplant State or local funds, except that nothing in this paragraph shall prohibit the use of grant funds provided to a State or high-risk urban area for otherwise permissible uses under subsection (a) on the basis that a State or high-risk urban area has previously used State or local funds to support the same or similar uses; or

''(B) for any State or local government cost-sharing contribution.

''(2) PERSONNEL.—

''(A) IN GENERAL.—Not more than 50 percent of the amount awarded to a grant recipient under section 2003 or 2004 in any fiscal year may be used to pay for personnel, including overtime and backfill costs, in support of the permitted uses under subsection (a).

''(B) WAIVER.—At the request of the recipient of a grant under section 2003 or 2004, the Administrator may grant a waiver of the limitation under subparagraph (A).

''(3) CONSTRUCTION.—

''(A) IN GENERAL.—A grant awarded under section 2003 or 2004 may not be used to acquire land or to construct buildings or other physical facilities.

''(B) EXCEPTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), nothing in this paragraph shall prohibit the use of a grant awarded under section 2003 or 2004 to achieve target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism, including through the alteration or remodeling of existing buildings for the purpose of making such buildings secure against acts of terrorism.

''(ii) REQUIREMENTS FOR EXCEPTION.—No grant awarded under section 2003 or 2004 may be used for a purpose described in clause (i) unless—

''(I) specifically approved by the Administrator;

''(II) any construction work occurs under terms and conditions consistent with the requirements under section 611(j)(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(j)(9)); and

''(III) the amount allocated for purposes under clause (i) does not exceed the greater of $1,000,000 or 15 percent of the grant award.

''(4) RECREATION.—Grants awarded under this subtitle may not be used for recreational or social purposes.

''(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this subtitle shall be construed to prohibit State, local, or tribal governments from using grant funds under sections 2003 and 2004 in a manner that enhances preparedness for disasters unrelated to acts of terrorism, if such use assists such governments in achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.

''(d) REIMBURSEMENT OF COSTS.—

''(1) PAID-ON-CALL OR VOLUNTEER REIMBURSEMENT.—In addition to the activities described in subsection (a), a grant under section 2003 or 2004 may be used to provide a reasonable stipend to paid-on-call or volunteer emergency response providers who are not otherwise compensated for travel to or participation in training or exercises related to the purposes of this subtitle. Any such reimbursement shall not be considered compensation for purposes of rendering an emergency response provider an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

''(2) PERFORMANCE OF FEDERAL DUTY.—An applicant for a grant under section 2003 or 2004 may petition the Administrator to use the funds from its grants under those sections for the reimbursement of the cost of any activity relating to preventing, preparing for, protecting against, or responding to acts of terrorism that is a Federal duty and usually performed by a Federal agency, and that is being performed by a State or local government under agreement with a Federal agency.

''(e) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a grant under section 2003 or 2004, the Administrator may authorize the grant recipient to transfer all or part of the grant funds from uses specified in the grant agreement to other uses authorized under this section, if the Administrator determines that such transfer is in the interests of homeland security.

''(f) EQUIPMENT STANDARDS.—If an applicant for a grant under section 2003 or 2004 proposes to upgrade or purchase, with assistance provided under that grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall include in its application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

**"Subtitle B—Grants Administration**

**"SEC. 2021. ADMINISTRATION AND COORDINATION.**

''(a) REGIONAL COORDINATION.—The Administrator shall ensure that—

''(1) all recipients of grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters (excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.)) coordinate, as appropriate, their prevention, preparedness, and protection efforts with neighboring State, local, and tribal governments; and

''(2) all high-risk urban areas and other recipients of grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters (excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.)) that include or substantially affect parts or all of more than 1 State coordinate, as appropriate, across State boundaries, including, where appropriate, through the use of regional working groups and requirements for regional plans.

''(b) PLANNING COMMITTEES.—

''(1) IN GENERAL.—Any State or high-risk urban area receiving a grant under section 2003 or 2004 shall establish a planning committee to assist in preparation and revision of the State, regional, or local homeland security plan and to assist in determining effective funding priorities for grants under sections 2003 and 2004.

''(2) COMPOSITION.—

''(A) IN GENERAL.—The planning committee shall include representatives of significant stakeholders, including—

''(i) local and tribal government officials; and

''(ii) emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical response, and emergency managers.

''(B) GEOGRAPHIC REPRESENTATION.—The members of the planning committee shall be a representative group of individuals from the counties, cities, towns, and Indian tribes within the State or high-risk urban area, including, as appropriate, representatives of rural, high-population, and high-threat jurisdictions.

''(3) EXISTING PLANNING COMMITTEES.—Nothing in this subsection may be construed to require that any State or high-risk urban area create a planning committee if that State or high-risk urban area has established and uses a multijurisdictional planning committee or commission that meets the requirements of this subsection.

''(c) INTERAGENCY COORDINATION.—

''(1) IN GENERAL.—Not later than 12 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary (acting through the Administrator), the Attorney General, the Secretary of Health and Human Services, and the heads of other agencies providing assistance to State, local, and tribal governments for preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters, shall jointly—

''(A) compile a comprehensive list of Federal grant programs for State, local, and tribal governments for preventing, preparing for, protecting against, and responding to natural disasters, acts of terrorism, and other man-made disasters;

''(B) compile the planning, reporting, application, and other requirements and guidance for the grant programs described in subparagraph (A);

''(C) develop recommendations, as appropriate, to—

''(i) eliminate redundant and duplicative requirements for State, local, and tribal governments, including onerous application and ongoing reporting requirements;

''(ii) ensure accountability of the programs to the intended purposes of such programs;

''(iii) coordinate allocation of grant funds to avoid duplicative or inconsistent purchases by the recipients;

''(iv) make the programs more accessible and user friendly to applicants; and

''(v) ensure the programs are coordinated to enhance the overall preparedness of the Nation;

''(D) submit the information and recommendations under subparagraphs (A), (B), and (C) to the appropriate committees of Congress; and

''(E) provide the appropriate committees of Congress, the Comptroller General, and any officer or employee of the Government Accountability Office with full access to any information collected or reviewed in preparing the submission under subparagraph (D).

''(2) SCOPE OF TASK.—Nothing in this subsection shall authorize the elimination, or the alteration of the purposes, as delineated by statute, regulation, or guidance, of any grant program that exists on the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, nor authorize the review or preparation of proposals on the elimination, or the alteration of such purposes, of any such grant program.

''(d) SENSE OF CONGRESS.—It is the sense of Congress that, in order to ensure that the Nation is most effectively able to prevent, prepare

*for, protect against, and respond to all hazards, including natural disasters, acts of terrorism, and other man-made disasters—*

*''(1) the Department should administer a coherent and coordinated system of both terrorism-focused and all-hazards grants;*

*''(2) there should be a continuing and appropriate balance between funding for terrorism-focused and all-hazards preparedness, as reflected in the authorizations of appropriations for grants under the amendments made by titles I and II, as applicable, of the Implementing Recommendations of the 9/11 Commission Act of 2007; and*

*''(3) with respect to terrorism-focused grants, it is necessary to ensure both that the target capabilities of the highest risk areas are achieved quickly and that basic levels of preparedness, as measured by the attainment of target capabilities, are achieved nationwide.*

***"SEC. 2022. ACCOUNTABILITY.***

*''(a) AUDITS OF GRANT PROGRAMS.—*

*''(1) COMPLIANCE REQUIREMENTS.—*

*''(A) AUDIT REQUIREMENT.—Each recipient of a grant administered by the Department that expends not less than $500,000 in Federal funds during its fiscal year shall submit to the Administrator a copy of the organization-wide financial and compliance audit report required under chapter 75 of title 31, United States Code.*

*''(B) ACCESS TO INFORMATION.—The Department and each recipient of a grant administered by the Department shall provide the Comptroller General and any officer or employee of the Government Accountability Office with full access to information regarding the activities carried out related to any grant administered by the Department.*

*''(C) IMPROPER PAYMENTS.—Consistent with the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), for each of the grant programs under sections 2003 and 2004 of this title and section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762), the Administrator shall specify policies and procedures for—*

*''(i) identifying activities funded under any such grant program that are susceptible to significant improper payments; and*

*''(ii) reporting any improper payments to the Department.*

*''(2) AGENCY PROGRAM REVIEW.—*

*''(A) IN GENERAL.—Not less than once every 2 years, the Administrator shall conduct, for each State and high-risk urban area receiving a grant administered by the Department, a programmatic and financial review of all grants awarded by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters, excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.).*

*''(B) CONTENTS.—Each review under subparagraph (A) shall, at a minimum, examine—*

*''(i) whether the funds awarded were used in accordance with the law, program guidance, and State homeland security plans or other applicable plans; and*

*''(ii) the extent to which funds awarded enhanced the ability of a grantee to prevent, prepare for, protect against, and respond to natural disasters, acts of terrorism, and other man-made disasters.*

*''(C) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated to the Administrator, there are authorized to be appropriated to the Administrator for reviews under this paragraph—*

*''(i) $8,000,000 for each of fiscal years 2008, 2009, and 2010; and*

*''(ii) such sums as are necessary for fiscal year 2011, and each fiscal year thereafter.*

*''(3) OFFICE OF INSPECTOR GENERAL PERFORMANCE AUDITS.—*

*''(A) IN GENERAL.—In order to ensure the effective and appropriate use of grants administered by the Department, the Inspector General of the Department each year shall conduct audits of a sample of States and high-risk urban areas that receive grants administered by the Department to prevent, prepare for, protect against, or respond to natural disasters, acts of terrorism, or other man-made disasters, excluding assistance provided under section 203, title IV, or title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170 et seq., and 5191 et seq.).*

*''(B) DETERMINING SAMPLES.—The sample selected for audits under subparagraph (A) shall be—*

*''(i) of an appropriate size to—*

*''(I) assess the overall integrity of the grant programs described in subparagraph (A); and*

*''(II) act as a deterrent to financial mismanagement; and*

*''(ii) selected based on—*

*''(I) the size of the grants awarded to the recipient;*

*''(II) the past grant management performance of the recipient;*

*''(III) concerns identified by the Administrator, including referrals from the Administrator; and*

*''(IV) such other factors as determined by the Inspector General of the Department.*

*''(C) COMPREHENSIVE AUDITING.—During the 7-year period beginning on the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Inspector General of the Department shall conduct not fewer than 1 audit of each State that receives funds under a grant under section 2003 or 2004.*

*''(D) REPORT BY THE INSPECTOR GENERAL.—*

*''(i) IN GENERAL.—The Inspector General of the Department shall submit to the appropriate committees of Congress an annual consolidated report regarding the audits completed during the fiscal year before the date of that report.*

*''(ii) CONTENTS.—Each report submitted under clause (i) shall describe, for the fiscal year before the date of that report—*

*''(I) the audits conducted under subparagraph (A);*

*''(II) the findings of the Inspector General with respect to the audits conducted under subparagraph (A);*

*''(III) whether the funds awarded were used in accordance with the law, program guidance, and State homeland security plans and other applicable plans; and*

*''(IV) the extent to which funds awarded enhanced the ability of a grantee to prevent, prepare for, protect against, and respond to natural disasters, acts of terrorism and other man-made disasters.*

*''(iii) DEADLINE.—For each year, the report required under clause (i) shall be submitted not later than December 31.*

*''(E) PUBLIC AVAILABILITY ON WEBSITE.—The Inspector General of the Department shall make each audit conducted under subparagraph (A) available on the website of the Inspector General, subject to redaction as the Inspector General determines necessary to protect classified and other sensitive information.*

*''(F) PROVISION OF INFORMATION TO ADMINISTRATOR.—The Inspector General of the Department shall provide to the Administrator any findings and recommendations from audits conducted under subparagraph (A).*

*''(G) EVALUATION OF GRANTS MANAGEMENT AND OVERSIGHT.—Not later than 1 year after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Inspector General of the Department shall review and evaluate the grants management and oversight practices of the Federal Emergency Management Agency, including assessment of and recommendations relating to—*

*''(i) the skills, resources, and capabilities of the workforce; and*

*''(ii) any additional resources and staff necessary to carry out such management and oversight.*

*''(H) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated to the Inspector General of the Department, there are authorized to be appropriated to the Inspector General of the Department for audits under subparagraph (A)—*

*''(i) $8,500,000 for each of fiscal years 2008, 2009, and 2010; and*

*''(ii) such sums as are necessary for fiscal year 2011, and each fiscal year thereafter.*

*''(4) PERFORMANCE ASSESSMENT.—In order to ensure that States and high-risk urban areas are using grants administered by the Department appropriately to meet target capabilities and preparedness priorities, the Administrator shall—*

*''(A) ensure that any such State or high-risk urban area conducts or participates in exercises under section 648(b) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b));*

*''(B) use performance metrics in accordance with the comprehensive assessment system under section 649 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 749) and ensure that any such State or high-risk urban area regularly tests its progress against such metrics through the exercises required under subparagraph (A);*

*''(C) use the remedial action management program under section 650 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 750); and*

*''(D) ensure that each State receiving a grant administered by the Department submits a report to the Administrator on its level of preparedness, as required by section 652(c) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(c)).*

*''(5) CONSIDERATION OF ASSESSMENTS.—In conducting program reviews and performance audits under paragraphs (2) and (3), the Administrator and the Inspector General of the Department shall take into account the performance assessment elements required under paragraph (4).*

*''(6) RECOVERY AUDITS.—The Administrator shall conduct a recovery audit (as that term is defined by the Director of the Office of Management and Budget under section 3561 of title 31, United States Code) for any grant administered by the Department with a total value of not less than $1,000,000, if the Administrator finds that—*

*''(A) a financial audit has identified improper payments that can be recouped; and*

*''(B) it is cost effective to conduct a recovery audit to recapture the targeted funds.*

*''(7) REMEDIES FOR NONCOMPLIANCE.—*

*''(A) IN GENERAL.—If, as a result of a review or audit under this subsection or otherwise, the Administrator finds that a recipient of a grant under this title has failed to substantially comply with any provision of law or with any regulations or guidelines of the Department regarding eligible expenditures, the Administrator shall—*

*''(i) reduce the amount of payment of grant funds to the recipient by an amount equal to the amount of grants funds that were not properly expended by the recipient;*

*''(ii) limit the use of grant funds to programs, projects, or activities not affected by the failure to comply;*

*''(iii) refer the matter to the Inspector General of the Department for further investigation;*

*''(iv) terminate any payment of grant funds to be made to the recipient; or*

*''(v) take such other action as the Administrator determines appropriate.*

*''(B) DURATION OF PENALTY.—The Administrator shall apply an appropriate penalty under subparagraph (A) until such time as the Administrator determines that the grant recipient is in full compliance with the law and with applicable guidelines or regulations of the Department.*

*''(b) REPORTS BY GRANT RECIPIENTS.—*

*''(1) QUARTERLY REPORTS ON HOMELAND SECURITY SPENDING.—*

''(A) IN GENERAL.—As a condition of receiving a grant under section 2003 or 2004, a State, high-risk urban area, or directly eligible tribe shall, not later than 30 days after the end of each Federal fiscal quarter, submit to the Administrator a report on activities performed using grant funds during that fiscal quarter.

''(B) CONTENTS.—Each report submitted under subparagraph (A) shall at a minimum include, for the applicable State, high-risk urban area, or directly eligible tribe, and each subgrantee thereof—

''(i) the amount obligated to that recipient under section 2003 or 2004 in that quarter;

''(ii) the amount of funds received and expended under section 2003 or 2004 by that recipient in that quarter; and

''(iii) a summary description of expenditures made by that recipient using such funds, and the purposes for which such expenditures were made.

''(C) END-OF-YEAR REPORT.—The report submitted under subparagraph (A) by a State, high-risk urban area, or directly eligible tribe relating to the last quarter of any fiscal year shall include—

''(i) the amount and date of receipt of all funds received under the grant during that fiscal year;

''(ii) the identity of, and amount provided to, any subgrantee for that grant during that fiscal year;

''(iii) the amount and the dates of disbursements of all such funds expended in compliance with section 2021(a)(1) or under mutual aid agreements or other sharing arrangements that apply within the State, high-risk urban area, or directly eligible tribe, as applicable, during that fiscal year; and

''(iv) how the funds were used by each recipient or subgrantee during that fiscal year.

''(2) ANNUAL REPORT.—Any State applying for a grant under section 2004 shall submit to the Administrator annually a State preparedness report, as required by section 652(c) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(c)).

''(c) REPORTS BY THE ADMINISTRATOR.—

''(1) FEDERAL PREPAREDNESS REPORT.—The Administrator shall submit to the appropriate committees of Congress annually the Federal Preparedness Report required under section 652(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(a)).

''(2) RISK ASSESSMENT.—

''(A) IN GENERAL.—For each fiscal year, the Administrator shall provide to the appropriate committees of Congress a detailed and comprehensive explanation of the methodologies used to calculate risk and compute the allocation of funds for grants administered by the Department, including—

''(i) all variables included in the risk assessment and the weights assigned to each such variable;

''(ii) an explanation of how each such variable, as weighted, correlates to risk, and the basis for concluding there is such a correlation; and

''(iii) any change in the methodologies from the previous fiscal year, including changes in variables considered, weighting of those variables, and computational methods.

''(B) CLASSIFIED ANNEX.—The information required under subparagraph (A) shall be provided in unclassified form to the greatest extent possible, and may include a classified annex if necessary.

''(C) DEADLINE.—For each fiscal year, the information required under subparagraph (A) shall be provided on the earlier of—

''(i) October 31; or

''(ii) 30 days before the issuance of any program guidance for grants administered by the Department.

''(3) TRIBAL FUNDING REPORT.—At the end of each fiscal year, the Administrator shall submit to the appropriate committees of Congress a report setting forth the amount of funding provided during that fiscal year to Indian tribes under any grant program administered by the Department, whether provided directly or through a subgrant from a State or high-risk urban area.''.

**SEC. 102. OTHER AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.**

(a) NATIONAL ADVISORY COUNCIL.—Section 508(b) of the Homeland Security Act of 2002 (6 U.S.C. 318(b)) is amended—

(1) by striking ''The National Advisory'' the first place that term appears and inserting the following:

''(1) IN GENERAL.—The National Advisory''; and

(2) by adding at the end the following:

''(2) CONSULTATION ON GRANTS.—To ensure input from and coordination with State, local, and tribal governments and emergency response providers, the Administrator shall regularly consult and work with the National Advisory Council on the administration and assessment of grant programs administered by the Department, including with respect to the development of program guidance and the development and evaluation of risk-assessment methodologies, as appropriate.''.

(b) EVACUATION PLANNING.—Section 512(b)(5)(A) of the Homeland Security Act of 2002 (6 U.S.C. 321a(b)(5)(A)) is amended by inserting '', including the elderly'' after ''needs''.

**SEC. 103. AMENDMENTS TO THE POST-KATRINA EMERGENCY MANAGEMENT REFORM ACT OF 2006.**

(a) FUNDING EFFICACY.—Section 652(a)(2) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(a)(2)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) an evaluation of the extent to which grants administered by the Department, including grants under title XX of the Homeland Security Act of 2002—

''(i) have contributed to the progress of State, local, and tribal governments in achieving target capabilities; and

''(ii) have led to the reduction of risk from natural disasters, acts of terrorism, or other man-made disasters nationally and in State, local, and tribal jurisdictions.''.

(b) STATE PREPAREDNESS REPORT.—Section 652(c)(2)(D) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(c)(2)(D)) is amended by striking ''an assessment of resource needs'' and inserting ''a discussion of the extent to which target capabilities identified in the applicable State homeland security plan and other applicable plans remain unmet and an assessment of resources needed''.

**SEC. 104. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating title XVIII, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as title XIX;

(2) by redesignating sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), as sections 1901 through 1906, respectively;

(3) in section 1904(a), as so redesignated, by striking ''section 1802'' and inserting ''section 1902'';

(4) in section 1906, as so redesignated, by striking ''section 1802(a)'' each place that term appears and inserting ''section 1902(a)''; and

(5) in the table of contents in section 1(b), by striking the items relating to title XVIII and sections 1801 through 1806, as added by the SAFE Port Act (Public Law 109–347; 120 Stat. 1884), and inserting the following:

''TITLE XIX—DOMESTIC NUCLEAR DETECTION OFFICE

''Sec. 1901. Domestic Nuclear Detection Office.
''Sec. 1902. Mission of Office.
''Sec. 1903. Hiring authority.
''Sec. 1904. Testing authority.
''Sec. 1905. Relationship to other Department entities and Federal agencies.
''Sec. 1906. Contracting and grant making authorities.

''TITLE XX—HOMELAND SECURITY GRANTS

''Sec. 2001. Definitions.

''Subtitle A—Grants to States and High-Risk Urban Areas

''Sec. 2002. Homeland Security Grant Programs.
''Sec. 2003. Urban Area Security Initiative.
''Sec. 2004. State Homeland Security Grant Program.
''Sec. 2005. Grants to directly eligible tribes.
''Sec. 2006. Terrorism prevention.
''Sec. 2007. Prioritization.
''Sec. 2008. Use of funds.

''Subtitle B—Grants Administration

''Sec. 2021. Administration and coordination.
''Sec. 2022. Accountability.''.

## TITLE II—EMERGENCY MANAGEMENT PERFORMANCE GRANTS

**SEC. 201. EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM.**

Section 662 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 762) is amended to read as follows:

**''SEC. 662. EMERGENCY MANAGEMENT PERFORMANCE GRANTS PROGRAM.**

''(a) DEFINITIONS.—In this section—

''(1) the term 'program' means the emergency management performance grants program described in subsection (b); and

''(2) the term 'State' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

''(b) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall continue implementation of an emergency management performance grants program, to make grants to States to assist State, local, and tribal governments in preparing for all hazards, as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(c) FEDERAL SHARE.—Except as otherwise specifically provided by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Federal share of the cost of an activity carried out using funds made available under the program shall not exceed 50 percent.

''(d) APPORTIONMENT.—For fiscal year 2008, and each fiscal year thereafter, the Administrator shall apportion the amounts appropriated to carry out the program among the States as follows:

''(1) BASELINE AMOUNT.—The Administrator shall first apportion 0.25 percent of such amounts to each of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands and 0.75 percent of such amounts to each of the remaining States.

''(2) REMAINDER.—The Administrator shall apportion the remainder of such amounts in the ratio that—

''(A) the population of each State; bears to

''(B) the population of all States.

''(e) CONSISTENCY IN ALLOCATION.—Notwithstanding subsection (d), in any fiscal year before fiscal year 2013 in which the appropriation for grants under this section is equal to or greater than the appropriation for emergency management performance grants in fiscal year 2007, no State shall receive an amount under this section for that fiscal year less than the amount that State received in fiscal year 2007.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program—

''(1) for fiscal year 2008, $400,000,000;

''(2) for fiscal year 2009, $535,000,000;
''(3) for fiscal year 2010, $680,000,000;
''(4) for fiscal year 2011, $815,000,000; and
''(5) for fiscal year 2012, $950,000,000.''.

**SEC. 202. GRANTS FOR CONSTRUCTION OF EMERGENCY OPERATIONS CENTERS.**

Section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) is amended to read as follows:

**''SEC. 614. GRANTS FOR CONSTRUCTION OF EMERGENCY OPERATIONS CENTERS.**

''(a) GRANTS.—The Administrator of the Federal Emergency Management Agency may make grants to States under this title for equipping, upgrading, and constructing State and local emergency operations centers.

''(b) FEDERAL SHARE.—Notwithstanding any other provision of this title, the Federal share of the cost of an activity carried out using amounts from grants made under this section shall not exceed 75 percent.''.

## TITLE III—ENSURING COMMUNICATIONS INTEROPERABILITY FOR FIRST RESPONDERS

**SEC. 301. INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM.**

(a) ESTABLISHMENT.—Title XVIII of the Homeland Security Act of 2002 (6 U.S.C. 571 et seq.) is amended by adding at the end the following new section:

**''SEC. 1809. INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM.**

''(a) ESTABLISHMENT.—The Secretary shall establish the Interoperable Emergency Communications Grant Program to make grants to States to carry out initiatives to improve local, tribal, statewide, regional, national and, where appropriate, international interoperable emergency communications, including communications in collective response to natural disasters, acts of terrorism, and other man-made disasters.

''(b) POLICY.—The Director for Emergency Communications shall ensure that a grant awarded to a State under this section is consistent with the policies established pursuant to the responsibilities and authorities of the Office of Emergency Communications under this title, including ensuring that activities funded by the grant—

''(1) comply with the statewide plan for that State required by section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)); and

''(2) comply with the National Emergency Communications Plan under section 1802, when completed.

''(c) ADMINISTRATION.—

''(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency shall administer the Interoperable Emergency Communications Grant Program pursuant to the responsibilities and authorities of the Administrator under title V of the Act.

''(2) GUIDANCE.—In administering the grant program, the Administrator shall ensure that the use of grants is consistent with guidance established by the Director of Emergency Communications pursuant to section 7303(a)(1)(H) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(a)(1)(H)).

''(d) USE OF FUNDS.—A State that receives a grant under this section shall use the grant to implement that State's Statewide Interoperability Plan required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)) and approved under subsection (e), and to assist with activities determined by the Secretary to be integral to interoperable emergency communications.

''(e) APPROVAL OF PLANS.—

''(1) APPROVAL AS CONDITION OF GRANT.—Before a State may receive a grant under this section, the Director of Emergency Communications shall approve the State's Statewide Interoperable Communications Plan required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)).

''(2) PLAN REQUIREMENTS.—In approving a plan under this subsection, the Director of Emergency Communications shall ensure that the plan—

''(A) is designed to improve interoperability at the city, county, regional, State and interstate level;

''(B) considers any applicable local or regional plan; and

''(C) complies, to the maximum extent practicable, with the National Emergency Communications Plan under section 1802.

''(3) APPROVAL OF REVISIONS.—The Director of Emergency Communications may approve revisions to a State's plan if the Director determines that doing so is likely to further interoperability.

''(f) LIMITATIONS ON USES OF FUNDS.—

''(1) IN GENERAL.—The recipient of a grant under this section may not use the grant—

''(A) to supplant State or local funds;

''(B) for any State or local government cost-sharing contribution; or

''(C) for recreational or social purposes.

''(2) PENALTIES.—In addition to other remedies currently available, the Secretary may take such actions as necessary to ensure that recipients of grant funds are using the funds for the purpose for which they were intended.

''(g) LIMITATIONS ON AWARD OF GRANTS.—

''(1) NATIONAL EMERGENCY COMMUNICATIONS PLAN REQUIRED.—The Secretary may not award a grant under this section before the date on which the Secretary completes and submits to Congress the National Emergency Communications Plan required under section 1802.

''(2) VOLUNTARY CONSENSUS STANDARDS.—The Secretary may not award a grant to a State under this section for the purchase of equipment that does not meet applicable voluntary consensus standards, unless the State demonstrates that there are compelling reasons for such purchase.

''(h) AWARD OF GRANTS.—In approving applications and awarding grants under this section, the Secretary shall consider—

''(1) the risk posed to each State by natural disasters, acts of terrorism, or other manmade disasters, including—

''(A) the likely need of a jurisdiction within the State to respond to such risk in nearby jurisdictions;

''(B) the degree of threat, vulnerability, and consequences related to critical infrastructure (from all critical infrastructure sectors) or key resources identified by the Administrator or the State homeland security and emergency management plans, including threats to, vulnerabilities of, and consequences from damage to critical infrastructure and key resources in nearby jurisdictions;

''(C) the size of the population and density of the population of the State, including appropriate consideration of military, tourist, and commuter populations;

''(D) whether the State is on or near an international border;

''(E) whether the State encompasses an economically significant border crossing; and

''(F) whether the State has a coastline bordering an ocean, a major waterway used for interstate commerce, or international waters, and

''(2) the anticipated effectiveness of the State's proposed use of grant funds to improve interoperability.

''(i) OPPORTUNITY TO AMEND APPLICATIONS.—In considering applications for grants under this section, the Administrator shall provide applicants with a reasonable opportunity to correct defects in the application, if any, before making final awards.

''(j) MINIMUM GRANT AMOUNTS.—

''(1) STATES.—In awarding grants under this section, the Secretary shall ensure that for each fiscal year, except as provided in paragraph (2), no State receives a grant in an amount that is less than the following percentage of the total amount appropriated for grants under this section for that fiscal year:

''(A) For fiscal year 2008, 0.50 percent.
''(B) For fiscal year 2009, 0.50 percent.
''(C) For fiscal year 2010, 0.45 percent.
''(D) For fiscal year 2011, 0.40 percent.
''(E) For fiscal year 2012 and each subsequent fiscal year, 0.35 percent.

''(2) TERRITORIES AND POSSESSIONS.—In awarding grants under this section, the Secretary shall ensure that for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive grants in amounts that are not less than 0.08 percent of the total amount appropriated for grants under this section for that fiscal year.

''(k) CERTIFICATION.—Each State that receives a grant under this section shall certify that the grant is used for the purpose for which the funds were intended and in compliance with the State's approved Statewide Interoperable Communications Plan.

''(l) STATE RESPONSIBILITIES.—

''(1) AVAILABILITY OF FUNDS TO LOCAL AND TRIBAL GOVERNMENTS.—Not later than 45 days after receiving grant funds, any State that receives a grant under this section shall obligate or otherwise make available to local and tribal governments—

''(A) not less than 80 percent of the grant funds;

''(B) with the consent of local and tribal governments, eligible expenditures having a value of not less than 80 percent of the amount of the grant; or

''(C) grant funds combined with other eligible expenditures having a total value of not less than 80 percent of the amount of the grant.

''(2) ALLOCATION OF FUNDS.—A State that receives a grant under this section shall allocate grant funds to tribal governments in the State to assist tribal communities in improving interoperable communications, in a manner consistent with the Statewide Interoperable Communications Plan. A State may not impose unreasonable or unduly burdensome requirements on a tribal government as a condition of providing grant funds or resources to the tribal government.

''(3) PENALTIES.—If a State violates the requirements of this subsection, in addition to other remedies available to the Secretary, the Secretary may terminate or reduce the amount of the grant awarded to that State or transfer grant funds previously awarded to the State directly to the appropriate local or tribal government.

''(m) REPORTS.—

''(1) ANNUAL REPORTS BY STATE GRANT RECIPIENTS.—A State that receives a grant under this section shall annually submit to the Director of Emergency Communications a report on the progress of the State in implementing that State's Statewide Interoperable Communications Plans required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(f)) and achieving interoperability at the city, county, regional, State, and interstate levels. The Director shall make the reports publicly available, including by making them available on the Internet website of the Office of Emergency Communications, subject to any redactions that the Director determines are necessary to protect classified or other sensitive information.

''(2) ANNUAL REPORTS TO CONGRESS.—At least once each year, the Director of Emergency Communications shall submit to Congress a report on the use of grants awarded under this section and any progress in implementing Statewide Interoperable Communications Plans and improving interoperability at the city, county, regional, State, and interstate level, as a result of the award of such grants.

''(n) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude a State from using a grant awarded under

*this section for interim or long-term Internet Protocol-based interoperable solutions.*

*''(o) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section—*

*''(1) for fiscal year 2008, such sums as may be necessary;*

*''(2) for each of fiscal years 2009 through 2012, $400,000,000; and*

*''(3) for each subsequent fiscal year, such sums as may be necessary.''.*

*(b) CLERICAL AMENDMENT.— The table of contents in section l(b) of such Act is amended by inserting after the item relating to section 1808 the following:*

*''Sec. 1809. Interoperable Emergency Communications Grant Program.''.*

*(c) INTEROPERABLE COMMUNICATIONS PLANS.—Section 7303 of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 194) is amended—*

*(1) in subsection (f)—*

*(A) in paragraph (4), by striking ''and'' at the end;*

*(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and*

*(C) by adding at the end the following:*

*''(6) include information on the governance structure used to develop the plan, including such information about all agencies and organizations that participated in developing the plan and the scope and timeframe of the plan; and*

*''(7) describe the method by which multi-jurisdictional, multidisciplinary input is provided from all regions of the jurisdiction, including any high-threat urban areas located in the jurisdiction, and the process for continuing to incorporate such input.'';*

*(2) in subsection (g)(1), by striking ''or video'' and inserting ''and video''.*

*(d) NATIONAL EMERGENCY COMMUNICATIONS PLAN.—Section 1802(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—*

*(1) in paragraph (8), by striking ''and'' at the end;*

*(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and*

*(3) by adding at the end the following:*

*''(10) set a date, including interim benchmarks, as appropriate, by which State, local, and tribal governments, Federal departments and agencies, and emergency response providers expect to achieve a baseline level of national interoperable communications, as that term is defined under section 7303(g)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(g)(1)).''.*

***SEC. 302. BORDER INTEROPERABILITY DEMONSTRATION PROJECT.***

*(a) IN GENERAL.—Title XVIII of the Homeland Security Act of 2002 (6 U.S.C. 571 et seq.) is amended by adding at the end the following new section:*

***''SEC. 1810. BORDER INTEROPERABILITY DEMONSTRATION PROJECT.***

*''(a) IN GENERAL.—*

*''(1) ESTABLISHMENT.—The Secretary, acting through the Director of the Office of Emergency Communications (referred to in this section as the 'Director'), and in coordination with the Federal Communications Commission and the Secretary of Commerce, shall establish an International Border Community Interoperable Communications Demonstration Project (referred to in this section as the 'demonstration project').*

*''(2) MINIMUM NUMBER OF COMMUNITIES.—The Director shall select no fewer than 6 communities to participate in a demonstration project.*

*''(3) LOCATION OF COMMUNITIES.—No fewer than 3 of the communities selected under paragraph (2) shall be located on the northern border of the United States and no fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.*

*''(b) CONDITIONS.—The Director, in coordination with the Federal Communications Commission and the Secretary of Commerce, shall ensure that the project is carried out as soon as adequate spectrum is available as a result of the 800 megahertz rebanding process in border areas, and shall ensure that the border projects do not impair or impede the rebanding process, but under no circumstances shall funds be distributed under this section unless the Federal Communications Commission and the Secretary of Commerce agree that these conditions have been met.*

*''(c) PROGRAM REQUIREMENTS.—Consistent with the responsibilities of the Office of Emergency Communications under section 1801, the Director shall foster local, tribal, State, and Federal interoperable emergency communications, as well as interoperable emergency communications with appropriate Canadian and Mexican authorities in the communities selected for the demonstration project. The Director shall—*

*''(1) identify solutions to facilitate interoperable communications across national borders expeditiously;*

*''(2) help ensure that emergency response providers can communicate with each other in the event of natural disasters, acts of terrorism, and other man-made disasters;*

*''(3) provide technical assistance to enable emergency response providers to deal with threats and contingencies in a variety of environments;*

*''(4) identify appropriate joint-use equipment to ensure communications access;*

*''(5) identify solutions to facilitate communications between emergency response providers in communities of differing population densities; and*

*''(6) take other actions or provide equipment as the Director deems appropriate to foster interoperable emergency communications.*

*''(d) DISTRIBUTION OF FUNDS.—*

*''(1) IN GENERAL.—The Secretary shall distribute funds under this section to each community participating in the demonstration project through the State, or States, in which each community is located.*

*''(2) OTHER PARTICIPANTS.—A State shall make the funds available promptly to the local and tribal governments and emergency response providers selected by the Secretary to participate in the demonstration project.*

*''(3) REPORT.—Not later than 90 days after a State receives funds under this subsection the State shall report to the Director on the status of the distribution of such funds to local and tribal governments.*

*''(e) MAXIMUM PERIOD OF GRANTS.—The Director may not fund any participant under the demonstration project for more than 3 years.*

*''(f) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Director shall establish mechanisms to ensure that the information and knowledge gained by participants in the demonstration project are transferred among the participants and to other interested parties, including other communities that submitted applications to the participant in the project.*

*''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under this section such sums as may be necessary.''.*

*(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of that Act is amended by inserting after the item relating to section 1809 the following:*

*''Sec. 1810. Border interoperability demonstration project.''.*

## *TITLE IV—STRENGTHENING USE OF THE INCIDENT COMMAND SYSTEM*

***SEC. 401. DEFINITIONS.***

*(a) IN GENERAL.—Section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311) is amended—*

*(1) by redesignating paragraphs (10) and (11) as paragraphs (12) and (13), respectively;*

*(2) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;*

*(3) by inserting after paragraph (3) the following:*

*''(4) the terms 'credentialed' and 'credentialing' mean having provided, or providing, respectively, documentation that identifies personnel and authenticates and verifies the qualifications of such personnel by ensuring that such personnel possess a minimum common level of training, experience, physical and medical fitness, and capability appropriate for a particular position in accordance with standards created under section 510;'';*

*(4) by inserting after paragraph (10), as so redesignated, the following:*

*''(11) the term 'resources' means personnel and major items of equipment, supplies, and facilities available or potentially available for responding to a natural disaster, act of terrorism, or other man-made disaster;'';*

*(5) in paragraph (12), as so redesignated, by striking ''and'' at the end;*

*(6) in paragraph (13), as so redesignated, by striking the period at the end and inserting ''; and''; and*

*(7) by adding at the end the following:*

*''(14) the terms 'typed' and 'typing' mean having evaluated, or evaluating, respectively, a resource in accordance with standards created under section 510.''.*

*(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741) is amended—*

*(1) by redesignating paragraphs (2) through (10) as paragraphs (3) through (11), respectively;*

*(2) by inserting after paragraph (1) the following:*

*''(2) CREDENTIALED; CREDENTIALING.—The terms 'credentialed' and 'credentialing' have the meanings given those terms in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311).''; and*

*(3) by adding at the end the following:*

*''(12) RESOURCES.—The term 'resources' has the meaning given that term in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311).*

*''(13) TYPE.—The term 'type' means a classification of resources that refers to the capability of a resource.*

*''(14) TYPED; TYPING.—The terms 'typed' and 'typing' have the meanings given those terms in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311).''.*

***SEC. 402. NATIONAL EXERCISE PROGRAM DESIGN.***

*Section 648(b)(2)(A) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(2)(A)) is amended by striking clauses (iv) and (v) and inserting the following:*

*''(iv) designed to provide for the systematic evaluation of readiness and enhance operational understanding of the incident command system and relevant mutual aid agreements;*

*''(v) designed to address the unique requirements of populations with special needs, including the elderly; and*

*''(vi) designed to promptly develop after-action reports and plans for quickly incorporating lessons learned into future operations; and''.*

***SEC. 403. NATIONAL EXERCISE PROGRAM MODEL EXERCISES.***

*Section 648(b)(2)(B) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(2)(B)) is amended by striking ''shall provide'' and all that follows through ''of exercises'' and inserting the following: ''shall include a selection of model exercises that State, local, and tribal governments can readily adapt for use and provide assistance to State, local, and tribal governments with the design, implementation, and evaluation of exercises (whether a model exercise program or an exercise designed locally)''.*

***SEC. 404. PREIDENTIFYING AND EVALUATING MULTIJURISDICTIONAL FACILITIES TO STRENGTHEN INCIDENT COMMAND; PRIVATE SECTOR PREPAREDNESS.***

*Section 507(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 317(c)(2)) is amended—*

*(1) in subparagraph (H) by striking ''and'' at the end;*

*(2) by redesignating subparagraph (I) as subparagraph (K); and*

*(3) by inserting after subparagraph (H) the following:*

*''(I) coordinating with the private sector to help ensure private sector preparedness for natural disasters, acts of terrorism, and other manmade disasters;*

*''(J) assisting State, local, and tribal governments, where appropriate, to preidentify and evaluate suitable sites where a multijurisdictional incident command system may quickly be established and operated from, if the need for such a system arises; and''.*

***SEC. 405. FEDERAL RESPONSE CAPABILITY INVENTORY.***

*Section 651 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 751) is amended—*

*(1) in subsection (b)—*

*(A) in the matter preceding paragraph (1), by striking ''The inventory'' and inserting ''For each Federal agency with responsibilities under the National Response Plan, the inventory'';*

*(B) in paragraph (1), by striking ''and'' at the end;*

*(C) by redesignating paragraph (2) as paragraph (4); and*

*(D) by inserting after paragraph (1) the following:*

*''(2) a list of personnel credentialed in accordance with section 510 of the Homeland Security Act of 2002 (6 U.S.C. 320);*

*''(3) a list of resources typed in accordance with section 510 of the Homeland Security Act of 2002 (6 U.S.C. 320); and''; and*

*(2) in subsection (d)—*

*(A) in paragraph (1), by striking ''capabilities, readiness'' and all that follows and inserting the following: ''—*

*''(A) capabilities;*

*''(B) readiness;*

*''(C) the compatibility of equipment;*

*''(D) credentialed personnel; and*

*''(E) typed resources;'';*

*(B) in paragraph (2), by inserting ''of capabilities, credentialed personnel, and typed resources'' after ''rapid deployment''; and*

*(C) in paragraph (3), by striking ''inventories'' and inserting ''the inventory described in subsection (a)''.*

***SEC. 406. REPORTING REQUIREMENTS.***

*Section 652(a)(2) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 752(a)(2)), as amended by section 103, is further amended—*

*(1) in subparagraph (C), by striking ''section 651(a);'' and inserting ''section 651, including the number and type of credentialed personnel in each category of personnel trained and ready to respond to a natural disaster, act of terrorism, or other man-made disaster;'';*

*(2) in subparagraph (D), by striking ''and'' at the end;*

*(3) in subparagraph (E), by striking the period at the end and inserting ''; and''; and*

*(4) by adding at the end the following:*

*''(F) a discussion of whether the list of credentialed personnel of the Agency described in section 651(b)(2)—*

*''(i) complies with the strategic human capital plan developed under section 10102 of title 5, United States Code; and*

*''(ii) is sufficient to respond to a natural disaster, act of terrorism, or other man-made disaster, including a catastrophic incident.''.*

***SEC. 407. FEDERAL PREPAREDNESS.***

*Section 653 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 753) is amended—*

*(1) in subsection (a)—*

*(A) in the matter preceding paragraph (1), by striking ''coordinating, primary, or supporting'';*

*(B) in paragraph (2), by inserting '', including credentialing of personnel and typing of resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster in accordance with section 510 of the Homeland Security Act of 2002 (6 U.S.C. 320)'' before the semicolon at the end;*

*(C) in paragraph (3), by striking ''and'' at the end;*

*(D) in paragraph (4), by striking the period at the end and inserting ''; and''; and*

*(E) by adding at the end the following:*

*''(5) regularly updates, verifies the accuracy of, and provides to the Administrator the information in the inventory required under section 651.''; and*

*(2) in subsection (d)—*

*(A) by inserting ''to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives'' after ''The President shall certify''; and*

*(B) by striking ''coordinating, primary, or supporting''.*

***SEC. 408. CREDENTIALING AND TYPING.***

*Section 510 of the Homeland Security Act of 2002 (6 U.S.C. 320) is amended—*

*(1) by striking ''The Administrator'' and inserting the following:*

*''(a) IN GENERAL.—The Administrator'';*

*(2) in subsection (a), as so designated, by striking ''credentialing of personnel and typing of'' and inserting ''for credentialing and typing of incident management personnel, emergency response providers, and other personnel (including temporary personnel) and''; and*

*(3) by adding at the end the following:*

*''(b) DISTRIBUTION.—*

*''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Administrator shall provide the standards developed under subsection (a), including detailed written guidance, to—*

*''(A) each Federal agency that has responsibilities under the National Response Plan to aid that agency with credentialing and typing incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster; and*

*''(B) State, local, and tribal governments, to aid such governments with credentialing and typing of State, local, and tribal incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster.*

*''(2) ASSISTANCE.—The Administrator shall provide expertise and technical assistance to aid Federal, State, local, and tribal government agencies with credentialing and typing incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster.*

*''(c) CREDENTIALING AND TYPING OF PERSONNEL.—Not later than 6 months after receiving the standards provided under subsection (b), each Federal agency with responsibilities under the National Response Plan shall ensure that incident management personnel, emergency response providers, and other personnel (including temporary personnel) and resources likely needed to respond to a natural disaster, act of terrorism, or other manmade disaster are credentialed and typed in accordance with this section.*

*''(d) CONSULTATION ON HEALTH CARE STANDARDS.—In developing standards for credentialing health care professionals under this section, the Administrator shall consult with the Secretary of Health and Human Services.''.*

***SEC. 409. MODEL STANDARDS AND GUIDELINES FOR CRITICAL INFRASTRUCTURE WORKERS.***

*(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:*

***''SEC. 522. MODEL STANDARDS AND GUIDELINES FOR CRITICAL INFRASTRUCTURE WORKERS.***

*''(a) IN GENERAL.—Not later than 12 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, and in coordination with appropriate national professional organizations, Federal, State, local, and tribal government agencies, and private-sector and nongovernmental entities, the Administrator shall establish model standards and guidelines for credentialing critical infrastructure workers that may be used by a State to credential critical infrastructure workers that may respond to a natural disaster, act of terrorism, or other man-made disaster.*

*''(b) DISTRIBUTION AND ASSISTANCE.—The Administrator shall provide the standards developed under subsection (a), including detailed written guidance, to State, local, and tribal governments, and provide expertise and technical assistance to aid such governments with credentialing critical infrastructure workers that may respond to a natural disaster, act of terrorism, or other manmade disaster.''.*

*(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 521 the following:*

''Sec. 522. Model standards and guidelines for critical infrastructure workers.''.

***SEC. 410. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated such sums as necessary to carry out this title and the amendments made by this title.*

## *TITLE V—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS*

### *Subtitle A—Homeland Security Information Sharing Enhancement*

***SEC. 501. HOMELAND SECURITY ADVISORY SYSTEM AND INFORMATION SHARING.***

*(a) ADVISORY SYSTEM AND INFORMATION SHARING.—*

*(1) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:*

***''SEC. 203. HOMELAND SECURITY ADVISORY SYSTEM.***

*''(a) REQUIREMENT.—The Secretary shall administer the Homeland Security Advisory System in accordance with this section to provide advisories or warnings regarding the threat or risk that acts of terrorism will be committed on the homeland to Federal, State, local, and tribal government authorities and to the people of the United States, as appropriate. The Secretary shall exercise primary responsibility for providing such advisories or warnings.*

*''(b) REQUIRED ELEMENTS.—In administering the Homeland Security Advisory System, the Secretary shall—*

*''(1) establish criteria for the issuance and revocation of such advisories or warnings;*

*''(2) develop a methodology, relying on the criteria established under paragraph (1), for the issuance and revocation of such advisories or warnings;*

*''(3) provide, in each such advisory or warning, specific information and advice regarding appropriate protective measures and countermeasures that may be taken in response to the threat or risk, at the maximum level of detail practicable to enable individuals, government entities, emergency response providers, and the private sector to act appropriately;*

''(4) whenever possible, limit the scope of each such advisory or warning to a specific region, locality, or economic sector believed to be under threat or at risk; and

''(5) not, in issuing any advisory or warning, use color designations as the exclusive means of specifying homeland security threat conditions that are the subject of the advisory or warning.

**''SEC. 204. HOMELAND SECURITY INFORMATION SHARING.**

''(a) INFORMATION SHARING.—Consistent with section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary, acting through the Under Secretary for Intelligence and Analysis, shall integrate the information and standardize the format of the products of the intelligence components of the Department containing homeland security information, terrorism information, weapons of mass destruction information, or national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))) except for any internal security protocols or personnel information of such intelligence components, or other administrative processes that are administered by any chief security officer of the Department.

''(b) INFORMATION SHARING AND KNOWLEDGE MANAGEMENT OFFICERS.—For each intelligence component of the Department, the Secretary shall designate an information sharing and knowledge management officer who shall report to the Under Secretary for Intelligence and Analysis regarding coordinating the different systems used in the Department to gather and disseminate homeland security information or national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))).

''(c) STATE, LOCAL, AND PRIVATE-SECTOR SOURCES OF INFORMATION.—

''(1) ESTABLISHMENT OF BUSINESS PROCESSES.—The Secretary, acting through the Under Secretary for Intelligence and Analysis or the Assistant Secretary for Infrastructure Protection, as appropriate, shall—

''(A) establish Department-wide procedures for the review and analysis of information provided by State, local, and tribal governments and the private sector;

''(B) as appropriate, integrate such information into the information gathered by the Department and other departments and agencies of the Federal Government; and

''(C) make available such information, as appropriate, within the Department and to other departments and agencies of the Federal Government.

''(2) FEEDBACK.—The Secretary shall develop mechanisms to provide feedback regarding the analysis and utility of information provided by any entity of State, local, or tribal government or the private sector that provides such information to the Department.

''(d) TRAINING AND EVALUATION OF EMPLOYEES.—

''(1) TRAINING.—The Secretary, acting through the Under Secretary for Intelligence and Analysis or the Assistant Secretary for Infrastructure Protection, as appropriate, shall provide to employees of the Department opportunities for training and education to develop an understanding of—

''(A) the definitions of homeland security information and national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))); and

''(B) how information available to such employees as part of their duties—

''(i) might qualify as homeland security information or national intelligence; and

''(ii) might be relevant to the Office of Intelligence and Analysis and the intelligence components of the Department.

''(2) EVALUATIONS.—The Under Secretary for Intelligence and Analysis shall—

''(A) on an ongoing basis, evaluate how employees of the Office of Intelligence and Analysis and the intelligence components of the Department are utilizing homeland security information or national intelligence, sharing information within the Department, as described in this title, and participating in the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

''(B) provide to the appropriate component heads regular reports regarding the evaluations under subparagraph (A).

**''SEC. 205. COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE.**

''(a) ESTABLISHMENT.—The Secretary, acting through the Under Secretary for Intelligence and Analysis, shall establish, consistent with the policies and procedures developed under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), and consistent with the enterprise architecture of the Department, a comprehensive information technology network architecture for the Office of Intelligence and Analysis that connects the various databases and related information technology assets of the Office of Intelligence and Analysis and the intelligence components of the Department in order to promote internal information sharing among the intelligence and other personnel of the Department.

''(b) COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE DEFINED.—The term 'comprehensive information technology network architecture' means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the strategic management and information resources management goals of the Office of Intelligence and Analysis.

**''SEC. 206. COORDINATION WITH INFORMATION SHARING ENVIRONMENT.**

''(a) GUIDANCE.—All activities to comply with sections 203, 204, and 205 shall be—

''(1) consistent with any policies, guidelines, procedures, instructions, or standards established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

''(2) implemented in coordination with, as appropriate, the program manager for the information sharing environment established under that section;

''(3) consistent with any applicable guidance issued by the Director of National Intelligence; and

''(4) consistent with any applicable guidance issued by the Secretary relating to the protection of law enforcement information or proprietary information.

''(b) CONSULTATION.—In carrying out the duties and responsibilities under this subtitle, the Under Secretary for Intelligence and Analysis shall take into account the views of the heads of the intelligence components of the Department.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) IN GENERAL.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(i) by striking paragraph (7); and

(ii) by redesignating paragraphs (8) through (19) as paragraphs (7) through (18), respectively.

(B) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 202 the following:

''Sec. 203. Homeland Security Advisory System.

''Sec. 204. Homeland security information sharing.

''Sec. 205. Comprehensive information technology network architecture.

''Sec. 206. Coordination with information sharing environment.''.

(b) OFFICE OF INTELLIGENCE AND ANALYSIS AND OFFICE OF INFRASTRUCTURE PROTECTION.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is amended—

(1) in paragraph (1), by inserting '', in support of the mission responsibilities of the Department and the functions of the National Counterterrorism Center established under section 119 of the National Security Act of 1947 (50 U.S.C. 404o),'' after ''and to integrate such information''; and

(2) by striking paragraph (7), as redesignated by subsection (a)(2)(A)(ii) of this section, and inserting the following:

''(7) To review, analyze, and make recommendations for improvements to the policies and procedures governing the sharing of information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), including homeland security information, terrorism information, and weapons of mass destruction information, and any policies, guidelines, procedures, instructions, or standards established under that section.''.

(c) REPORT ON COMPREHENSIVE INFORMATION TECHNOLOGY NETWORK ARCHITECTURE.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress of the Secretary in developing the comprehensive information technology network architecture required under section 205 of the Homeland Security Act of 2002, as added by subsection (a). The report shall include:

(1) a description of the priorities for the development of the comprehensive information technology network architecture and a rationale for such priorities;

(2) an explanation of how the various components of the comprehensive information technology network architecture will work together and interconnect;

(3) a description of the technological challenges that the Secretary expects the Office of Intelligence and Analysis will face in implementing the comprehensive information technology network architecture;

(4) a description of the technological options that are available or are in development that may be incorporated into the comprehensive information technology network architecture, the feasibility of incorporating such options, and the advantages and disadvantages of doing so;

(5) an explanation of any security protections to be developed as part of the comprehensive information technology network architecture;

(6) a description of safeguards for civil liberties and privacy to be built into the comprehensive information technology network architecture; and

(7) an operational best practices plan.

**SEC. 502. INTELLIGENCE COMPONENT DEFINED.**

(a) IN GENERAL.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended—

(1) by redesignating paragraphs (9) through (16) as paragraphs (10) through (17), respectively; and

(2) by inserting after paragraph (8) the following:

''(9) The term 'intelligence component of the Department' means any element or entity of the Department that collects, gathers, processes, analyzes, produces, or disseminates intelligence information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, or national intelligence, as defined under section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5)), except—

''(A) the United States Secret Service; and

''(B) the Coast Guard, when operating under the direct authority of the Secretary of Defense or Secretary of the Navy pursuant to section 3

*of title 14, United States Code, except that nothing in this paragraph shall affect or diminish the authority and responsibilities of the Commandant of the Coast Guard to command or control the Coast Guard as an armed force or the authority of the Director of National Intelligence with respect to the Coast Guard as an element of the intelligence community (as defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.*

*(b) RECEIPT OF INFORMATION FROM UNITED STATES SECRET SERVICE.—*

*(1) IN GENERAL.—The Under Secretary for Intelligence and Analysis shall receive from the United States Secret Service homeland security information, terrorism information, weapons of mass destruction information (as these terms are defined in Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485)), or national intelligence, as defined in Section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5)), as well as suspect information obtained in criminal investigations. The United States Secret Service shall cooperate with the Under Secretary for Intelligence and Analysis with respect to activities under sections 204 and 205 of the Homeland Security Act of 2002.*

*(2) SAVINGS CLAUSE.—Nothing in this Act shall interfere with the operation of Section 3056(g) of Title 18, United States Code, or with the authority of the Secretary of Homeland Security or the Director of the United States Secret Service regarding the budget of the United States Secret Service.*

*(c) TECHNICAL AND CONFORMING AMENDMENTS.—*

*(1) HOMELAND SECURITY ACT OF 2002.—Paragraph (13) of section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311), as redesignated by section 401, is amended by striking ''section 2(10)(B)'' and inserting ''section 2(11)(B)''.*

*(2) OTHER LAW.—Section 712(a) of title 14, United States Code, is amended by striking ''section 2(15) of the Homeland Security Act of 2002 (6 U.S.C. 101(15))'' and inserting ''section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16))''.*

***SEC. 503. ROLE OF INTELLIGENCE COMPONENTS, TRAINING, AND INFORMATION SHARING.***

*(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 is further amended by adding at the end the following:*

***''SEC. 207. INTELLIGENCE COMPONENTS.***

*''Subject to the direction and control of the Secretary, and consistent with any applicable guidance issued by the Director of National Intelligence, the responsibilities of the head of each intelligence component of the Department are as follows:*

*''(1) To ensure that the collection, processing, analysis, and dissemination of information within the scope of the information sharing environment, including homeland security information, terrorism information, weapons of mass destruction information, and national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))), are carried out effectively and efficiently in support of the intelligence mission of the Department, as led by the Under Secretary for Intelligence and Analysis.*

*''(2) To otherwise support and implement the intelligence mission of the Department, as led by the Under Secretary for Intelligence and Analysis.*

*''(3) To incorporate the input of the Under Secretary for Intelligence and Analysis with respect to performance appraisals, bonus or award recommendations, pay adjustments, and other forms of commendation.*

*''(4) To coordinate with the Under Secretary for Intelligence and Analysis in developing policies and requirements for the recruitment and selection of intelligence officials of the intelligence component.*

*''(5) To advise and coordinate with the Under Secretary for Intelligence and Analysis on any plan to reorganize or restructure the intelligence component that would, if implemented, result in realignments of intelligence functions.*

*''(6) To ensure that employees of the intelligence component have knowledge of, and comply with, the programs and policies established by the Under Secretary for Intelligence and Analysis and other appropriate officials of the Department and that such employees comply with all applicable laws and regulations.*

*''(7) To perform such other activities relating to such responsibilities as the Secretary may provide.*

***''SEC. 208. TRAINING FOR EMPLOYEES OF INTELLIGENCE COMPONENTS.***

*''The Secretary shall provide training and guidance for employees, officials, and senior executives of the intelligence components of the Department to develop knowledge of laws, regulations, operations, policies, procedures, and programs that are related to the functions of the Department relating to the collection, processing, analysis, and dissemination of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, or national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5))).*

***''SEC. 209. INTELLIGENCE TRAINING DEVELOPMENT FOR STATE AND LOCAL GOVERNMENT OFFICIALS.***

*''(a) CURRICULUM.—The Secretary, acting through the Under Secretary for Intelligence and Analysis, shall—*

*''(1) develop a curriculum for training State, local, and tribal government officials, including law enforcement officers, intelligence analysts, and other emergency response providers, in the intelligence cycle and Federal laws, practices, and regulations regarding the development, handling, and review of intelligence and other information; and*

*''(2) ensure that the curriculum includes executive level training for senior level State, local, and tribal law enforcement officers, intelligence analysts, and other emergency response providers.*

*''(b) TRAINING.—To the extent possible, the Federal Law Enforcement Training Center and other existing Federal entities with the capacity and expertise to train State, local, and tribal government officials based on the curriculum developed under subsection (a) shall be used to carry out the training programs created under this section. If such entities do not have the capacity, resources, or capabilities to conduct such training, the Secretary may approve another entity to conduct such training.*

*''(c) CONSULTATION.—In carrying out the duties described in subsection (a), the Under Secretary for Intelligence and Analysis shall consult with the Director of the Federal Law Enforcement Training Center, the Attorney General, the Director of National Intelligence, the Administrator of the Federal Emergency Management Agency, and other appropriate parties, such as private industry, institutions of higher education, nonprofit institutions, and other intelligence agencies of the Federal Government.*

***''SEC. 210. INFORMATION SHARING INCENTIVES.***

*''(a) AWARDS.—In making cash awards under chapter 45 of title 5, United States Code, the President or the head of an agency, in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), may consider the success of an employee in appropriately sharing information within the scope of the information sharing environment established under that section, including homeland security information, terrorism information, and weapons of mass destruction information, or national intelligence (as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5)), in a manner consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of that environment for the implementation and management of that environment.*

*''(b) OTHER INCENTIVES.—The head of each department or agency described in section 1016(i) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(i)), in consultation with the program manager designated under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), shall adopt best practices regarding effective ways to educate and motivate officers and employees of the Federal Government to participate fully in the information sharing environment, including—*

*''(1) promotions and other nonmonetary awards; and*

*''(2) publicizing information sharing accomplishments by individual employees and, where appropriate, the tangible end benefits that resulted.''.*

*(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended further by inserting after the item relating to section 206 the following:*

*''Sec. 207. Intelligence components.*
*''Sec. 208. Training for employees of intelligence components.*
*''Sec. 209. Intelligence training development for State and local government officials.*
*''Sec. 210. Information sharing incentives.''.*

***SEC. 504. INFORMATION SHARING.***

*Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) is amended—*

*(1) in subsection (a)—*

*(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;*

*(B) by inserting before paragraph (2), as so redesignated, the following:*

*''(1) HOMELAND SECURITY INFORMATION.—The term 'homeland security information' has the meaning given that term in section 892(f) of the Homeland Security Act of 2002 (6 U.S.C. 482(f)).'';*

*(C) by striking paragraph (3), as so redesignated, and inserting the following:*

*''(3) INFORMATION SHARING ENVIRONMENT.—The terms 'information sharing environment' and 'ISE' mean an approach that facilitates the sharing of terrorism and homeland security information, which may include any method determined necessary and appropriate for carrying out this section.''.*

*(D) by striking paragraph (5), as so redesignated, and inserting the following:*

*''(5) TERRORISM INFORMATION.—The term 'terrorism information'—*

*''(A) means all information, whether collected, produced, or distributed by intelligence, law enforcement, military, homeland security, or other activities relating to—*

*''(i) the existence, organization, capabilities, plans, intentions, vulnerabilities, means of finance or material support, or activities of foreign or international terrorist groups or individuals, or of domestic groups or individuals involved in transnational terrorism;*

*''(ii) threats posed by such groups or individuals to the United States, United States persons, or United States interests, or to those of other nations;*

*''(iii) communications of or by such groups or individuals; or*

*''(iv) groups or individuals reasonably believed to be assisting or associated with such groups or individuals; and*

*''(B) includes weapons of mass destruction information.''; and*

*(E) by adding at the end the following:*

*''(6) WEAPONS OF MASS DESTRUCTION INFORMATION.—The term 'weapons of mass destruction information' means information that could reasonably be expected to assist in the development,*

*proliferation, or use of a weapon of mass destruction (including a chemical, biological, radiological, or nuclear weapon) that could be used by a terrorist or a terrorist organization against the United States, including information about the location of any stockpile of nuclear materials that could be exploited for use in such a weapon that could be used by a terrorist or a terrorist organization against the United States.'';*

*(2) in subsection (b)(2)—*

*(A) in subparagraph (H), by striking ''and'' at the end;*

*(B) in subparagraph (I), by striking the period at the end and inserting a semicolon; and*

*(C) by adding at the end the following:*

*''(J) integrates the information within the scope of the information sharing environment, including any such information in legacy technologies;*

*''(K) integrates technologies, including all legacy technologies, through Internet-based services, consistent with appropriate security protocols and safeguards, to enable connectivity among required users at the Federal, State, and local levels;*

*''(L) allows the full range of analytic and operational activities without the need to centralize information within the scope of the information sharing environment;*

*''(M) permits analysts to collaborate both independently and in a group (commonly known as 'collective and noncollective collaboration'), and across multiple levels of national security information and controlled unclassified information;*

*''(N) provides a resolution process that enables changes by authorized officials regarding rules and policies for the access, use, and retention of information within the scope of the information sharing environment; and*

*''(O) incorporates continuous, real-time, and immutable audit capabilities, to the maximum extent practicable.'';*

*(3) in subsection (f)—*

*(A) in paragraph (1)—*

*(i) by striking ''during the two-year period beginning on the date of designation under this paragraph unless sooner removed from service and replaced'' and inserting ''until removed from service or replaced''; and*

*(ii) by striking ''The program manager shall have and exercise governmentwide authority.'' and inserting ''The program manager, in consultation with the head of any affected department or agency, shall have and exercise governmentwide authority over the sharing of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, by all Federal departments, agencies, and components, irrespective of the Federal department, agency, or component in which the program manager may be administratively located, except as otherwise expressly provided by law.''; and*

*(B) in paragraph (2)(A)—*

*(i) by redesignating clause (iii) as clause (v); and*

*(ii) by striking clause (ii) and inserting the following:*

*''(ii) assist in the development of policies, as appropriate, to foster the development and proper operation of the ISE;*

*''(iii) consistent with the direction and policies issued by the President, the Director of National Intelligence, and the Director of the Office of Management and Budget, issue governmentwide procedures, guidelines, instructions, and functional standards, as appropriate, for the management, development, and proper operation of the ISE;*

*''(iv) identify and resolve information sharing disputes between Federal departments, agencies, and components; and'';*

*(4) in subsection (g)—*

*(A) in paragraph (1), by striking ''during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner removed from service and replaced'' and inserting ''until removed from service or replaced'';*

*(B) in paragraph (2)—*

*(i) in subparagraph (F), by striking ''and'' at the end;*

*(ii) by redesignating subparagraph (G) as subparagraph (I); and*

*(iii) by inserting after subparagraph (F) the following:*

*''(G) assist the program manager in identifying and resolving information sharing disputes between Federal departments, agencies, and components;*

*''(H) identify appropriate personnel for assignment to the program manager to support staffing needs identified by the program manager; and'';*

*(C) in paragraph (4), by inserting ''(including any subsidiary group of the Information Sharing Council)'' before ''shall not be subject''; and*

*(D) by adding at the end the following:*

*''(5) DETAILEES.—Upon a request by the Director of National Intelligence, the departments and agencies represented on the Information Sharing Council shall detail to the program manager, on a reimbursable basis, appropriate personnel identified under paragraph (2)(H).'';*

*(5) in subsection (h)(1), by striking ''and annually thereafter'' and inserting ''and not later than June 30 of each year thereafter''; and*

*(6) by striking subsection (j) and inserting the following:*

*''(j) REPORT ON THE INFORMATION SHARING ENVIRONMENT.—*

*''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the President shall report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Homeland Security of the House of Representatives, and the Permanent Select Committee on Intelligence of the House of Representatives on the feasibility of—*

*''(A) eliminating the use of any marking or process (including 'Originator Control') intended to, or having the effect of, restricting the sharing of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, between and among participants in the information sharing environment, unless the President has—*

*''(i) specifically exempted categories of information from such elimination; and*

*''(ii) reported that exemption to the committees of Congress described in the matter preceding this subparagraph; and*

*''(B) continuing to use Federal agency standards in effect on such date of enactment for the collection, sharing, and access to information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, relating to citizens and lawful permanent residents;*

*''(C) replacing the standards described in subparagraph (B) with a standard that would allow mission-based or threat-based permission to access or share information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, for a particular purpose that the Federal Government, through an appropriate process established in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061, has determined to be lawfully permissible for a particular agency, component, or employee (commonly known as an 'authorized use' standard); and*

*''(D) the use of anonymized data by Federal departments, agencies, or components collecting, possessing, disseminating, or handling information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, in any cases in which—*

*''(i) the use of such information is reasonably expected to produce results materially equivalent to the use of information that is transferred or stored in a non-anonymized form; and*

*''(ii) such use is consistent with any mission of that department, agency, or component (including any mission under a Federal statute or directive of the President) that involves the storage, retention, sharing, or exchange of personally identifiable information.*

*''(2) DEFINITION.—In this subsection, the term 'anonymized data' means data in which the individual to whom the data pertains is not identifiable with reasonable efforts, including information that has been encrypted or hidden through the use of other technology.*

*''(k) ADDITIONAL POSITIONS.—The program manager is authorized to hire not more than 40 full-time employees to assist the program manager in—*

*''(1) activities associated with the implementation of the information sharing environment, including—*

*''(A) implementing the requirements under subsection (b)(2); and*

*''(B) any additional implementation initiatives to enhance and expedite the creation of the information sharing environment; and*

*''(2) identifying and resolving information sharing disputes between Federal departments, agencies, and components under subsection (f)(2)(A)(iv).*

*''(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2008 and 2009.''.*

***Subtitle B—Homeland Security Information Sharing Partnerships***

***SEC. 511. DEPARTMENT OF HOMELAND SECURITY STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.***

*(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:*

***''SEC. 210A. DEPARTMENT OF HOMELAND SECURITY STATE, LOCAL, AND REGIONAL FUSION CENTER INITIATIVE.***

*''(a) ESTABLISHMENT.—The Secretary, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Attorney General, the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall establish a Department of Homeland Security State, Local, and Regional Fusion Center Initiative to establish partnerships with State, local, and regional fusion centers.*

*''(b) DEPARTMENT SUPPORT AND COORDINATION.—Through the Department of Homeland Security State, Local, and Regional Fusion Center Initiative, and in coordination with the principal officials of participating State, local, or regional fusion centers and the officers designated as the Homeland Security Advisors of the States, the Secretary shall—*

*''(1) provide operational and intelligence advice and assistance to State, local, and regional fusion centers;*

*''(2) support efforts to include State, local, and regional fusion centers into efforts to establish an information sharing environment;*

*''(3) conduct tabletop and live training exercises to regularly assess the capability of individual and regional networks of State, local,*

*and regional fusion centers to integrate the efforts of such networks with the efforts of the Department;*

*''(4) coordinate with other relevant Federal entities engaged in homeland security-related activities;*

*''(5) provide analytic and reporting advice and assistance to State, local, and regional fusion centers;*

*''(6) review information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that is gathered by State, local, and regional fusion centers, and to incorporate such information, as appropriate, into the Department's own such information;*

*''(7) provide management assistance to State, local, and regional fusion centers;*

*''(8) serve as a point of contact to ensure the dissemination of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information;*

*''(9) facilitate close communication and coordination between State, local, and regional fusion centers and the Department;*

*''(10) provide State, local, and regional fusion centers with expertise on Department resources and operations;*

*''(11) provide training to State, local, and regional fusion centers and encourage such fusion centers to participate in terrorism threat-related exercises conducted by the Department; and*

*''(12) carry out such other duties as the Secretary determines are appropriate.*

*''(c) PERSONNEL ASSIGNMENT.—*

*''(1) IN GENERAL.—The Under Secretary for Intelligence and Analysis shall, to the maximum extent practicable, assign officers and intelligence analysts from components of the Department to participating State, local, and regional fusion centers.*

*''(2) PERSONNEL SOURCES.—Officers and intelligence analysts assigned to participating fusion centers under this subsection may be assigned from the following Department components, in coordination with the respective component head and in consultation with the principal officials of participating fusion centers:*

*''(A) Office of Intelligence and Analysis.*

*''(B) Office of Infrastructure Protection.*

*''(C) Transportation Security Administration.*

*''(D) United States Customs and Border Protection.*

*''(E) United States Immigration and Customs Enforcement.*

*''(F) United States Coast Guard.*

*''(G) Other components of the Department, as determined by the Secretary.*

*''(3) QUALIFYING CRITERIA.—*

*''(A) IN GENERAL.—The Secretary shall develop qualifying criteria for a fusion center to participate in the assigning of Department officers or intelligence analysts under this section.*

*''(B) CRITERIA.—Any criteria developed under subparagraph (A) may include—*

*''(i) whether the fusion center, through its mission and governance structure, focuses on a broad counterterrorism approach, and whether that broad approach is pervasive through all levels of the organization;*

*''(ii) whether the fusion center has sufficient numbers of adequately trained personnel to support a broad counterterrorism mission;*

*''(iii) whether the fusion center has—*

*''(I) access to relevant law enforcement, emergency response, private sector, open source, and national security data; and*

*''(II) the ability to share and analytically utilize that data for lawful purposes;*

*''(iv) whether the fusion center is adequately funded by the State, local, or regional government to support its counterterrorism mission; and*

*''(v) the relevancy of the mission of the fusion center to the particular source component of Department officers or intelligence analysts.*

*''(4) PREREQUISITE.—*

*''(A) INTELLIGENCE ANALYSIS, PRIVACY, AND CIVIL LIBERTIES TRAINING.—Before being assigned to a fusion center under this section, an officer or intelligence analyst shall undergo—*

*''(i) appropriate intelligence analysis or information sharing training using an intelligence-led policing curriculum that is consistent with—*

*''(I) standard training and education programs offered to Department law enforcement and intelligence personnel; and*

*''(II) the Criminal Intelligence Systems Operating Policies under part 23 of title 28, Code of Federal Regulations (or any corresponding similar rule or regulation);*

*''(ii) appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer appointed under section 222 and the Officer for Civil Rights and Civil Liberties of the Department, in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note); and*

*''(iii) such other training prescribed by the Under Secretary for Intelligence and Analysis.*

*''(B) PRIOR WORK EXPERIENCE IN AREA.—In determining the eligibility of an officer or intelligence analyst to be assigned to a fusion center under this section, the Under Secretary for Intelligence and Analysis shall consider the familiarity of the officer or intelligence analyst with the State, locality, or region, as determined by such factors as whether the officer or intelligence analyst—*

*''(i) has been previously assigned in the geographic area; or*

*''(ii) has previously worked with intelligence officials or law enforcement or other emergency response providers from that State, locality, or region.*

*''(5) EXPEDITED SECURITY CLEARANCE PROCESSING.—The Under Secretary for Intelligence and Analysis—*

*''(A) shall ensure that each officer or intelligence analyst assigned to a fusion center under this section has the appropriate security clearance to contribute effectively to the mission of the fusion center; and*

*''(B) may request that security clearance processing be expedited for each such officer or intelligence analyst and may use available funds for such purpose.*

*''(6) FURTHER QUALIFICATIONS.—Each officer or intelligence analyst assigned to a fusion center under this section shall satisfy any other qualifications the Under Secretary for Intelligence and Analysis may prescribe.*

*''(d) RESPONSIBILITIES.—An officer or intelligence analyst assigned to a fusion center under this section shall—*

*''(1) assist law enforcement agencies and other emergency response providers of State, local, and tribal governments and fusion center personnel in using information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, to develop a comprehensive and accurate threat picture;*

*''(2) review homeland security-relevant information from law enforcement agencies and other emergency response providers of State, local, and tribal government;*

*''(3) create intelligence and other information products derived from such information and other homeland security-relevant information provided by the Department; and*

*''(4) assist in the dissemination of such products, as coordinated by the Under Secretary for Intelligence and Analysis, to law enforcement agencies and other emergency response providers of State, local, and tribal government, other fusion centers, and appropriate Federal agencies.*

*''(e) BORDER INTELLIGENCE PRIORITY.—*

*''(1) IN GENERAL.—The Secretary shall make it a priority to assign officers and intelligence analysts under this section from United States Customs and Border Protection, United States Immigration and Customs Enforcement, and the Coast Guard to participating State, local, and regional fusion centers located in jurisdictions along land or maritime borders of the United States in order to enhance the integrity of and security at such borders by helping Federal, State, local, and tribal law enforcement authorities to identify, investigate, and otherwise interdict persons, weapons, and related contraband that pose a threat to homeland security.*

*''(2) BORDER INTELLIGENCE PRODUCTS.—When performing the responsibilities described in subsection (d), officers and intelligence analysts assigned to participating State, local, and regional fusion centers under this section shall have, as a primary responsibility, the creation of border intelligence products that—*

*''(A) assist State, local, and tribal law enforcement agencies in deploying their resources most efficiently to help detect and interdict terrorists, weapons of mass destruction, and related contraband at land or maritime borders of the United States;*

*''(B) promote more consistent and timely sharing of border security-relevant information among jurisdictions along land or maritime borders of the United States; and*

*''(C) enhance the Department's situational awareness of the threat of acts of terrorism at or involving the land or maritime borders of the United States.*

*''(f) DATABASE ACCESS.—In order to fulfill the objectives described under subsection (d), each officer or intelligence analyst assigned to a fusion center under this section shall have appropriate access to all relevant Federal databases and information systems, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment for the implementation and management of that environment.*

*''(g) CONSUMER FEEDBACK.—*

*''(1) IN GENERAL.—The Secretary shall create a voluntary mechanism for any State, local, or tribal law enforcement officer or other emergency response provider who is a consumer of the intelligence or other information products referred to in subsection (d) to provide feedback to the Department on the quality and utility of such intelligence products.*

*''(2) REPORT.—Not later than one year after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, and annually thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that includes a description of the consumer feedback obtained under paragraph (1) and, if applicable, how the Department has adjusted its production of intelligence products in response to that consumer feedback.*

*''(h) RULE OF CONSTRUCTION.—*

*''(1) IN GENERAL.—The authorities granted under this section shall supplement the authorities granted under section 201(d) and nothing in this section shall be construed to abrogate the authorities granted under section 201(d).*

*''(2) PARTICIPATION.—Nothing in this section shall be construed to require a State, local, or regional government or entity to accept the assignment of officers or intelligence analysts of the Department into the fusion center of that State, locality, or region.*

*''(i) GUIDELINES.—The Secretary, in consultation with the Attorney General, shall establish guidelines for fusion centers created and operated by State and local governments, to include standards that any such fusion center shall—*

*''(1) collaboratively develop a mission statement, identify expectations and goals, measure performance, and determine effectiveness for that fusion center;*

*''(2) create a representative governance structure that includes law enforcement officers and*

*other emergency response providers and, as appropriate, the private sector;*

*''(3) create a collaborative environment for the sharing of intelligence and information among Federal, State, local, and tribal government agencies (including law enforcement officers and other emergency response providers), the private sector, and the public, consistent with any policies, guidelines, procedures, instructions, or standards established by the President or, as appropriate, the program manager of the information sharing environment;*

*''(4) leverage the databases, systems, and networks available from public and private sector entities, in accordance with all applicable laws, to maximize information sharing;*

*''(5) develop, publish, and adhere to a privacy and civil liberties policy consistent with Federal, State, and local law;*

*''(6) provide, in coordination with the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, appropriate privacy and civil liberties training for all State, local, tribal, and private sector representatives at the fusion center;*

*''(7) ensure appropriate security measures are in place for the facility, data, and personnel;*

*''(8) select and train personnel based on the needs, mission, goals, and functions of that fusion center;*

*''(9) offer a variety of intelligence and information services and products to recipients of fusion center intelligence and information; and*

*''(10) incorporate law enforcement officers, other emergency response providers, and, as appropriate, the private sector, into all relevant phases of the intelligence and fusion process, consistent with the mission statement developed under paragraph (1), either through full time representatives or liaison relationships with the fusion center to enable the receipt and sharing of information and intelligence.*

*''(j) DEFINITIONS.—In this section—*

*''(1) the term 'fusion center' means a collaborative effort of 2 or more Federal, State, local, or tribal government agencies that combines resources, expertise, or information with the goal of maximizing the ability of such agencies to detect, prevent, investigate, apprehend, and respond to criminal or terrorist activity;*

*''(2) the term 'information sharing environment' means the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);*

*''(3) the term 'intelligence analyst' means an individual who regularly advises, administers, supervises, or performs work in the collection, gathering, analysis, evaluation, reporting, production, or dissemination of information on political, economic, social, cultural, physical, geographical, scientific, or military conditions, trends, or forces in foreign or domestic areas that directly or indirectly affect national security;*

*''(4) the term 'intelligence-led policing' means the collection and analysis of information to produce an intelligence end product designed to inform law enforcement decision making at the tactical and strategic levels; and*

*''(5) the term 'terrorism information' has the meaning given that term in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).*

*''(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for each of fiscal years 2008 through 2012, to carry out this section, except for subsection (i), including for hiring officers and intelligence analysts to replace officers and intelligence analysts who are assigned to fusion centers under this section.''.*

*(b) TRAINING FOR PREDEPLOYED OFFICERS AND ANALYSTS.—An officer or analyst assigned to a fusion center by the Secretary of Homeland Security before the date of the enactment of this Act shall undergo the training described in section 210A(c)(4)(A) of the Homeland Security Act of 2002, as added by subsection (a), by not later than six months after such date.*

*(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is further amended by inserting after the item relating to section 210 the following:*

*''Sec. 210A.Department of Homeland Security State, Local, and Regional Information Fusion Center Initiative.''.*

*(d) REPORTS.—*

*(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act and before the Department of Homeland Security State, Local, and Regional Fusion Center Initiative under section 210A of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the ''program'') has been implemented, the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the program, which shall—*

*(A) include a clear articulation of the purposes, goals, and specific objectives for which the program is being developed;*

*(B) identify stakeholders in the program and provide an assessment of their needs;*

*(C) contain a developed set of quantitative metrics to measure, to the extent possible, program output;*

*(D) contain a developed set of qualitative instruments (including surveys and expert interviews) to assess the extent to which stakeholders believe their needs are being met; and*

*(E) include a privacy and civil liberties impact assessment.*

*(2) PRIVACY AND CIVIL LIBERTIES.—Not later than 1 year after the date of the enactment of this Act, the Privacy Officer of the Department of Homeland Security and the Officer for Civil Liberties and Civil Rights of the Department of Homeland Security, consistent with any policies of the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, the Secretary of Homeland Security, the Under Secretary of Homeland Security for Intelligence and Analysis, and the Privacy and Civil Liberties Oversight Board a report on the privacy and civil liberties impact of the program.*

***SEC. 512. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.***

*(a) ESTABLISHMENT OF PROGRAM.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:*

***''SEC. 210B. HOMELAND SECURITY INFORMATION SHARING FELLOWS PROGRAM.***

*''(a) ESTABLISHMENT.—*

*''(1) IN GENERAL.—The Secretary, acting through the Under Secretary for Intelligence and Analysis, and in consultation with the Chief Human Capital Officer, shall establish a fellowship program in accordance with this section for the purpose of—*

*''(A) detailing State, local, and tribal law enforcement officers and intelligence analysts to the Department in accordance with subchapter VI of chapter 33 of title 5, United States Code, to participate in the work of the Office of Intelligence and Analysis in order to become familiar with—*

*''(i) the relevant missions and capabilities of the Department and other Federal agencies; and*

*''(ii) the role, programs, products, and personnel of the Office of Intelligence and Analysis; and*

*''(B) promoting information sharing between the Department and State, local, and tribal law enforcement officers and intelligence analysts by assigning such officers and analysts to—*

*''(i) serve as a point of contact in the Department to assist in the representation of State, local, and tribal information requirements;*

*''(ii) identify information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that is of interest to State, local, and tribal law enforcement officers, intelligence analysts, and other emergency response providers;*

*''(iii) assist Department analysts in preparing and disseminating products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that are tailored to State, local, and tribal law enforcement officers and intelligence analysts and designed to prepare for and thwart acts of terrorism; and*

*''(iv) assist Department analysts in preparing products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that are tailored to State, local, and tribal emergency response providers and assist in the dissemination of such products through appropriate Department channels.*

*''(2) PROGRAM NAME.—The program under this section shall be known as the 'Homeland Security Information Sharing Fellows Program'.*

*''(b) ELIGIBILITY.—*

*''(1) IN GENERAL.—In order to be eligible for selection as an Information Sharing Fellow under the program under this section, an individual shall—*

*''(A) have homeland security-related responsibilities;*

*''(B) be eligible for an appropriate security clearance;*

*''(C) possess a valid need for access to classified information, as determined by the Under Secretary for Intelligence and Analysis;*

*''(D) be an employee of an eligible entity; and*

*''(E) have undergone appropriate privacy and civil liberties training that is developed, supported, or sponsored by the Privacy Officer and the Officer for Civil Rights and Civil Liberties, in consultation with the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note).*

*''(2) ELIGIBLE ENTITIES.—In this subsection, the term 'eligible entity' means—*

*''(A) a State, local, or regional fusion center;*

*''(B) a State or local law enforcement or other government entity that serves a major metropolitan area, suburban area, or rural area, as determined by the Secretary;*

*''(C) a State or local law enforcement or other government entity with port, border, or agricultural responsibilities, as determined by the Secretary;*

*''(D) a tribal law enforcement or other authority; or*

*''(E) such other entity as the Secretary determines is appropriate.*

*''(c) OPTIONAL PARTICIPATION.—No State, local, or tribal law enforcement or other government entity shall be required to participate in the Homeland Security Information Sharing Fellows Program.*

*''(d) PROCEDURES FOR NOMINATION AND SELECTION.—*

*''(1) IN GENERAL.—The Under Secretary for Intelligence and Analysis shall establish procedures to provide for the nomination and selection of individuals to participate in the Homeland Security Information Sharing Fellows Program.*

''(2) LIMITATIONS.—The Under Secretary for Intelligence and Analysis shall—

''(A) select law enforcement officers and intelligence analysts representing a broad cross-section of State, local, and tribal agencies; and

''(B) ensure that the number of Information Sharing Fellows selected does not impede the activities of the Office of Intelligence and Analysis.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is further amended by inserting after the item relating to section 210A the following:

''Sec. 210B. Homeland Security Information Sharing Fellows Program.''.

(c) REPORTS.—

(1) CONCEPT OF OPERATIONS.—Not later than 90 days after the date of enactment of this Act, and before the implementation of the Homeland Security Information Sharing Fellows Program under section 210B of the Homeland Security Act of 2002, as added by subsection (a), (in this section referred to as the ''Program'') the Secretary, in consultation with the Privacy Officer of the Department, the Officer for Civil Rights and Civil Liberties of the Department, and the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report that contains a concept of operations for the Program, which shall include a privacy and civil liberties impact assessment.

(2) REVIEW OF PRIVACY IMPACT.—Not later than 1 year after the date on which the program is implemented, the Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, consistent with any policies of the Privacy and Civil Liberties Oversight Board established under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, the Secretary of Homeland Security, the Under Secretary of Homeland Security for Intelligence and Analysis, and the Privacy and Civil Liberties Oversight Board, a report on the privacy and civil liberties impact of the program.

**SEC. 513. RURAL POLICING INSTITUTE.**

(a) ESTABLISHMENT.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

**''SEC. 210C. RURAL POLICING INSTITUTE.**

''(a) IN GENERAL.—The Secretary shall establish a Rural Policing Institute, which shall be administered by the Federal Law Enforcement Training Center, to target training to law enforcement agencies and other emergency response providers located in rural areas. The Secretary, through the Rural Policing Institute, shall—

''(1) evaluate the needs of law enforcement agencies and other emergency response providers in rural areas;

''(2) develop expert training programs designed to address the needs of law enforcement agencies and other emergency response providers in rural areas as identified in the evaluation conducted under paragraph (1), including training programs about intelligence-led policing and protections for privacy, civil rights, and civil liberties;

''(3) provide the training programs developed under paragraph (2) to law enforcement agencies and other emergency response providers in rural areas; and

''(4) conduct outreach efforts to ensure that local and tribal governments in rural areas are aware of the training programs developed under paragraph (2) so they can avail themselves of such programs.

''(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall—

''(1) be configured in a manner so as not to duplicate or displace any law enforcement or emergency response program of the Federal Law Enforcement Training Center or a local or tribal government entity in existence on the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007; and

''(2) to the maximum extent practicable, be delivered in a cost-effective manner at facilities of the Department, on closed military installations with adequate training facilities, or at facilities operated by the participants.

''(c) DEFINITION.—In this section, the term 'rural' means an area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

''(1) $10,000,000 for fiscal year 2008; and

''(2) $5,000,000 for each of fiscal years 2009 through 2013.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by inserting after the item relating to section 210B the following:

''Sec. 210C. Rural Policing Institute.''.

***Subtitle C—Interagency Threat Assessment and Coordination Group***

***SEC. 521. INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP.***

(a) ESTABLISHMENT.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is further amended by adding at the end the following:

***''SEC. 210D. INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP.***

''(a) IN GENERAL.—To improve the sharing of information within the scope of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) with State, local, tribal, and private sector officials, the Director of National Intelligence, through the program manager for the information sharing environment, in coordination with the Secretary, shall coordinate and oversee the creation of an Interagency Threat Assessment and Coordination Group (referred to in this section as the 'ITACG').

''(b) COMPOSITION OF ITACG.—The ITACG shall consist of—

''(1) an ITACG Advisory Council to set policy and develop processes for the integration, analysis, and dissemination of federally-coordinated information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information; and

''(2) an ITACG Detail comprised of State, local, and tribal homeland security and law enforcement officers and intelligence analysts detailed to work in the National Counterterrorism Center with Federal intelligence analysts for the purpose of integrating, analyzing, and assisting in the dissemination of federally-coordinated information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, through appropriate channels identified by the ITACG Advisory Council.

''(c) RESPONSIBILITIES OF PROGRAM MANAGER.—The program manager, in consultation with the Information Sharing Council, shall—

''(1) monitor and assess the efficacy of the ITACG; and

''(2) not later than 180 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, and at least annually thereafter, submit to the Secretary, the Attorney General, the Director of National Intelligence, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress of the ITACG.

''(d) RESPONSIBILITIES OF SECRETARY.—The Secretary, or the Secretary's designee, in coordination with the Director of the National Counterterrorism Center and the ITACG Advisory Council, shall—

''(1) create policies and standards for the creation of information products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, that are suitable for dissemination to State, local, and tribal governments and the private sector;

''(2) evaluate and develop processes for the timely dissemination of federally-coordinated information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, to State, local, and tribal governments and the private sector;

''(3) establish criteria and a methodology for indicating to State, local, and tribal governments and the private sector the reliability of information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, disseminated to them;

''(4) educate the intelligence community about the requirements of the State, local, and tribal homeland security, law enforcement, and other emergency response providers regarding information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information;

''(5) establish and maintain the ITACG Detail, which shall assign an appropriate number of State, local, and tribal homeland security and law enforcement officers and intelligence analysts to work in the National Counterterrorism Center who shall—

''(A) educate and advise National Counterterrorism Center intelligence analysts about the requirements of the State, local, and tribal homeland security and law enforcement officers, and other emergency response providers regarding information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information;

''(B) assist National Counterterrorism Center intelligence analysts in integrating, analyzing, and otherwise preparing versions of products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information that are unclassified or classified at the lowest possible level and suitable for dissemination to State, local, and tribal homeland security and law enforcement agencies in order to help deter and prevent terrorist attacks;

''(C) implement, in coordination with National Counterterrorism Center intelligence analysts, the policies, processes, procedures, standards, and guidelines developed by the ITACG Advisory Council;

''(D) assist in the dissemination of products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, to State, local, and tribal jurisdictions only through appropriate channels identified by the ITACG Advisory Council; and

''(E) report directly to the senior intelligence official from the Department under paragraph (6);

''(6) detail a senior intelligence official from the Department of Homeland Security to the National Counterterrorism Center, who shall—

''(A) manage the day-to-day operations of the ITACG Detail;

''(B) report directly to the Director of the National Counterterrorism Center or the Director's designee; and

''(C) in coordination with the Director of the Federal Bureau of Investigation, and subject to the approval of the Director of the National Counterterrorism Center, select a deputy from the pool of available detailees from the Federal Bureau of Investigation in the National Counterterrorism Center; and

''(7) establish, within the ITACG Advisory Council, a mechanism to select law enforcement officers and intelligence analysts for placement in the National Counterterrorism Center consistent with paragraph (5), using criteria developed by the ITACG Advisory Council that shall encourage participation from a broadly representative group of State, local, and tribal homeland security and law enforcement agencies.

''(e) MEMBERSHIP.—The Secretary, or the Secretary's designee, shall serve as the chair of the ITACG Advisory Council, which shall include—

''(1) representatives of—

''(A) the Department;

''(B) the Federal Bureau of Investigation;

''(C) the National Counterterrorism Center;

''(D) the Department of Defense;

''(E) the Department of Energy;

''(F) the Department of State; and

''(G) other Federal entities as appropriate;

''(2) the program manager of the information sharing environment, designated under section 1016(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(f)), or the program manager's designee; and

''(3) executive level law enforcement and intelligence officials from State, local, and tribal governments.

''(f) CRITERIA.—The Secretary, in consultation with the Director of National Intelligence, the Attorney General, and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), shall—

''(1) establish procedures for selecting members of the ITACG Advisory Council and for the proper handling and safeguarding of products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, by those members; and

''(2) ensure that at least 50 percent of the members of the ITACG Advisory Council are from State, local, and tribal governments.

''(g) OPERATIONS.—

''(1) IN GENERAL.—Beginning not later than 90 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the ITACG Advisory Council shall meet regularly, but not less than quarterly, at the facilities of the National Counterterrorism Center of the Office of the Director of National Intelligence.

''(2) MANAGEMENT.—Pursuant to section 119(f)(E) of the National Security Act of 1947 (50 U.S.C. 404o(f)(E)), the Director of the National Counterterrorism Center, acting through the senior intelligence official from the Department of Homeland Security detailed pursuant to subsection (d)(6), shall ensure that—

''(A) the products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, prepared by the National Counterterrorism Center and the ITACG Detail for distribution to State, local, and tribal homeland security and law enforcement agencies reflect the requirements of such agencies and are produced consistently with the policies, processes, procedures, standards, and guidelines established by the ITACG Advisory Council;

''(B) in consultation with the ITACG Advisory Council and consistent with sections 102A(f)(1)(B)(iii) and 119(f)(E) of the National Security Act of 1947 (50 U.S.C. 402 et seq.), all products described in subparagraph (A) are disseminated through existing channels of the Department and the Department of Justice and other appropriate channels to State, local, and tribal government officials and other entities;

''(C) all detailees under subsection (d)(5) have appropriate access to all relevant information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, available at the National Counterterrorism Center in order to accomplish the objectives under that paragraph;

''(D) all detailees under subsection (d)(5) have the appropriate security clearances and are trained in the procedures for handling, processing, storing, and disseminating classified products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information; and

''(E) all detailees under subsection (d)(5) complete appropriate privacy and civil liberties training.

''(h) INAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the ITACG or any subsidiary groups thereof.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section, including to obtain security clearances for the State, local, and tribal participants in the ITACG.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 210C the following:

''Sec. 210D. Interagency Threat Assessment and Coordination Group.''.

(c) PRIVACY AND CIVIL LIBERTIES IMPACT ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Privacy Officer and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security and the Chief Privacy and Civil Liberties Officer for the Department of Justice, in consultation with the Civil Liberties Protection Officer of the Office of the Director of National Intelligence, shall submit to the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Attorney General, the Director of the National Counterterrorism Center, the Director of National Intelligence, the Privacy and Civil Liberties Oversight Board, and the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, a privacy and civil liberties impact assessment of the Interagency Threat Assessment and Coordination Group under section 210D of the Homeland Security Act of 2002, as added by subsection (a), including the use of State, local, and tribal detailees at the National Counterterrorism Center, as described in subsection (d)(5) of that section.

### Subtitle D—Homeland Security Intelligence Offices Reorganization

#### SEC. 531. OFFICE OF INTELLIGENCE AND ANALYSIS AND OFFICE OF INFRASTRUCTURE PROTECTION.

(a) IN GENERAL.—Section 201 of the Homeland Security Act of 2002 (6 U.S.C. 201) is amended—

(1) in the section heading, by striking ''directorate for information'' and inserting ''information and'';

(2) by striking subsections (a) through (c) and inserting the following:

''(a) INTELLIGENCE AND ANALYSIS AND INFRASTRUCTURE PROTECTION.—There shall be in the Department an Office of Intelligence and Analysis and an Office of Infrastructure Protection.

''(b) UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS AND ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION.—

''(1) OFFICE OF INTELLIGENCE AND ANALYSIS.—The Office of Intelligence and Analysis shall be headed by an Under Secretary for Intelligence and Analysis, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) CHIEF INTELLIGENCE OFFICER.—The Under Secretary for Intelligence and Analysis shall serve as the Chief Intelligence Officer of the Department.

''(3) OFFICE OF INFRASTRUCTURE PROTECTION.—The Office of Infrastructure Protection shall be headed by an Assistant Secretary for Infrastructure Protection, who shall be appointed by the President.

''(c) DISCHARGE OF RESPONSIBILITIES.—The Secretary shall ensure that the responsibilities of the Department relating to information analysis and infrastructure protection, including those described in subsection (d), are carried out through the Under Secretary for Intelligence and Analysis or the Assistant Secretary for Infrastructure Protection, as appropriate.'';

(3) in subsection (d)—

(A) in the subsection heading, by striking ''UNDER SECRETARY'' and inserting ''SECRETARY RELATING TO INTELLIGENCE AND ANALYSIS AND INFRASTRUCTURE PROTECTION'';

(B) in the matter preceding paragraph (1), by striking ''Subject to the direction'' and all that follows through ''Infrastructure Protection'' and inserting the following: ''The responsibilities of the Secretary relating to intelligence and analysis and infrastructure protection'';

(C) in paragraph (9), as redesignated under section 510(a)(2)(A)(ii), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(D) in paragraph (11)(B), as so redesignated, by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(E) by redesignating paragraph (18), as so redesignated, as paragraph (24); and

(F) by inserting after paragraph (17), as so redesignated, the following:

''(18) To coordinate and enhance integration among the intelligence components of the Department, including through strategic oversight of the intelligence activities of such components.

''(19) To establish the intelligence collection, processing, analysis, and dissemination priorities, policies, processes, standards, guidelines, and procedures for the intelligence components of the Department, consistent with any directions from the President and, as applicable, the Director of National Intelligence.

''(20) To establish a structure and process to support the missions and goals of the intelligence components of the Department.

''(21) To ensure that, whenever possible, the Department—

''(A) produces and disseminates unclassified reports and analytic products based on open-source information; and

''(B) produces and disseminates such reports and analytic products contemporaneously with reports or analytic products concerning the same or similar information that the Department produced and disseminated in a classified format.

''(22) To establish within the Office of Intelligence and Analysis an internal continuity of operations plan.

''(23) Based on intelligence priorities set by the President, and guidance from the Secretary and, as appropriate, the Director of National Intelligence—

''(A) to provide to the heads of each intelligence component of the Department guidance

*for developing the budget pertaining to the activities of such component; and*

*''(B) to present to the Secretary a recommendation for a consolidated budget for the intelligence components of the Department, together with any comments from the heads of such components.'';*

*(4) in subsection (e)(1)—*

*(A) by striking ''Directorate'' the first place that term appears and inserting ''Office of Intelligence and Analysis and the Office of Infrastructure Protection''; and*

*(B) by striking ''the Directorate in discharging'' and inserting ''such offices in discharging'';*

*(5) in subsection (f)(1), by striking ''Directorate'' and inserting ''Office of Intelligence and Analysis and the Office of Infrastructure Protection''; and*

*(6) In subsection (g), in the matter preceding paragraph (1), by striking ''Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''Office of Intelligence and Analysis and the Office of Infrastructure Protection''.*

*(b) TECHNICAL AND CONFORMING AMENDMENTS.—*

*(1) IN GENERAL.—Such Act is further amended—*

*(A) in section 223, by striking ''Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''Under Secretary for Intelligence and Analysis, in cooperation with the Assistant Secretary for Infrastructure Protection'';*

*(B) in section 224, by striking ''Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''Assistant Secretary for Infrastructure Protection'';*

*(C) in section 302(3), by striking ''Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection''; and*

*(D) in section 521(d)—*

*(i) in paragraph (1), by striking ''Directorate for Information Analysis and Infrastructure Protection'' and inserting ''Office of Intelligence and Analysis''; and*

*(ii) in paragraph (2), by striking ''Under Secretary for Information Analysis and Infrastructure Protection'' and inserting ''Under Secretary for Intelligence and Analysis''.*

*(2) ADDITIONAL UNDER SECRETARY.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—*

*(A) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and*

*(B) by inserting after paragraph (7) the following:*

*''(8) An Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department.''.*

*(3) HEADING.—Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended in the subtitle heading by striking ''**Directorate for Information**'' and inserting ''**Information and**''.*

*(4) TABLE OF CONTENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended in the table of contents in section 1(b)—*

*(A) by striking the items relating to subtitle A of title II and section 201 and inserting the following:*

''Subtitle A—Information and Analysis and Infrastructure Protection; Access to Information

''Sec. 201. Information and Analysis and Infrastructure Protection.''; and

(5) NATIONAL SECURITY ACT OF 1947.—Section 106(b)(2)(I) of the National Security Act of 1947 (50 U.S.C. 403-6) is amended to read as follows:

''(I) The Under Secretary of Homeland Security for Intelligence and Analysis.''.

(c) TREATMENT OF INCUMBENT.—The individual administratively performing the duties of the Under Secretary for Intelligence and Analysis as of the date of the enactment of this Act may continue to perform such duties after the date on which the President nominates an individual to serve as the Under Secretary pursuant to section 201 of the Homeland Security Act of 2002, as amended by this section, and until the individual so appointed assumes the duties of the position

## Subtitle E—Authorization of Appropriations

### SEC. 541. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for each of fiscal years 2008 through 2012 such sums as may be necessary to carry out this title and the amendments made by this title.

## TITLE VI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

### SEC. 601. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS APPROPRIATED EACH FISCAL YEAR.—Not later than 30 days after the end of each fiscal year beginning with fiscal year 2007, the Director of National Intelligence shall disclose to the public the aggregate amount of funds appropriated by Congress for the National Intelligence Program for such fiscal year.

(b) WAIVER.—Beginning with fiscal year 2009, the President may waive or postpone the disclosure required by subsection (a) for any fiscal year by, not later than 30 days after the end of such fiscal year, submitting to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives—

(1) a statement, in unclassified form, that the disclosure required in subsection (a) for that fiscal year would damage national security; and

(2) a statement detailing the reasons for the waiver or postponement, which may be submitted in classified form.

(c) DEFINITION.—As used in this section, the term ''National Intelligence Program'' has the meaning given the term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).

### SEC. 602. PUBLIC INTEREST DECLASSIFICATION BOARD.

The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) by striking ''Director of Central Intelligence'' each place that term appears and inserting ''Director of National Intelligence'';

(2) in section 704(e)—

(A) by striking ''If requested'' and inserting the following:

''(1) IN GENERAL.—If requested''; and

(B) by adding at the end the following:

''(2) AUTHORITY OF BOARD.—Upon receiving a congressional request described in section 703(b)(5), the Board may conduct the review and make the recommendations described in that section, regardless of whether such a review is requested by the President.

''(3) REPORTING.—Any recommendations submitted to the President by the Board under section 703(b)(5), shall be submitted to the chairman and ranking minority member of the committee of Congress that made the request relating to such recommendations.'';

(3) in section 705(c), in the subsection heading, by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE''; and

(4) in section 710(b), by striking ''8 years after the date'' and all that follows and inserting ''on December 31, 2012.''.

### SEC. 603. SENSE OF THE SENATE REGARDING A REPORT ON THE 9/11 COMMISSION RECOMMENDATIONS WITH RESPECT TO INTELLIGENCE REFORM AND CONGRESSIONAL INTELLIGENCE OVERSIGHT REFORM.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Commission on Terrorist Attacks Upon the United States (referred to in this section as the ''9/11 Commission'') conducted a lengthy review of the facts and circumstances relating to the terrorist attacks of September 11, 2001, including those relating to the intelligence community, law enforcement agencies, and the role of congressional oversight and resource allocation.

(2) In its final report, the 9/11 Commission found that—

(A) congressional oversight of the intelligence activities of the United States is dysfunctional;

(B) under the rules of the Senate and the House of Representatives in effect at the time the report was completed, the committees of Congress charged with oversight of the intelligence activities lacked the power, influence, and sustained capability to meet the daunting challenges faced by the intelligence community of the United States;

(C) as long as such oversight is governed by such rules of the Senate and the House of Representatives, the people of the United States will not get the security they want and need;

(D) a strong, stable, and capable congressional committee structure is needed to give the intelligence community of the United States appropriate oversight, support, and leadership; and

(E) the reforms recommended by the 9/11 Commission in its final report will not succeed if congressional oversight of the intelligence community in the United States is not changed.

(3) The 9/11 Commission recommended structural changes to Congress to improve the oversight of intelligence activities.

(4) Congress has enacted some of the recommendations made by the 9/11 Commission and is considering implementing additional recommendations of the 9/11 Commission.

(5) The Senate adopted Senate Resolution 445 in the 108th Congress to address some of the intelligence oversight recommendations of the 9/11 Commission by abolishing term limits for the members of the Select Committee on Intelligence, clarifying jurisdiction for intelligence-related nominations, and streamlining procedures for the referral of intelligence-related legislation, but other aspects of the 9/11 Commission recommendations regarding intelligence oversight have not been implemented.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate each, or jointly, should—

(1) undertake a review of the recommendations made in the final report of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform;

(2) review and consider any other suggestions, options, or recommendations for improving intelligence oversight; and

(3) not later than December 21, 2007, submit to the Senate a report that includes the recommendations of the committees, if any, for carrying out such reforms.

### SEC. 604. AVAILABILITY OF FUNDS FOR THE PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 21067 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289; 120 Stat. 1311), as amended by Public Law 109–369 (120 Stat. 2642), Public

Law 109–383 (120 Stat. 2678), and Public Law 110–5, is amended by adding at the end the following new subsection:

''(c) From the amount provided by this section, the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.''.

**SEC. 605. AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.**

(a) PUBLIC AVAILABILITY.—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall prepare and make available to the public a version of the Executive Summary of the report entitled the ''Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001'' issued in June 2005 that is declassified to the maximum extent possible, consistent with national security.

(b) REPORT TO CONGRESS.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

## TITLE VII—STRENGTHENING EFFORTS TO PREVENT TERRORIST TRAVEL

### Subtitle A—Terrorist Travel

**SEC. 701. REPORT ON INTERNATIONAL COLLABORATION TO INCREASE BORDER SECURITY, ENHANCE GLOBAL DOCUMENT SECURITY, AND EXCHANGE TERRORIST INFORMATION.**

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Homeland Security, in conjunction with the Director of National Intelligence and the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees a report on efforts of the Government of the United States to collaborate with international partners and allies of the United States to increase border security, enhance global document security, and exchange terrorism information.

(b) CONTENTS.—The report required by subsection (a) shall outline—

(1) all presidential directives, programs, and strategies for carrying out and increasing United States Government efforts described in subsection (a);

(2) the goals and objectives of each of these efforts;

(3) the progress made in each of these efforts; and

(4) the projected timelines for each of these efforts to become fully functional and effective.

(c) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate.

### Subtitle B—Visa Waiver

**SEC. 711. MODERNIZATION OF THE VISA WAIVER PROGRAM.**

(a) SHORT TITLE.—This section may be cited as the ''Secure Travel and Counterterrorism Partnership Act of 2007''.

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

(1) the United States should modernize and strengthen the security of the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) by simultaneously—

(A) enhancing program security requirements; and

(B) extending visa-free travel privileges to nationals of foreign countries that are partners in the war on terrorism—

(i) that are actively cooperating with the United States to prevent terrorist travel, including sharing counterterrorism and law enforcement information; and

(ii) whose nationals have demonstrated their compliance with the provisions of the Immigration and Nationality Act regarding the purpose and duration of their admission to the United States; and

(2) the modernization described in paragraph (1) will—

(A) enhance bilateral cooperation on critical counterterrorism and information sharing initiatives;

(B) support and expand tourism and business opportunities to enhance long-term economic competitiveness; and

(C) strengthen bilateral relationships.

(c) DISCRETIONARY VISA WAIVER PROGRAM EXPANSION.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended by adding at the end the following new paragraphs:

''(8) NONIMMIGRANT VISA REFUSAL RATE FLEXIBILITY.—

''(A) CERTIFICATION.—

''(i) IN GENERAL.—On the date on which an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals who exit through airports of the United States and the electronic travel authorization system required under subsection (h)(3) is fully operational, the Secretary of Homeland Security shall certify to Congress that such air exit system and electronic travel authorization system are in place.

''(ii) NOTIFICATION TO CONGRESS.—The Secretary shall notify Congress in writing of the date on which the air exit system under clause (i) fully satisfies the biometric requirements specified in subsection (i).

''(iii) TEMPORARY SUSPENSION OF WAIVER AUTHORITY.—Notwithstanding any certification made under clause (i), if the Secretary has not notified Congress in accordance with clause (ii) by June 30, 2009, the Secretary's waiver authority under subparagraph (B) shall be suspended beginning on July 1, 2009, until such time as the Secretary makes such notification.

''(iv) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as in any way abrogating the reporting requirements under subsection (i)(3).

''(B) WAIVER.—After certification by the Secretary under subparagraph (A), the Secretary, in consultation with the Secretary of State, may waive the application of paragraph (2)(A) for a country if—

''(i) the country meets all security requirements of this section;

''(ii) the Secretary of Homeland Security determines that the totality of the country's security risk mitigation measures provide assurance that the country's participation in the program would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States;

''(iii) there has been a sustained reduction in the rate of refusals for nonimmigrant visas for nationals of the country and conditions exist to continue such reduction;

''(iv) the country cooperated with the Government of the United States on counterterrorism initiatives, information sharing, and preventing terrorist travel before the date of its designation as a program country, and the Secretary of Homeland Security and the Secretary of State determine that such cooperation will continue; and

''(v)(I) the rate of refusals for nonimmigrant visitor visas for nationals of the country during the previous full fiscal year was not more than ten percent; or

''(II) the visa overstay rate for the country for the previous full fiscal year does not exceed the maximum visa overstay rate, once such rate is established under subparagraph (C).

''(C) MAXIMUM VISA OVERSTAY RATE.—

''(i) REQUIREMENT TO ESTABLISH.—After certification by the Secretary under subparagraph (A), the Secretary and the Secretary of State jointly shall use information from the air exit system referred to in such subparagraph to establish a maximum visa overstay rate for countries participating in the program pursuant to a waiver under subparagraph (B). The Secretary of Homeland Security shall certify to Congress that such rate would not compromise the law enforcement, security interests, or enforcement of the immigration laws of the United States.

''(ii) VISA OVERSTAY RATE DEFINED.—In this paragraph the term 'visa overstay rate' means, with respect to a country, the ratio of—

''(I) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visa whose periods of authorized stays ended during a fiscal year but who remained unlawfully in the United States beyond such periods; to

''(II) the total number of nationals of that country who were admitted to the United States on the basis of a nonimmigrant visa during that fiscal year.

''(iii) REPORT AND PUBLICATION.—The Secretary of Homeland Security shall on the same date submit to Congress and publish in the Federal Register information relating to the maximum visa overstay rate established under clause (i). Not later than 60 days after such date, the Secretary shall issue a final maximum visa overstay rate above which a country may not participate in the program.

''(9) DISCRETIONARY SECURITY-RELATED CONSIDERATIONS.—In determining whether to waive the application of paragraph (2)(A) for a country, pursuant to paragraph (8), the Secretary of Homeland Security, in consultation with the Secretary of State, shall take into consideration other factors affecting the security of the United States, including—

''(A) airport security standards in the country;

''(B) whether the country assists in the operation of an effective air marshal program;

''(C) the standards of passports and travel documents issued by the country; and

''(D) other security-related factors, including the country's cooperation with the United States' initiatives toward combating terrorism and the country's cooperation with the United States intelligence community in sharing information regarding terrorist threats.''.

(d) SECURITY ENHANCEMENTS TO THE VISA WAIVER PROGRAM.—

(1) IN GENERAL.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(A) in subsection (a), in the flush text following paragraph (9)—

(i) by striking ''Operators of aircraft'' and inserting the following:

''(10) ELECTRONIC TRANSMISSION OF IDENTIFICATION INFORMATION.—Operators of aircraft''; and

(ii) by adding at the end the following new paragraph:

''(11) ELIGIBILITY DETERMINATION UNDER THE ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—Beginning on the date on which the electronic travel authorization system developed under subsection (h)(3) is fully operational, each alien traveling under the program shall, before applying for admission to the United States, electronically provide to the system biographical information and such other information as the Secretary of Homeland Security shall determine necessary to determine the eligibility of, and whether there exists a law enforcement or security risk in permitting, the alien to travel to the United States. Upon review of such biographical information, the Secretary of Homeland Security shall determine whether the alien is eligible to travel to the United States under the program.'';

(B) in subsection (c)—

(i) in paragraph (2)—

(I) by amending subparagraph (D) to read as follows:

''(D) REPORTING LOST AND STOLEN PASSPORTS.—The government of the country enters into an agreement with the United States to report, or make available through Interpol or other means as designated by the Secretary of Homeland Security, to the United States Government information about the theft or loss of passports within a strict time limit and in a manner specified in the agreement.''; and

(II) by adding at the end the following new subparagraphs:

''(E) REPATRIATION OF ALIENS.—The government of the country accepts for repatriation any citizen, former citizen, or national of the country against whom a final executable order of removal is issued not later than three weeks after the issuance of the final order of removal. Nothing in this subparagraph creates any duty for the United States or any right for any alien with respect to removal or release. Nothing in this subparagraph gives rise to any cause of action or claim under this paragraph or any other law against any official of the United States or of any State to compel the release, removal, or consideration for release or removal of any alien.

''(F) PASSENGER INFORMATION EXCHANGE.—The government of the country enters into an agreement with the United States to share information regarding whether citizens and nationals of that country traveling to the United States represent a threat to the security or welfare of the United States or its citizens.'';

(ii) in paragraph (5)—

(I) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(II) in subparagraph (A)(i)—

(aa) in subclause (II), by striking ''and'' at the end;

(bb) in subclause (III)—

(AA) by striking ''and the Committee on International Relations'' and inserting '', the Committee on Foreign Affairs, and the Committee on Homeland Security,'' and by striking ''and the Committee on Foreign Relations'' and inserting '', the Committee on Foreign Relations, and the Committee on Homeland Security and Governmental Affairs''; and

(BB) by striking the period at the end and inserting ''; and''; and

(cc) by adding at the end the following new subclause:

''(IV) shall submit to Congress a report regarding the implementation of the electronic travel authorization system under subsection (h)(3) and the participation of new countries in the program through a waiver under paragraph (8).''; and

(III) in subparagraph (B), by adding at the end the following new clause:

*''(iv) PROGRAM SUSPENSION AUTHORITY.—The Director of National Intelligence shall immediately inform the Secretary of Homeland Security of any current and credible threat which poses an imminent danger to the United States or its citizens and originates from a country participating in the visa waiver program. Upon receiving such notification, the Secretary, in consultation with the Secretary of State—*

*''(I) may suspend a country from the visa waiver program without prior notice;*

*''(II) shall notify any country suspended under subclause (I) and, to the extent practicable without disclosing sensitive intelligence sources and methods, provide justification for the suspension; and*

*''(III) shall restore the suspended country's participation in the visa waiver program upon a determination that the threat no longer poses an imminent danger to the United States or its citizens.''; and*

*(iii) by adding at the end the following new paragraphs:*

*''(10) TECHNICAL ASSISTANCE.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall provide technical assistance to program countries to assist those countries in meeting the requirements under this section. The Secretary of Homeland Security shall ensure that the program office within the Department of Homeland Security is adequately staffed and has resources to be able to provide such technical assistance, in addition to its duties to effectively monitor compliance of the countries participating in the program with all the requirements of the program.*

*''(11) INDEPENDENT REVIEW.—*

*''(A) IN GENERAL.—Prior to the admission of a new country into the program under this section, and in conjunction with the periodic evaluations required under subsection (c)(5)(A), the Director of National Intelligence shall conduct an independent intelligence assessment of a nominated country and member of the program.*

*''(B) REPORTING REQUIREMENT.—The Director shall provide to the Secretary of Homeland Security, the Secretary of State, and the Attorney General the independent intelligence assessment required under subparagraph (A).*

*''(C) CONTENTS.—The independent intelligence assessment conducted by the Director shall include—*

*''(i) a review of all current, credible terrorist threats of the subject country;*

*''(ii) an evaluation of the subject country's counterterrorism efforts;*

*''(iii) an evaluation as to the extent of the country's sharing of information beneficial to suppressing terrorist movements, financing, or actions;*

*''(iv) an assessment of the risks associated with including the subject country in the program; and*

*''(v) recommendations to mitigate the risks identified in clause (iv).'';*

*(C) in subsection (d)—*

*(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and*

*(ii) by adding at the end the following new sentence: ''The Secretary of Homeland Security may not waive any eligibility requirement under this section unless the Secretary notifies, with respect to the House of Representatives, the Committee on Homeland Security, the Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Appropriations, and with respect to the Senate, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Appropriations not later than 30 days before the effective date of such waiver.'';*

*(D) in subsection (f)(5)—*

*(i) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and*

*(ii) by striking ''of blank'' and inserting ''or loss of'';*

*(E) in subsection (h), by adding at the end the following new paragraph:*

*''(3) ELECTRONIC TRAVEL AUTHORIZATION SYSTEM.—*

*''(A) SYSTEM.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop and implement a fully automated electronic travel authorization system (referred to in this paragraph as the 'System') to collect such biographical and other information as the Secretary of Homeland Security determines necessary to determine, in advance of travel, the eligibility of, and whether there exists a law enforcement or security risk in permitting, the alien to travel to the United States.*

*''(B) FEES.—The Secretary of Homeland Security may charge a fee for the use of the System, which shall be—*

*''(i) set at a level that will ensure recovery of the full costs of providing and administering the System; and*

*''(ii) available to pay the costs incurred to administer the System.*

*''(C) VALIDITY.—*

*''(i) PERIOD.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall prescribe regulations that provide for a period, not to exceed three years, during which a determination of eligibility to travel under the program will be valid. Notwithstanding any other provision under this section, the Secretary of Homeland Security may revoke any such determination at any time and for any reason.*

*''(ii) LIMITATION.—A determination by the Secretary of Homeland Security that an alien is eligible to travel to the United States under the program is not a determination that the alien is admissible to the United States.*

*''(iii) NOT A DETERMINATION OF VISA ELIGIBILITY.—A determination by the Secretary of Homeland Security that an alien who applied for authorization to travel to the United States through the System is not eligible to travel under the program is not a determination of eligibility for a visa to travel to the United States and shall not preclude the alien from applying for a visa.*

*''(iv) JUDICIAL REVIEW.—Notwithstanding any other provision of law, no court shall have jurisdiction to review an eligibility determination under the System.*

*''(D) REPORT.—Not later than 60 days before publishing notice regarding the implementation of the System in the Federal Register, the Secretary of Homeland Security shall submit a report regarding the implementation of the system to—*

*''(i) the Committee on Homeland Security of the House of Representatives;*

*''(ii) the Committee on the Judiciary of the House of Representatives;*

*''(iii) the Committee on Foreign Affairs of the House of Representatives;*

*''(iv) the Permanent Select Committee on Intelligence of the House of Representatives;*

*''(v) the Committee on Appropriations of the House of Representatives;*

*''(vi) the Committee on Homeland Security and Governmental Affairs of the Senate;*

*''(vii) the Committee on the Judiciary of the Senate;*

*''(viii) the Committee on Foreign Relations of the Senate;*

*''(ix) the Select Committee on Intelligence of the Senate; and*

*''(x) the Committee on Appropriations of the Senate.''; and*

*(F) by adding at the end the following new subsection:*

''(i) EXIT SYSTEM.—

''(1) IN GENERAL.—Not later than one year after the date of the enactment of this subsection, the Secretary of Homeland Security shall establish an exit system that records the departure on a flight leaving the United States of every alien participating in the visa waiver program established under this section.

''(2) SYSTEM REQUIREMENTS.—The system established under paragraph (1) shall—

''(A) match biometric information of the alien against relevant watch lists and immigration information; and

''(B) compare such biometric information against manifest information collected by air carriers on passengers departing the United States to confirm such aliens have departed the United States.

''(3) REPORT.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall submit to Congress a report that describes—

''(A) the progress made in developing and deploying the exit system established under this subsection; and

''(B) the procedures by which the Secretary shall improve the method of calculating the rates of nonimmigrants who overstay their authorized period of stay in the United States.''.

(2) EFFECTIVE DATE.—Section 217(a)(11) of the Immigration and Nationality Act, as added by paragraph (1)(A)(ii), shall take effect on the date that is 60 days after the date on which the Secretary of Homeland Security publishes notice in the Federal Register of the requirement under such paragraph.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section and the amendments made by this section.

**Subtitle C—Strengthening Terrorism Prevention Programs**

**SEC. 721. STRENGTHENING THE CAPABILITIES OF THE HUMAN SMUGGLING AND TRAFFICKING CENTER.**

(a) IN GENERAL.—Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777) is amended—

(1) in subsection (c)(1), by striking ''address'' and inserting ''integrate and disseminate intelligence and information related to'';

(2) by redesignating subsections (d) and (e) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (c) the following new subsections:

''(d) DIRECTOR.—The Secretary of Homeland Security shall nominate an official of the Government of the United States to serve as the Director of the Center, in accordance with the requirements of the memorandum of understanding entitled the 'Human Smuggling and Trafficking Center (HSTC) Charter'.

''(e) STAFFING OF THE CENTER.—

''(1) IN GENERAL.—The Secretary of Homeland Security, in cooperation with heads of other relevant agencies and departments, shall ensure that the Center is staffed with not fewer than 40 full-time equivalent positions, including, as appropriate, detailees from the following:

''(A) Agencies and offices within the Department of Homeland Security, including the following:

''(i) The Office of Intelligence and Analysis.

''(ii) The Transportation Security Administration.

''(iii) United States Citizenship and Immigration Services.

''(iv) United States Customs and Border Protection.

''(v) The United States Coast Guard.

''(vi) United States Immigration and Customs Enforcement.

''(B) Other departments, agencies, or entities, including the following:

''(i) The Central Intelligence Agency.

''(ii) The Department of Defense.

''(iii) The Department of the Treasury.

''(iv) The National Counterterrorism Center.

''(v) The National Security Agency.

''(vi) The Department of Justice.

''(vii) The Department of State.

''(viii) Any other relevant agency or department.

''(2) EXPERTISE OF DETAILEES.—The Secretary of Homeland Security, in cooperation with the head of each agency, department, or other entity referred to in paragraph (1), shall ensure that the detailees provided to the Center under such paragraph include an adequate number of personnel who are—

''(A) intelligence analysts or special agents with demonstrated experience related to human smuggling, trafficking in persons, or terrorist travel; and

''(B) personnel with experience in the areas of—

''(i) consular affairs;

''(ii) counterterrorism;

''(iii) criminal law enforcement;

''(iv) intelligence analysis;

''(v) prevention and detection of document fraud;

''(vi) border inspection;

''(vii) immigration enforcement; or

''(viii) human trafficking and combating severe forms of trafficking in persons.

''(3) ENHANCED PERSONNEL MANAGEMENT.—

''(A) INCENTIVES FOR SERVICE IN CERTAIN POSITIONS.—

''(i) IN GENERAL.—The Secretary of Homeland Security, and the heads of other relevant agencies, shall prescribe regulations or promulgate personnel policies to provide incentives for service on the staff of the Center, particularly for serving terms of at least two years duration.

''(ii) FORMS OF INCENTIVES.—Incentives under clause (i) may include financial incentives, bonuses, and such other awards and incentives as the Secretary and the heads of other relevant agencies, consider appropriate.

''(B) ENHANCED PROMOTION FOR SERVICE AT THE CENTER.—Notwithstanding any other provision of law, the Secretary of Homeland Security, and the heads of other relevant agencies, shall ensure that personnel who are assigned or detailed to service at the Center shall be considered for promotion at rates equivalent to or better than similarly situated personnel of such agencies who are not so assigned or detailed, except that this subparagraph shall not apply in the case of personnel who are subject to the provisions of the Foreign Service Act of 1980.

''(f) ADMINISTRATIVE SUPPORT AND FUNDING.—The Secretary of Homeland Security shall provide to the Center the administrative support and funding required for its maintenance, including funding for personnel, leasing of office space, supplies, equipment, technology, training, and travel expenses necessary for the Center to carry out its functions.''.

(b) REPORT.—Subsection (g) of section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004, as redesignated by subsection (a)(2), is amended to read as follows:

''(g) REPORT.—

''(1) INITIAL REPORT.—Not later than 180 days after December 17, 2004, the President shall transmit to Congress a report regarding the implementation of this section, including a description of the staffing and resource needs of the Center.

''(2) FOLLOW-UP REPORT.—Not later than 180 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the President shall transmit to Congress a report regarding the operation of the Center and the activities carried out by the Center, including a description of—

''(A) the roles and responsibilities of each agency or department that is participating in the Center;

''(B) the mechanisms used to share information among each such agency or department;

''(C) the personnel provided to the Center by each such agency or department;

''(D) the type of information and reports being disseminated by the Center;

''(E) any efforts by the Center to create a centralized Federal Government database to store information related to unlawful travel of foreign nationals, including a description of any such database and of the manner in which information utilized in such a database would be collected, stored, and shared;

''(F) how each agency and department shall utilize its resources to ensure that the Center uses intelligence to focus and drive its efforts;

''(G) efforts to consolidate networked systems for the Center;

''(H) the mechanisms for the sharing of homeland security information from the Center to the Office of Intelligence and Analysis, including how such sharing shall be consistent with section 1016(b);

''(I) the ability of participating personnel in the Center to freely access necessary databases and share information regarding issues related to human smuggling, trafficking in persons, and terrorist travel;

''(J) how the assignment of personnel to the Center is incorporated into the civil service career path of such personnel; and

''(K) cooperation and coordination efforts, including any memorandums of understanding, among participating agencies and departments regarding issues related to human smuggling, trafficking in persons, and terrorist travel.''.

(c) COORDINATION WITH THE OFFICE OF INTELLIGENCE AND ANALYSIS.—Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended by adding after subsection (h), as redesignated by subsection (a)(2), the following new subsection:

''(i) COORDINATION WITH THE OFFICE OF INTELLIGENCE AND ANALYSIS.—The Office of Intelligence and Analysis, in coordination with the Center, shall submit to relevant State, local, and tribal law enforcement agencies periodic reports regarding terrorist threats related to human smuggling, human trafficking, and terrorist travel.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security $20,000,000 for fiscal year 2008 to carry out section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by this section.

**SEC. 722. ENHANCEMENTS TO THE TERRORIST TRAVEL PROGRAM.**

Section 7215 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123) is amended to read as follows:

**''SEC. 7215. TERRORIST TRAVEL PROGRAM.**

''(a) REQUIREMENT TO ESTABLISH.—Not later than 90 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary of Homeland Security, in consultation with the Director of the National Counterterrorism Center and consistent with the strategy developed under section 7201, shall establish a program to oversee the implementation of the Secretary's responsibilities with respect to terrorist travel.

''(b) HEAD OF THE PROGRAM.—The Secretary of Homeland Security shall designate an official of the Department of Homeland Security to be responsible for carrying out the program. Such official shall be—

''(1) the Assistant Secretary for Policy of the Department of Homeland Security; or

''(2) an official appointed by the Secretary who reports directly to the Secretary.

''(c) DUTIES.—The official designated under subsection (b) shall assist the Secretary of Homeland Security in improving the Department's ability to prevent terrorists from entering the United States or remaining in the United States undetected by—

''(1) developing relevant strategies and policies;

''(2) reviewing the effectiveness of existing programs and recommending improvements, if necessary;

''(3) making recommendations on budget requests and on the allocation of funding and personnel;

''(4) ensuring effective coordination, with respect to policies, programs, planning, operations, and dissemination of intelligence and information related to terrorist travel—

''(A) among appropriate subdivisions of the Department of Homeland Security, as determined by the Secretary and including—

''(i) United States Customs and Border Protection;

''(ii) United States Immigration and Customs Enforcement;

''(iii) United States Citizenship and Immigration Services;

''(iv) the Transportation Security Administration; and

''(v) the United States Coast Guard; and

''(B) between the Department of Homeland Security and other appropriate Federal agencies; and

''(5) serving as the Secretary's primary point of contact with the National Counterterrorism Center for implementing initiatives related to terrorist travel and ensuring that the recommendations of the Center related to terrorist travel are carried out by the Department.

''(d) REPORT.—Not later than 180 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this section.''.

**SEC. 723. ENHANCED DRIVER'S LICENSE.**

Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) is amended—

(1) in subparagraph (B)—

(A) in clause (vi), by striking ''and'' at the end;

(B) in clause (vii), by striking the period at the end and inserting ''; and''; and

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

''(viii) the signing of a memorandum of agreement to initiate a pilot program with not less than one State to determine if an enhanced driver's license, which is machine-readable and tamper proof, not valid for certification of citizenship for any purpose other than admission into the United States from Canada or Mexico, and issued by such State to an individual, may permit the individual to use the driver's license to meet the documentation requirements under subparagraph (A) for entry into the United States from Canada or Mexico at land and sea ports of entry.''; and

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

''(C) REPORT.—Not later than 180 days after the initiation of the pilot program described in subparagraph (B)(viii), the Secretary of Homeland Security and the Secretary of State shall submit to the appropriate congressional committees a report which includes—

''(i) an analysis of the impact of the pilot program on national security;

''(ii) recommendations on how to expand the pilot program to other States;

''(iii) any appropriate statutory changes to facilitate the expansion of the pilot program to additional States and to citizens of Canada;

''(iv) a plan to screen individuals participating in the pilot program against United States terrorist watch lists; and

''(v) a recommendation for the type of machine-readable technology that should be used in enhanced driver's licenses, based on individual privacy considerations and the costs and feasibility of incorporating any new technology into existing driver's licenses.''.

**SEC. 724. WESTERN HEMISPHERE TRAVEL INITIATIVE.**

Before the Secretary of Homeland Security publishes a final rule in the Federal Register implementing section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note)—

(1) the Secretary of Homeland Security shall complete a cost-benefit analysis of the Western Hemisphere Travel Initiative, authorized under such section 7209; and

(2) the Secretary of State shall develop proposals for reducing the execution fee charged for the passport card, proposed at 71 Fed. Reg. 60928–32 (October 17, 2006), including the use of mobile application teams, during implementation of the land and sea phase of the Western Hemisphere Travel Initiative, in order to encourage United States citizens to apply for the passport card.

**SEC. 725. MODEL PORTS-OF-ENTRY.**

(a) IN GENERAL.—The Secretary of Homeland Security shall—

(1) establish a model ports-of-entry program for the purpose of providing a more efficient and welcoming international arrival process in order to facilitate and promote business and tourist travel to the United States, while also improving security; and

(2) implement the program initially at the 20 United States international airports that have the highest number of foreign visitors arriving annually as of the date of the enactment of this Act.

(b) PROGRAM ELEMENTS.—The program shall include—

(1) enhanced queue management in the Federal Inspection Services area leading up to primary inspection;

(2) assistance for foreign travelers once they have been admitted to the United States, in consultation, as appropriate, with relevant governmental and nongovernmental entities; and

(3) instructional videos, in English and such other languages as the Secretary determines appropriate, in the Federal Inspection Services area that explain the United States inspection process and feature national, regional, or local welcome videos.

(c) ADDITIONAL CUSTOMS AND BORDER PROTECTION OFFICERS FOR HIGH-VOLUME PORTS.—Subject to the availability of appropriations, not later than the end of fiscal year 2008 the Secretary of Homeland Security shall employ not fewer than an additional 200 Customs and Border Protection officers over the number of such positions for which funds were appropriated for the proceeding fiscal year to address staff shortages at the 20 United States international airports that have the highest number of foreign visitors arriving annually as of the date of the enactment of this Act.

**Subtitle D—Miscellaneous Provisions**

**SEC. 731. REPORT REGARDING BORDER SECURITY.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report regarding ongoing initiatives of the Department of Homeland Security to improve security along the northern border of the United States.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) address the vulnerabilities along the northern border of the United States; and

(2) provide recommendations to address such vulnerabilities, including required resources needed to protect the northern border of the United States.

(c) GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 270 days after the date of the submission of the report under subsection (a), the Comptroller General of the United States shall submit to Congress a report that—

(1) reviews and comments on the report under subsection (a); and

(2) provides recommendations regarding any additional actions necessary to protect the northern border of the United States.

**TITLE VIII—PRIVACY AND CIVIL LIBERTIES**

**SEC. 801. MODIFICATION OF AUTHORITIES RELATING TO PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.**

(a) MODIFICATION OF AUTHORITIES.—Section 1061 of the National Security Intelligence Reform Act of 2004 (5 U.S.C. 601 note) is amended to read as follows:

**''SEC. 1061. PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.**

''(a) IN GENERAL.—There is established as an independent agency within the executive branch a Privacy and Civil Liberties Oversight Board (referred to in this section as the 'Board').

''(b) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

''(1) In conducting the war on terrorism, the Government may need additional powers and may need to enhance the use of its existing powers.

''(2) This shift of power and authority to the Government calls for an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life and to ensure that the Government uses its powers for the purposes for which the powers were given.

''(3) The National Commission on Terrorist Attacks Upon the United States correctly concluded that 'The choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. Our history has shown us that insecurity threatens liberty. Yet, if our liberties are curtailed, we lose the values that we are struggling to defend.'.

''(c) PURPOSE.—The Board shall—

''(1) analyze and review actions the executive branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties; and

''(2) ensure that liberty concerns are appropriately considered in the development and implementation of laws, regulations, and policies related to efforts to protect the Nation against terrorism.

''(d) FUNCTIONS.—

''(1) ADVICE AND COUNSEL ON POLICY DEVELOPMENT AND IMPLEMENTATION.—The Board shall—

''(A) review proposed legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the development and adoption of information sharing guidelines under subsections (d) and (f) of section 1016;

''(B) review the implementation of new and existing legislation, regulations, and policies related to efforts to protect the Nation from terrorism, including the implementation of information sharing guidelines under subsections (d) and (f) of section 1016;

''(C) advise the President and the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are appropriately considered in the development and implementation of such legislation, regulations, policies, and guidelines; and

''(D) in providing advice on proposals to retain or enhance a particular governmental power, consider whether the department, agency, or element of the executive branch has established—

''(i) that the need for the power is balanced with the need to protect privacy and civil liberties;

''(ii) that there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties; and

''(iii) that there are adequate guidelines and oversight to properly confine its use.

''(2) OVERSIGHT.—The Board shall continually review—

''(A) the regulations, policies, and procedures, and the implementation of the regulations, policies, and procedures, of the departments, agencies, and elements of the executive branch relating to efforts to protect the Nation from terrorism to ensure that privacy and civil liberties are protected;

''(B) the information sharing practices of the departments, agencies, and elements of the executive branch relating to efforts to protect the Nation from terrorism to determine whether they appropriately protect privacy and civil liberties and adhere to the information sharing guidelines issued or developed under subsections (d) and (f) of section 1016 and to other governing laws, regulations, and policies regarding privacy and civil liberties; and

''(C) other actions by the executive branch relating to efforts to protect the Nation from terrorism to determine whether such actions—

''(i) appropriately protect privacy and civil liberties; and

''(ii) are consistent with governing laws, regulations, and policies regarding privacy and civil liberties.

''(3) RELATIONSHIP WITH PRIVACY AND CIVIL LIBERTIES OFFICERS.—The Board shall—

''(A) receive and review reports and other information from privacy officers and civil liberties officers under section 1062;

''(B) when appropriate, make recommendations to such privacy officers and civil liberties officers regarding their activities; and

''(C) when appropriate, coordinate the activities of such privacy officers and civil liberties officers on relevant interagency matters.

''(4) TESTIMONY.—The members of the Board shall appear and testify before Congress upon request.

''(e) REPORTS.—

''(1) IN GENERAL.—The Board shall—

''(A) receive and review reports from privacy officers and civil liberties officers under section 1062; and

''(B) periodically submit, not less than semiannually, reports—

''(i)(I) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives; and

''(II) to the President; and

''(ii) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(2) CONTENTS.—Not less than 2 reports submitted each year under paragraph (1)(B) shall include—

''(A) a description of the major activities of the Board during the preceding period;

''(B) information on the findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

''(C) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d);

''(D) each proposal reviewed by the Board under subsection (d)(1) that—

''(i) the Board advised against implementation; and

''(ii) notwithstanding such advice, actions were taken to implement; and

''(E) for the preceding period, any requests submitted under subsection (g)(1)(D) for the issuance of subpoenas that were modified or denied by the Attorney General.

''(f) INFORMING THE PUBLIC.—The Board shall—

''(1) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(2) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

''(g) ACCESS TO INFORMATION.—

''(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized to—

''(A) have access from any department, agency, or element of the executive branch, or any Federal officer or employee of any such department, agency, or element, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

''(B) interview, take statements from, or take public testimony from personnel of any department, agency, or element of the executive branch, or any Federal officer or employee of any such department, agency, or element;

''(C) request information or assistance from any State, tribal, or local government; and

''(D) at the direction of a majority of the members of the Board, submit a written request to the Attorney General of the United States that the Attorney General require, by subpoena, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

''(2) REVIEW OF SUBPOENA REQUEST.—

''(A) IN GENERAL.—Not later than 30 days after the date of receipt of a request by the Board under paragraph (1)(D), the Attorney General shall—

''(i) issue the subpoena as requested; or

''(ii) provide the Board, in writing, with an explanation of the grounds on which the subpoena request has been modified or denied.

''(B) NOTIFICATION.—If a subpoena request is modified or denied under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date of that modification or denial, notify the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

''(3) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued pursuant to paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.

''(4) AGENCY COOPERATION.—Whenever information or assistance requested under subparagraph (A) or (B) of paragraph (1) is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the head of the department, agency, or element concerned without delay. The head of the department, agency, or element concerned shall ensure that the Board is given access to the information, assistance, material, or personnel the Board determines to be necessary to carry out its functions.

''(h) MEMBERSHIP.—

''(1) MEMBERS.—The Board shall be composed of a full-time chairman and 4 additional members, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party. The President shall, before appointing an individual who is not a member of the same political party as the President, consult with the leadership of that party, if any, in the Senate and House of Representatives.

''(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

''(4) TERM.—Each member of the Board shall serve a term of 6 years, except that—

''(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term; and

''(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

''(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

''(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted.

''(5) QUORUM AND MEETINGS.—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.

''(i) COMPENSATION AND TRAVEL EXPENSES.—

''(1) COMPENSATION.—

''(A) CHAIRMAN.—The chairman of the Board shall be compensated at the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(B) MEMBERS.—Each member of the Board shall be compensated at a rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

''(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

''(j) STAFF.—

''(1) APPOINTMENT AND COMPENSATION.—The chairman of the Board, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of a full-time executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

''(2) DETAILEES.—Any Federal employee may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

''(3) CONSULTANT SERVICES.—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

''(k) SECURITY CLEARANCES.—

''(1) IN GENERAL.—The appropriate departments, agencies, and elements of the executive branch shall cooperate with the Board to expeditiously provide the Board members and staff with appropriate security clearances to the extent possible under existing procedures and requirements.

''(2) RULES AND PROCEDURES.—After consultation with the Secretary of Defense, the Attorney

*General, and the Director of National Intelligence, the Board shall adopt rules and procedures of the Board for physical, communications, computer, document, personnel, and other security relating to carrying out the functions of the Board.*

*''(l) TREATMENT AS AGENCY, NOT AS ADVISORY COMMITTEE.—The Board—*

*''(1) is an agency (as defined in section 551(1) of title 5, United States Code); and*

*''(2) is not an advisory committee (as defined in section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.)).*

*''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section amounts as follows:*

*''(1) For fiscal year 2008, $5,000,000.*

*''(2) For fiscal year 2009, $6,650,000.*

*''(3) For fiscal year 2010, $8,300,000.*

*''(4) For fiscal year 2011, $10,000,000.*

*''(5) For fiscal year 2012 and each subsequent fiscal year, such sums as may be necessary.''.*

*(b) SECURITY RULES AND PROCEDURES.—The Privacy and Civil Liberties Oversight Board shall promptly adopt the security rules and procedures required under section 1061(k)(2) of the National Security Intelligence Reform Act of 2004 (as added by subsection (a) of this section).*

*(c) TRANSITION PROVISIONS.—*

*(1) TREATMENT OF INCUMBENT MEMBERS OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—*

*(A) CONTINUATION OF SERVICE.—Any individual who is a member of the Privacy and Civil Liberties Oversight Board on the date of enactment of this Act may continue to serve on the Board until 180 days after the date of enactment of this Act.*

*(B) TERMINATION OF TERMS.—The term of any individual who is a member of the Privacy and Civil Liberties Oversight Board on the date of enactment of this Act shall terminate 180 days after the date of enactment of this Act.*

*(2) APPOINTMENTS.—*

*(A) IN GENERAL.—The President and the Senate shall take such actions as necessary for the President, by and with the advice and consent of the Senate, to appoint members to the Privacy and Civil Liberties Oversight Board as constituted under the amendments made by subsection (a) in a timely manner to provide for the continuing operation of the Board and orderly implementation of this section.*

*(B) DESIGNATIONS.—In making the appointments described under subparagraph (A) of the first members of the Privacy and Civil Liberties Oversight Board as constituted under the amendments made by subsection (a), the President shall provide for the members to serve terms of 2, 3, 4, 5, and 6 years beginning on the effective date described under subsection (d)(1), with the term of each such member to be designated by the President.*

*(d) EFFECTIVE DATE.—*

*(1) IN GENERAL.—The amendments made by subsection (a) and subsection (b) shall take effect 180 days after the date of enactment of this Act.*

*(2) TRANSITION PROVISIONS.—Subsection (c) shall take effect on the date of enactment of this Act.*

***SEC. 802. DEPARTMENT PRIVACY OFFICER.***

*Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—*

*(1) by inserting ''(a) APPOINTMENT AND RESPONSIBILITIES.—'' before ''The Secretary''; and*

*(2) by adding at the end the following:*

*''(b) AUTHORITY TO INVESTIGATE.—*

*''(1) IN GENERAL.—The senior official appointed under subsection (a) may—*

*''(A) have access to all records, reports, audits, reviews, documents, papers, recommendations, and other materials available to the Department that relate to programs and operations with respect to the responsibilities of the senior official under this section;*

*''(B) make such investigations and reports relating to the administration of the programs and operations of the Department as are, in the senior official's judgment, necessary or desirable;*

*''(C) subject to the approval of the Secretary, require by subpoena the production, by any person other than a Federal agency, of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to performance of the responsibilities of the senior official under this section; and*

*''(D) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary to performance of the responsibilities of the senior official under this section.*

*''(2) ENFORCEMENT OF SUBPOENAS.—Any subpoena issued under paragraph (1)(C) shall, in the case of contumacy or refusal to obey, be enforceable by order of any appropriate United States district court.*

*''(3) EFFECT OF OATHS.—Any oath, affirmation, or affidavit administered or taken under paragraph (1)(D) by or before an employee of the Privacy Office designated for that purpose by the senior official appointed under subsection (a) shall have the same force and effect as if administered or taken by or before an officer having a seal of office.*

*''(c) SUPERVISION AND COORDINATION.—*

*''(1) IN GENERAL.—The senior official appointed under subsection (a) shall—*

*''(A) report to, and be under the general supervision of, the Secretary; and*

*''(B) coordinate activities with the Inspector General of the Department in order to avoid duplication of effort.*

*''(2) COORDINATION WITH THE INSPECTOR GENERAL.—*

*''(A) IN GENERAL.—Except as provided in subparagraph (B), the senior official appointed under subsection (a) may investigate any matter relating to possible violations or abuse concerning the administration of any program or operation of the Department relevant to the purposes under this section.*

*''(B) COORDINATION.—*

*''(i) REFERRAL.—Before initiating any investigation described under subparagraph (A), the senior official shall refer the matter and all related complaints, allegations, and information to the Inspector General of the Department.*

*''(ii) DETERMINATIONS AND NOTIFICATIONS BY THE INSPECTOR GENERAL.—*

*''(I) IN GENERAL.—Not later than 30 days after the receipt of a matter referred under clause (i), the Inspector General shall—*

*''(aa) make a determination regarding whether the Inspector General intends to initiate an audit or investigation of the matter referred under clause (i); and*

*''(bb) notify the senior official of that determination.*

*''(II) INVESTIGATION NOT INITIATED.—If the Inspector General notifies the senior official under subclause (I)(bb) that the Inspector General intended to initiate an audit or investigation, but does not initiate that audit or investigation within 90 days after providing that notification, the Inspector General shall further notify the senior official that an audit or investigation was not initiated. The further notification under this subclause shall be made not later than 3 days after the end of that 90-day period.*

*''(iii) INVESTIGATION BY SENIOR OFFICIAL.—The senior official may investigate a matter referred under clause (i) if—*

*''(I) the Inspector General notifies the senior official under clause (ii)(I)(bb) that the Inspector General does not intend to initiate an audit or investigation relating to that matter; or*

*''(II) the Inspector General provides a further notification under clause (ii)(II) relating to that matter.*

*''(iv) PRIVACY TRAINING.—Any employee of the Office of Inspector General who audits or investigates any matter referred under clause (i) shall be required to receive adequate training on privacy laws, rules, and regulations, to be provided by an entity approved by the Inspector General in consultation with the senior official appointed under subsection (a).*

*''(d) NOTIFICATION TO CONGRESS ON REMOVAL.—If the Secretary removes the senior official appointed under subsection (a) or transfers that senior official to another position or location within the Department, the Secretary shall—*

*''(1) promptly submit a written notification of the removal or transfer to Houses of Congress; and*

*''(2) include in any such notification the reasons for the removal or transfer.*

*''(e) REPORTS BY SENIOR OFFICIAL TO CONGRESS.—The senior official appointed under subsection (a) shall—*

*''(1) submit reports directly to the Congress regarding performance of the responsibilities of the senior official under this section, without any prior comment or amendment by the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget; and*

*''(2) inform the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives not later than—*

*''(A) 30 days after the Secretary disapproves the senior official's request for a subpoena under subsection (b)(1)(C) or the Secretary substantively modifies the requested subpoena; or*

*''(B) 45 days after the senior official's request for a subpoena under subsection (b)(1)(C), if that subpoena has not either been approved or disapproved by the Secretary.''.*

***SEC. 803. PRIVACY AND CIVIL LIBERTIES OFFICERS.***

*(a) IN GENERAL.—Section 1062 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 118 Stat. 3688) is amended to read as follows:*

***''SEC. 1062. PRIVACY AND CIVIL LIBERTIES OFFICERS.***

*''(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the head of any other department, agency, or element of the executive branch designated by the Privacy and Civil Liberties Oversight Board under section 1061 to be appropriate for coverage under this section shall designate not less than 1 senior officer to serve as the principal advisor to—*

*''(1) assist the head of such department, agency, or element and other officials of such department, agency, or element in appropriately considering privacy and civil liberties concerns when such officials are proposing, developing, or implementing laws, regulations, policies, procedures, or guidelines related to efforts to protect the Nation against terrorism;*

*''(2) periodically investigate and review department, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;*

*''(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element has violated their privacy or civil liberties; and*

*''(4) in providing advice on proposals to retain or enhance a particular governmental power the officer shall consider whether such department, agency, or element has established—*

*''(A) that the need for the power is balanced with the need to protect privacy and civil liberties;*

*''(B) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and*

''(C) that there are adequate guidelines and oversight to properly confine its use.

''(b) EXCEPTION TO DESIGNATION AUTHORITY.—

''(1) PRIVACY OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Privacy and Civil Liberties Oversight Board, which has a statutorily created privacy officer, such officer shall perform the functions specified in subsection (a) with respect to privacy.

''(2) CIVIL LIBERTIES OFFICERS.—In any department, agency, or element referred to in subsection (a) or designated by the Board, which has a statutorily created civil liberties officer, such officer shall perform the functions specified in subsection (a) with respect to civil liberties.

''(c) SUPERVISION AND COORDINATION.—Each privacy officer or civil liberties officer described in subsection (a) or (b) shall—

''(1) report directly to the head of the department, agency, or element concerned; and

''(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

''(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

''(1) has the information, material, and resources necessary to fulfill the functions of such officer;

''(2) is advised of proposed policy changes;

''(3) is consulted by decision makers; and

''(4) is given access to material and personnel the officer determines to be necessary to carry out the functions of such officer.

''(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(f) PERIODIC REPORTS.—

''(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

''(A)(i) to the appropriate committees of Congress, including the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

''(ii) to the head of such department, agency, or element; and

''(iii) to the Privacy and Civil Liberties Oversight Board; and

''(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, including—

''(A) information on the number and types of reviews undertaken;

''(B) the type of advice provided and the response given to such advice;

''(C) the number and nature of the complaints received by the department, agency, or element concerned for alleged violations; and

''(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

''(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

''(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

''(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

''(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended by striking the item relating to section 1062 and inserting the following new item:

''Sec. 1062. Privacy and civil liberties officers.''.

**SEC. 804. FEDERAL AGENCY DATA MINING REPORTING ACT OF 2007.**

(a) SHORT TITLE.—This section may be cited as the ''Federal Agency Data Mining Reporting Act of 2007''.

(b) DEFINITIONS.—In this section:

(1) DATA MINING.—The term ''data mining'' means a program involving pattern-based queries, searches, or other analyses of 1 or more electronic databases, where—

(A) a department or agency of the Federal Government, or a non-Federal entity acting on behalf of the Federal Government, is conducting the queries, searches, or other analyses to discover or locate a predictive pattern or anomaly indicative of terrorist or criminal activity on the part of any individual or individuals;

(B) the queries, searches, or other analyses are not subject-based and do not use personal identifiers of a specific individual, or inputs associated with a specific individual or group of individuals, to retrieve information from the database or databases; and

(C) the purpose of the queries, searches, or other analyses is not solely—

(i) the detection of fraud, waste, or abuse in a Government agency or program; or

(ii) the security of a Government computer system.

(2) DATABASE.—The term ''database'' does not include telephone directories, news reporting, information publicly available to any member of the public without payment of a fee, or databases of judicial and administrative opinions or other legal research sources.

(c) REPORTS ON DATA MINING ACTIVITIES BY FEDERAL AGENCIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data mining shall submit a report to Congress on all such activities of the department or agency under the jurisdiction of that official. The report shall be produced in coordination with the privacy officer of that department or agency, if applicable, and shall be made available to the public, except for an annex described in subparagraph (C).

(2) CONTENT OF REPORT.—Each report submitted under subparagraph (A) shall include, for each activity to use or develop data mining, the following information:

(A) A thorough description of the data mining activity, its goals, and, where appropriate, the target dates for the deployment of the data mining activity.

(B) A thorough description of the data mining technology that is being used or will be used, including the basis for determining whether a particular pattern or anomaly is indicative of terrorist or criminal activity.

(C) A thorough description of the data sources that are being or will be used.

(D) An assessment of the efficacy or likely efficacy of the data mining activity in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the data mining activity.

(E) An assessment of the impact or likely impact of the implementation of the data mining activity on the privacy and civil liberties of individuals, including a thorough description of the actions that are being taken or will be taken with regard to the property, privacy, or other rights or privileges of any individual or individuals as a result of the implementation of the data mining activity.

(F) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used in conjunction with the data mining activity, to the extent applicable in the context of the data mining activity.

(G) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such data mining activity in order to—

(i) protect the privacy and due process rights of individuals, such as redress procedures; and

(ii) ensure that only accurate and complete information is collected, reviewed, gathered, analyzed, or used, and guard against any harmful consequences of potential inaccuracies.

(3) ANNEX.—

(A) IN GENERAL.—A report under subparagraph (A) shall include in an annex any necessary—

(i) classified information;

(ii) law enforcement sensitive information;

(iii) proprietary business information; or

(iv) trade secrets (as that term is defined in section 1839 of title 18, United States Code).

(B) AVAILABILITY.—Any annex described in clause (i)—

(i) shall be available, as appropriate, and consistent with the National Security Act of 1947 (50 U.S.C. 401 et seq.), to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives; and

(ii) shall not be made available to the public.

(4) TIME FOR REPORT.—Each report required under subparagraph (A) shall be—

(A) submitted not later than 180 days after the date of enactment of this Act; and

(B) updated not less frequently than annually thereafter, to include any activity to use or develop data mining engaged in after the date of the prior report submitted under subparagraph (A).

## TITLE IX—PRIVATE SECTOR PREPAREDNESS

**SEC. 901. PRIVATE SECTOR PREPAREDNESS.**

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.), as amended by section 409, is further amended by adding at the end the following:

**''SEC. 523. GUIDANCE AND RECOMMENDATIONS.**

''(a) IN GENERAL.—Consistent with their responsibilities and authorities under law, as of the day before the date of the enactment of this section, the Administrator and the Assistant Secretary for Infrastructure Protection, in consultation with the private sector, may develop guidance or recommendations and identify best practices to assist or foster action by the private sector in—

''(1) identifying potential hazards and assessing risks and impacts;

''(2) mitigating the impact of a wide variety of hazards, including weapons of mass destruction;

''(3) managing necessary emergency preparedness and response resources;

''(4) developing mutual aid agreements;

''(5) developing and maintaining emergency preparedness and response plans, and associated operational procedures;

''(6) developing and conducting training and exercises to support and evaluate emergency preparedness and response plans and operational procedures;

''(7) developing and conducting training programs for security guards to implement emergency preparedness and response plans and operations procedures; and

''(8) developing procedures to respond to requests for information from the media or the public.

''(b) ISSUANCE AND PROMOTION.—Any guidance or recommendations developed or best practices identified under subsection (a) shall be—

''(1) issued through the Administrator; and

''(2) promoted by the Secretary to the private sector.

''(c) SMALL BUSINESS CONCERNS.—In developing guidance or recommendations or identifying best practices under subsection (a), the Administrator and the Assistant Secretary for Infrastructure Protection shall take into consideration small business concerns (under the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)), including any need for separate guidance or recommendations or best practices, as necessary and appropriate.

''(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to supersede any requirement established under any other provision of law.

**''SEC. 524. VOLUNTARY PRIVATE SECTOR PREPAREDNESS ACCREDITATION AND CERTIFICATION PROGRAM.**

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the officer designated under paragraph (2), shall establish and implement the voluntary private sector preparedness accreditation and certification program in accordance with this section.

''(2) DESIGNATION OF OFFICER.—The Secretary shall designate an officer responsible for the accreditation and certification program under this section. Such officer (hereinafter referred to in this section as the 'designated officer') shall be one of the following:

''(A) The Administrator, based on consideration of—

''(i) the expertise of the Administrator in emergency management and preparedness in the United States; and

''(ii) the responsibilities of the Administrator as the principal advisor to the President for all matters relating to emergency management in the United States.

''(B) The Assistant Secretary for Infrastructure Protection, based on consideration of the expertise of the Assistant Secretary in, and responsibilities for—

''(i) protection of critical infrastructure;

''(ii) risk assessment methodologies; and

''(iii) interacting with the private sector on the issues described in clauses (i) and (ii).

''(C) The Under Secretary for Science and Technology, based on consideration of the expertise of the Under Secretary in, and responsibilities associated with, standards.

''(3) COORDINATION.—In carrying out the accreditation and certification program under this section, the designated officer shall coordinate with—

''(A) the other officers of the Department referred to in paragraph (2), using the expertise and responsibilities of such officers; and

''(B) the Special Assistant to the Secretary for the Private Sector, based on consideration of the expertise of the Special Assistant in, and responsibilities for, interacting with the private sector.

''(b) VOLUNTARY PRIVATE SECTOR PREPAREDNESS STANDARDS; VOLUNTARY ACCREDITATION AND CERTIFICATION PROGRAM FOR THE PRIVATE SECTOR.—

''(1) ACCREDITATION AND CERTIFICATION PROGRAM.—Not later than 210 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the designated officer shall—

''(A) begin supporting the development and updating, as necessary, of voluntary preparedness standards through appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards and voluntary consensus standards development organizations; and

''(B) in consultation with representatives of appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, each private sector advisory council created under section 102(f)(4), appropriate representatives of State and local governments, including emergency management officials, and appropriate private sector advisory groups, such as sector coordinating councils and information sharing and analysis centers—

''(i) develop and promote a program to certify the preparedness of private sector entities that voluntarily choose to seek certification under the program; and

''(ii) implement the program under this subsection through any entity with which the designated officer enters into an agreement under paragraph (3)(A), which shall accredit third parties to carry out the certification process under this section.

''(2) PROGRAM ELEMENTS.—

''(A) IN GENERAL.—

''(i) PROGRAM.—The program developed and implemented under this subsection shall assess whether a private sector entity complies with voluntary preparedness standards.

''(ii) GUIDELINES.—In developing the program under this subsection, the designated officer shall develop guidelines for the accreditation and certification processes established under this subsection.

''(B) STANDARDS.—The designated officer, in consultation with representatives of appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards, representatives of appropriate voluntary consensus standards development organizations, each private sector advisory council created under section 102(f)(4), appropriate representatives of State and local governments, including emergency management officials, and appropriate private sector advisory groups such as sector coordinating councils and information sharing and analysis centers—

''(i) shall adopt one or more appropriate voluntary preparedness standards that promote preparedness, which may be tailored to address the unique nature of various sectors within the private sector, as necessary and appropriate, that shall be used in the accreditation and certification program under this subsection; and

''(ii) after the adoption of one or more standards under clause (i), may adopt additional voluntary preparedness standards or modify or discontinue the use of voluntary preparedness standards for the accreditation and certification program, as necessary and appropriate to promote preparedness.

''(C) SUBMISSION OF RECOMMENDATIONS.—In adopting one or more standards under subparagraph (B), the designated officer may receive recommendations from any entity described in that subparagraph relating to appropriate voluntary preparedness standards, including appropriate sector specific standards, for adoption in the program.

''(D) SMALL BUSINESS CONCERNS.—The designated officer and any entity with which the designated officer enters into an agreement under paragraph (3)(A) shall establish separate classifications and methods of certification for small business concerns (under the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)) for the program under this subsection.

''(E) CONSIDERATIONS.—In developing and implementing the program under this subsection, the designated officer shall—

''(i) consider the unique nature of various sectors within the private sector, including preparedness standards, business continuity standards, or best practices, established—

''(I) under any other provision of Federal law; or

''(II) by any sector-specific agency, as defined under Homeland Security Presidential Directive-7; and

''(ii) coordinate the program, as appropriate, with—

''(I) other Department private sector related programs; and

''(II) preparedness and business continuity programs in other Federal agencies.

''(3) ACCREDITATION AND CERTIFICATION PROCESSES.—

''(A) AGREEMENT.—

''(i) IN GENERAL.—Not later than 210 days after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the designated officer shall enter into one or more agreements with a highly qualified nongovernmental entity with experience or expertise in coordinating and facilitating the development and use of voluntary consensus standards and in managing or implementing accreditation and certification programs for voluntary consensus standards, or a similarly qualified private sector entity, to carry out accreditations and oversee the certification process under this subsection. An entity entering into an agreement with the designated officer under this clause (hereinafter referred to in this section as a 'selected entity') shall not perform certifications under this subsection.

''(ii) CONTENTS.—A selected entity shall manage the accreditation process and oversee the certification process in accordance with the program established under this subsection and accredit qualified third parties to carry out the certification program established under this subsection.

''(B) PROCEDURES AND REQUIREMENTS FOR ACCREDITATION AND CERTIFICATION.—

''(i) IN GENERAL.—Any selected entity shall collaborate to develop procedures and requirements for the accreditation and certification processes under this subsection, in accordance with the program established under this subsection and guidelines developed under paragraph (2)(A)(ii).

''(ii) CONTENTS AND USE.—The procedures and requirements developed under clause (i) shall—

''(I) ensure reasonable uniformity in any accreditation and certification processes if there is more than one selected entity; and

''(II) be used by any selected entity in conducting accreditations and overseeing the certification process under this subsection.

''(iii) DISAGREEMENT.—Any disagreement among selected entities in developing procedures under clause (i) shall be resolved by the designated officer.

''(C) DESIGNATION.—A selected entity may accredit any qualified third party to carry out the certification process under this subsection.

''(D) DISADVANTAGED BUSINESS INVOLVEMENT.—In accrediting qualified third parties to carry out the certification process under this subsection, a selected entity shall ensure, to the extent practicable, that the third parties include qualified small, minority, women-owned, or disadvantaged business concerns when appropriate. The term 'disadvantaged business concern' means a small business that is owned and controlled by socially and economically disadvantaged individuals, as defined in section 124 of title 13, United States Code of Federal Regulations.

''(E) TREATMENT OF OTHER CERTIFICATIONS.—At the request of any entity seeking certification, any selected entity may consider, as appropriate, other relevant certifications acquired by the entity seeking certification. If the selected entity determines that such other certifications are sufficient to meet the certification requirement or aspects of the certification requirement under this section, the selected entity may give credit to the entity seeking certification, as appropriate, to avoid unnecessarily duplicative certification requirements.

''(F) THIRD PARTIES.—To be accredited under subparagraph (C), a third party shall—

''(i) demonstrate that the third party has the ability to certify private sector entities in accordance with the procedures and requirements developed under subparagraph (B);

''(ii) agree to perform certifications in accordance with such procedures and requirements;

''(iii) agree not to have any beneficial interest in or any direct or indirect control over—

''(I) a private sector entity for which that third party conducts a certification under this subsection; or

''(II) any organization that provides preparedness consulting services to private sector entities;

''(iv) agree not to have any other conflict of interest with respect to any private sector entity for which that third party conducts a certification under this subsection;

''(v) maintain liability insurance coverage at policy limits in accordance with the requirements developed under subparagraph (B); and

''(vi) enter into an agreement with the selected entity accrediting that third party to protect any proprietary information of a private sector entity obtained under this subsection.

''(G) MONITORING.—

''(i) IN GENERAL.—The designated officer and any selected entity shall regularly monitor and inspect the operations of any third party conducting certifications under this subsection to ensure that the third party is complying with the procedures and requirements established under subparagraph (B) and all other applicable requirements.

''(ii) REVOCATION.—If the designated officer or any selected entity determines that a third party is not meeting the procedures or requirements established under subparagraph (B), the selected entity shall—

''(I) revoke the accreditation of that third party to conduct certifications under this subsection; and

''(II) review any certification conducted by that third party, as necessary and appropriate.

''(4) ANNUAL REVIEW.—

''(A) IN GENERAL.—The designated officer, in consultation with representatives of appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, appropriate representatives of State and local governments, including emergency management officials, and each private sector advisory council created under section 102(f)(4), shall annually review the voluntary accreditation and certification program established under this subsection to ensure the effectiveness of such program (including the operations and management of such program by any selected entity and the selected entity's inclusion of qualified disadvantaged business concerns under paragraph (3)(D)) and make improvements and adjustments to the program as necessary and appropriate.

''(B) REVIEW OF STANDARDS.—Each review under subparagraph (A) shall include an assessment of the voluntary preparedness standard or standards used in the program under this subsection.

''(5) VOLUNTARY PARTICIPATION.—Certification under this subsection shall be voluntary for any private sector entity.

''(6) PUBLIC LISTING.—The designated officer shall maintain and make public a listing of any private sector entity certified as being in compliance with the program established under this subsection, if that private sector entity consents to such listing.

''(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed as—

''(1) a requirement to replace any preparedness, emergency response, or business continuity standards, requirements, or best practices established—

''(A) under any other provision of federal law; or

''(B) by any sector-specific agency, as those agencies are defined under Homeland Security Presidential Directive-7; or

''(2) exempting any private sector entity seeking certification or meeting certification requirements under subsection (b) from compliance with all applicable statutes, regulations, directives, policies, and industry codes of practice.''.

(b) REPORT TO CONGRESS.—Not later than 210 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives a report detailing—

(1) any action taken to implement section 524(b) of the Homeland Security Act of 2002, as added by subsection (a), including a discussion of—

(A) the separate methods of classification and certification for small business concerns (under the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)) as compared to other private sector entities; and

(B) whether the separate classifications and methods of certification for small business concerns are likely to help to ensure that such measures are not overly burdensome and are adequate to meet the voluntary preparedness standard or standards adopted by the program under section 524(b) of the Homeland Security Act of 2002, as added by subsection (a); and

(2) the status, as of the date of that report, of the implementation of that subsection.

(c) DEADLINE FOR DESIGNATION OF OFFICER.—The Secretary of Homeland Security shall designate the officer as described in section 524 of the Homeland Security Act of 2002, as added by subsection (a), by not later than 30 days after the date of the enactment of this Act.

(d) DEFINITION.—Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by adding at the end the following:

''(18) The term 'voluntary preparedness standards' means a common set of criteria for preparedness, disaster management, emergency management, and business continuity programs, such as the American National Standards Institute's National Fire Protection Association Standard on Disaster/Emergency Management and Business Continuity Programs (ANSI/NFPA 1600).''.

(e) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of such Act is further amended by adding at the end the following:

''Sec. 523. Guidance and recommendations.
''Sec. 524. Voluntary private sector preparedness accreditation and certification program.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

**SEC. 902. RESPONSIBILITIES OF THE PRIVATE SECTOR OFFICE OF THE DEPARTMENT.**

(a) IN GENERAL.—Section 102(f) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)) is amended—

(1) by redesignating paragraphs (8) through (10) as paragraphs (9) through (11), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) providing information to the private sector regarding voluntary preparedness standards and the business justification for preparedness and promoting to the private sector the adoption of voluntary preparedness standards;''.

(b) PRIVATE SECTOR ADVISORY COUNCILS.—Section 102(f)(4) of the Homeland Security Act of 2002 (6 U.S.C. 112(f)(4)) is amended—

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

(2) in subparagraph (B), by inserting ''and'' after the semicolon at the end; and

(3) by adding at the end the following:

''(C) advise the Secretary on private sector preparedness issues, including effective methods for—

''(i) promoting voluntary preparedness standards to the private sector; and

''(ii) assisting the private sector in adopting voluntary preparedness standards;''.

## TITLE X—IMPROVING CRITICAL INFRASTRUCTURE SECURITY

**SEC. 1001. NATIONAL ASSET DATABASE.**

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002, as amended by title V, is further amended by adding at the end the following new section:

**''SEC. 210E. NATIONAL ASSET DATABASE.**

''(a) ESTABLISHMENT.—

''(1) NATIONAL ASSET DATABASE.—The Secretary shall establish and maintain a national database of each system or asset that—

''(A) the Secretary, in consultation with appropriate homeland security officials of the States, determines to be vital and the loss, interruption, incapacity, or destruction of which would have a negative or debilitating effect on the economic security, public health, or safety of the United States, any State, or any local government; or

''(B) the Secretary determines is appropriate for inclusion in the database.

''(2) PRIORITIZED CRITICAL INFRASTRUCTURE LIST.—In accordance with Homeland Security Presidential Directive-7, as in effect on January 1, 2007, the Secretary shall establish and maintain a single classified prioritized list of systems and assets included in the database under paragraph (1) that the Secretary determines would, if destroyed or disrupted, cause national or regional catastrophic effects.

''(b) USE OF DATABASE.—The Secretary shall use the database established under subsection (a)(1) in the development and implementation of Department plans and programs as appropriate.

''(c) MAINTENANCE OF DATABASE.—

''(1) IN GENERAL.—The Secretary shall maintain and annually update the database established under subsection (a)(1) and the list established under subsection (a)(2), including—

''(A) establishing data collection guidelines and providing such guidelines to the appropriate homeland security official of each State;

''(B) regularly reviewing the guidelines established under subparagraph (A), including by consulting with the appropriate homeland security officials of States, to solicit feedback about the guidelines, as appropriate;

''(C) after providing the homeland security official of a State with the guidelines under subparagraph (A), allowing the official a reasonable amount of time to submit to the Secretary any data submissions recommended by the official for inclusion in the database established under subsection (a)(1);

''(D) examining the contents and identifying any submissions made by such an official that are described incorrectly or that do not meet the guidelines established under subparagraph (A); and

''(E) providing to the appropriate homeland security official of each relevant State a list of submissions identified under subparagraph (D) for review and possible correction before the Secretary finalizes the decision of which submissions will be included in the database established under subsection (a)(1).

''(2) ORGANIZATION OF INFORMATION IN DATABASE.—The Secretary shall organize the contents of the database established under subsection (a)(1) and the list established under subsection (a)(2) as the Secretary determines is appropriate. Any organizational structure of such contents shall include the categorization of the contents—

''(A) according to the sectors listed in National Infrastructure Protection Plan developed pursuant to Homeland Security Presidential Directive-7; and

''(B) by the State and county of their location.

''(3) PRIVATE SECTOR INTEGRATION.—The Secretary shall identify and evaluate methods, including the Department's Protected Critical Infrastructure Information Program, to acquire relevant private sector information for the purpose of using that information to generate any database or list, including the database established under subsection (a)(1) and the list established under subsection (a)(2).

''(4) RETENTION OF CLASSIFICATION.—The classification of information required to be provided to Congress, the Department, or any other department or agency under this section by a sector-specific agency, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and that other Federal agency.

''(d) REPORTS.—

''(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, and annually thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the database established under subsection (a)(1) and the list established under subsection (a)(2).

''(2) CONTENTS OF REPORT.—Each such report shall include the following:

''(A) The name, location, and sector classification of each of the systems and assets on the list established under subsection (a)(2).

''(B) The name, location, and sector classification of each of the systems and assets on such list that are determined by the Secretary to be most at risk to terrorism.

''(C) Any significant challenges in compiling the list of the systems and assets included on such list or in the database established under subsection (a)(1).

''(D) Any significant changes from the preceding report in the systems and assets included on such list or in such database.

''(E) If appropriate, the extent to which such database and such list have been used, individually or jointly, for allocating funds by the Federal Government to prevent, reduce, mitigate, or respond to acts of terrorism.

''(F) The amount of coordination between the Department and the private sector, through any entity of the Department that meets with representatives of private sector industries for purposes of such coordination, for the purpose of ensuring the accuracy of such database and such list.

''(G) Any other information the Secretary deems relevant.

''(3) CLASSIFIED INFORMATION.—The report shall be submitted in unclassified form but may contain a classified annex.

''(e) INSPECTOR GENERAL STUDY.—By not later than two years after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Inspector General of the Department shall conduct a study of the implementation of this section.

''(f) NATIONAL INFRASTRUCTURE PROTECTION CONSORTIUM.—The Secretary may establish a consortium to be known as the 'National Infrastructure Protection Consortium'. The Consortium may advise the Secretary on the best way to identify, generate, organize, and maintain any database or list of systems and assets established by the Secretary, including the database established under subsection (a)(1) and the list established under subsection (a)(2). If the Secretary establishes the National Infrastructure Protection Consortium, the Consortium may—

''(1) be composed of national laboratories, Federal agencies, State and local homeland security organizations, academic institutions, or national Centers of Excellence that have demonstrated experience working with and identifying critical infrastructure and key resources; and

''(2) provide input to the Secretary on any request pertaining to the contents of such database or such list.''.

(b) DEADLINES FOR IMPLEMENTATION AND NOTIFICATION OF CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit the first report required under section 210E(d) of the Homeland Security Act of 2002, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is further amended by inserting after the item relating to section 210D the following:

''Sec. 210E. National Asset Database.''.

**SEC. 1002. RISK ASSESSMENTS AND REPORT.**

(a) RISK ASSESSMENTS.—Section 201(d) of the Homeland Security Act of 2002 (6 U.S.C. 121(d)) is further amended by adding at the end the following new paragraph:

''(25) To prepare and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security in the House of Representatives, and to other appropriate congressional committees having jurisdiction over the critical infrastructure or key resources, for each sector identified in the National Infrastructure Protection Plan, a report on the comprehensive assessments carried out by the Secretary of the critical infrastructure and key resources of the United States, evaluating threat, vulnerability, and consequence, as required under this subsection. Each such report—

''(A) shall contain, if applicable, actions or countermeasures recommended or taken by the Secretary or the head of another Federal agency to address issues identified in the assessments;

''(B) shall be required for fiscal year 2007 and each subsequent fiscal year and shall be submitted not later than 35 days after the last day of the fiscal year covered by the report; and

''(C) may be classified.''.

(b) REPORT ON INDUSTRY PREPAREDNESS.—Not later than 6 months after the last day of fiscal year 2007 and each subsequent fiscal year, the Secretary of Homeland Security, in cooperation with the Secretary of Commerce, the Secretary of Transportation, the Secretary of Defense, and the Secretary of Energy, shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Financial Services and the Committee on Homeland Security of the House of Representatives a report that details the actions taken by the Federal Government to ensure, in accordance with subsections (a) and (c) of section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), the preparedness of industry to reduce interruption of critical infrastructure and key resource operations during an act of terrorism, natural catastrophe, or other similar national emergency.

**SEC. 1003. SENSE OF CONGRESS REGARDING THE INCLUSION OF LEVEES IN THE NATIONAL INFRASTRUCTURE PROTECTION PLAN.**

It is the sense of Congress that the Secretary should ensure that levees are included in one of the critical infrastructure and key resources sectors identified in the National Infrastructure Protection Plan.

## TITLE XI—ENHANCED DEFENSES AGAINST WEAPONS OF MASS DESTRUCTION

**SEC. 1101. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.**

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. et seq.) is amended by adding at the end the following:

**''SEC. 316. NATIONAL BIOSURVEILLANCE INTEGRATION CENTER.**

''(a) ESTABLISHMENT.—The Secretary shall establish, operate, and maintain a National Biosurveillance Integration Center (referred to in this section as the 'NBIC'), which shall be headed by a Directing Officer, under an office or directorate of the Department that is in existence as of the date of the enactment of this section.

''(b) PRIMARY MISSION.—The primary mission of the NBIC is to—

''(1) enhance the capability of the Federal Government to—

''(A) rapidly identify, characterize, localize, and track a biological event of national concern by integrating and analyzing data relating to human health, animal, plant, food, and environmental monitoring systems (both national and international); and

''(B) disseminate alerts and other information to Member Agencies and, in coordination with (and where possible through) Member Agencies, to agencies of State, local, and tribal governments, as appropriate, to enhance the ability of such agencies to respond to a biological event of national concern; and

''(2) oversee development and operation of the National Biosurveillance Integration System.

''(c) REQUIREMENTS.—The NBIC shall detect, as early as possible, a biological event of national concern that presents a risk to the United States or the infrastructure or key assets of the United States, including by—

''(1) consolidating data from all relevant surveillance systems maintained by Member Agencies to detect biological events of national concern across human, animal, and plant species;

''(2) seeking private sources of surveillance, both foreign and domestic, when such sources would enhance coverage of critical surveillance gaps;

''(3) using an information technology system that uses the best available statistical and other analytical tools to identify and characterize biological events of national concern in as close to real-time as is practicable;

''(4) providing the infrastructure for such integration, including information technology systems and space, and support for personnel from Member Agencies with sufficient expertise to enable analysis and interpretation of data;

''(5) working with Member Agencies to create information technology systems that use the minimum amount of patient data necessary and consider patient confidentiality and privacy issues at all stages of development and apprise the Privacy Officer of such efforts; and

''(6) alerting Member Agencies and, in coordination with (and where possible through) Member Agencies, public health agencies of State, local, and tribal governments regarding any incident that could develop into a biological event of national concern.

''(d) RESPONSIBILITIES OF THE DIRECTING OFFICER OF THE NBIC.—

''(1) IN GENERAL.—The Directing Officer of the NBIC shall—

''(A) on an ongoing basis, monitor the availability and appropriateness of surveillance systems used by the NBIC and those systems that could enhance biological situational awareness or the overall performance of the NBIC;

''(B) on an ongoing basis, review and seek to improve the statistical and other analytical methods used by the NBIC;

''(C) receive and consider other relevant homeland security information, as appropriate; and

''(D) provide technical assistance, as appropriate, to all Federal, regional, State, local, and

*tribal government entities and private sector entities that contribute data relevant to the operation of the NBIC.*

*''(2) ASSESSMENTS.—The Directing Officer of the NBIC shall—*

*''(A) on an ongoing basis, evaluate available data for evidence of a biological event of national concern; and*

*''(B) integrate homeland security information with NBIC data to provide overall situational awareness and determine whether a biological event of national concern has occurred.*

*''(3) INFORMATION SHARING.—*

*''(A) IN GENERAL.—The Directing Officer of the NBIC shall—*

*''(i) establish a method of real-time communication with the National Operations Center;*

*''(ii) in the event that a biological event of national concern is detected, notify the Secretary and disseminate results of NBIC assessments relating to that biological event of national concern to appropriate Federal response entities and, in coordination with relevant Member Agencies, regional, State, local, and tribal governmental response entities in a timely manner;*

*''(iii) provide any report on NBIC assessments to Member Agencies and, in coordination with relevant Member Agencies, any affected regional, State, local, or tribal government, and any private sector entity considered appropriate that may enhance the mission of such Member Agencies, governments, or entities or the ability of the Nation to respond to biological events of national concern; and*

*''(iv) share NBIC incident or situational awareness reports, and other relevant information, consistent with the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and any policies, guidelines, procedures, instructions, or standards established under that section.*

*''(B) CONSULTATION.—The Directing Officer of the NBIC shall implement the activities described in subparagraph (A) consistent with the policies, guidelines, procedures, instructions, or standards established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) and in consultation with the Director of National Intelligence, the Under Secretary for Intelligence and Analysis, and other offices or agencies of the Federal Government, as appropriate.*

*''(e) RESPONSIBILITIES OF THE NBIC MEMBER AGENCIES.—*

*''(1) IN GENERAL.—Each Member Agency shall—*

*''(A) use its best efforts to integrate biosurveillance information into the NBIC, with the goal of promoting information sharing between Federal, State, local, and tribal governments to detect biological events of national concern;*

*''(B) provide timely information to assist the NBIC in maintaining biological situational awareness for accurate detection and response purposes;*

*''(C) enable the NBIC to receive and use biosurveillance information from member agencies to carry out its requirements under subsection (c);*

*''(D) connect the biosurveillance data systems of that Member Agency to the NBIC data system under mutually agreed protocols that are consistent with subsection (c)(5);*

*''(E) participate in the formation of strategy and policy for the operation of the NBIC and its information sharing;*

*''(F) provide personnel to the NBIC under an interagency personnel agreement and consider the qualifications of such personnel necessary to provide human, animal, and environmental data analysis and interpretation support to the NBIC; and*

*''(G) retain responsibility for the surveillance and intelligence systems of that department or agency, if applicable.*

*''(f) ADMINISTRATIVE AUTHORITIES.—*

*''(1) HIRING OF EXPERTS.—The Directing Officer of the NBIC shall hire individuals with the necessary expertise to develop and operate the NBIC.*

*''(2) DETAIL OF PERSONNEL.—Upon the request of the Directing Officer of the NBIC, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Department to assist the NBIC in carrying out this section.*

*''(g) NBIC INTERAGENCY WORKING GROUP.—The Directing Officer of the NBIC shall—*

*''(1) establish an interagency working group to facilitate interagency cooperation and to advise the Directing Officer of the NBIC regarding recommendations to enhance the biosurveillance capabilities of the Department; and*

*''(2) invite Member Agencies to serve on that working group.*

*''(h) RELATIONSHIP TO OTHER DEPARTMENTS AND AGENCIES.—The authority of the Directing Officer of the NBIC under this section shall not affect any authority or responsibility of any other department or agency of the Federal Government with respect to biosurveillance activities under any program administered by that department or agency.*

*''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.*

*''(j) DEFINITIONS.—In this section:*

*''(1) The terms 'biological agent' and 'toxin' have the meanings given those terms in section 178 of title 18, United States Code.*

*''(2) The term 'biological event of national concern' means—*

*''(A) an act of terrorism involving a biological agent or toxin; or*

*''(B) a naturally occurring outbreak of an infectious disease that may result in a national epidemic.*

*''(3) The term 'homeland security information' has the meaning given that term in section 892.*

*''(4) The term 'Member Agency' means any Federal department or agency that, at the discretion of the head of that department or agency, has entered a memorandum of understanding regarding participation in the NBIC.*

*''(5) The term 'Privacy Officer' means the Privacy Officer appointed under section 222.''.*

*(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 315 the following:*

*''Sec. 316. National Biosurveillance Integration Center.''.*

*(c) DEADLINE FOR IMPLEMENTATION.—The National Biosurveillance Integration Center under section 316 of the Homeland Security Act, as added by subsection (a), shall be fully operational by not later than September 30, 2008;*

*(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives an interim report on the status of the operations at the National Biosurviellance Integration Center that addresses the efforts of the Center to integrate the surveillance efforts of Federal, State, local, and tribal governments. When the National Biosurveillance Integration Center is fully operational, the Secretary shall submit to such committees a final report on the status of such operations.*

***SEC. 1102. BIOSURVEILLANCE EFFORTS.***

*The Comptroller General of the United States shall submit to Congress a report —*

*(1) describing the state of Federal, State, local, and tribal government biosurveillance efforts as of the date of such report;*

*(2) describing any duplication of effort at the Federal, State, local, or tribal government level to create biosurveillance systems; and*

*(3) providing the recommendations of the Comptroller General regarding—*

*(A) the integration of biosurveillance systems;*

*(B) the effective use of biosurveillance resources; and*

*(C) the effective use of the expertise of Federal, State, local, and tribal governments.*

***SEC. 1103. INTERAGENCY COORDINATION TO ENHANCE DEFENSES AGAINST NUCLEAR AND RADIOLOGICAL WEAPONS OF MASS DESTRUCTION.***

*(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after section 1906, as redesignated by section 104, the following:*

***"SEC. 1907. JOINT ANNUAL INTERAGENCY REVIEW OF GLOBAL NUCLEAR DETECTION ARCHITECTURE.***

*''(a) ANNUAL REVIEW.—*

*''(1) IN GENERAL.—The Secretary, the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence shall jointly ensure interagency coordination on the development and implementation of the global nuclear detection architecture by ensuring that, not less frequently than once each year—*

*''(A) each relevant agency, office, or entity—*

*''(i) assesses its involvement, support, and participation in the development, revision, and implementation of the global nuclear detection architecture; and*

*''(ii) examines and evaluates components of the global nuclear detection architecture (including associated strategies and acquisition plans) relating to the operations of that agency, office, or entity, to determine whether such components incorporate and address current threat assessments, scenarios, or intelligence analyses developed by the Director of National Intelligence or other agencies regarding threats relating to nuclear or radiological weapons of mass destruction; and*

*''(B) each agency, office, or entity deploying or operating any nuclear or radiological detection technology under the global nuclear detection architecture—*

*''(i) evaluates the deployment and operation of nuclear or radiological detection technologies under the global nuclear detection architecture by that agency, office, or entity;*

*''(ii) identifies performance deficiencies and operational or technical deficiencies in nuclear or radiological detection technologies deployed under the global nuclear detection architecture; and*

*''(iii) assesses the capacity of that agency, office, or entity to implement the responsibilities of that agency, office, or entity under the global nuclear detection architecture.*

*''(2) TECHNOLOGY.—Not less frequently than once each year, the Secretary shall examine and evaluate the development, assessment, and acquisition of radiation detection technologies deployed or implemented in support of the domestic portion of the global nuclear detection architecture.*

*''(b) ANNUAL REPORT ON JOINT INTERAGENCY REVIEW.—*

*''(1) IN GENERAL.—Not later than March 31 of each year, the Secretary, the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of National Intelligence, shall jointly submit a report regarding the implementation of this section and the results of the reviews required under subsection (a) to—*

*''(A) the President;*

*''(B) the Committee on Appropriations, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Homeland Security and Governmental Affairs of the Senate; and*

*''(C) the Committee on Appropriations, the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on Science and Technology of the House of Representatives.*

''(2) FORM.—The annual report submitted under paragraph (1) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex.

''(c) DEFINITION.—In this section, the term 'global nuclear detection architecture' means the global nuclear detection architecture developed under section 1902.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by inserting after the item relating to section 1906, as added by section 104, the following:

''Sec. 1907. Joint annual interagency review of global nuclear detection architecture.''.

**SEC. 1104. INTEGRATION OF DETECTION EQUIPMENT AND TECHNOLOGIES.**

(a) RESPONSIBILITY OF SECRETARY.—The Secretary of Homeland Security shall have responsibility for ensuring that domestic chemical, biological, radiological, and nuclear detection equipment and technologies are integrated, as appropriate, with other border security systems and detection technologies.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to Congress that contains a plan to develop a departmental technology assessment process to determine and certify the technology readiness levels of chemical, biological, radiological, and nuclear detection technologies before the full deployment of such technologies within the United States.

## TITLE XII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

**SEC. 1201. DEFINITIONS.**

For purposes of this title, the following terms apply:

(1) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

**SEC. 1202. TRANSPORTATION SECURITY STRATEGIC PLANNING.**

(a) IN GENERAL.—Section 114(t)(1)(B) of title 49, United States Code, is amended to read as follows:

''(B) transportation modal security plans addressing security risks, including threats, vulnerabilities, and consequences, for aviation, railroad, ferry, highway, maritime, pipeline, public transportation, over-the-road bus, and other transportation infrastructure assets.''.

(b) CONTENTS OF THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—Section 114(t)(3) of such title is amended—

(1) in subparagraph (B), by inserting '', based on risk assessments conducted or received by the Secretary of Homeland Security (including assessments conducted under the Implementing Recommendations of the 9/11 Commission Act of 2007'' after ''risk based priorities'';

(2) in subparagraph (D)—

(A) by striking ''and local'' and inserting ''local, and tribal''; and

(B) by striking ''private sector cooperation and participation'' and inserting ''cooperation and participation by private sector entities, including nonprofit employee labor organizations,'';

(3) in subparagraph (E)—

(A) by striking ''response'' and inserting ''prevention, response,''; and

(B) by inserting ''and threatened and executed acts of terrorism outside the United States to the extent such acts affect United States transportation systems'' before the period at the end;

(4) in subparagraph (F), by adding at the end the following: ''Transportation security research and development projects shall be based, to the extent practicable, on such prioritization. Nothing in the preceding sentence shall be construed to require the termination of any research or development project initiated by the Secretary of Homeland Security or the Secretary of Transportation before the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007.''; and

(5) by adding at the end the following:

''(G) A 3- and 10-year budget for Federal transportation security programs that will achieve the priorities of the National Strategy for Transportation Security.

''(H) Methods for linking the individual transportation modal security plans and the programs contained therein, and a plan for addressing the security needs of intermodal transportation.

''(I) Transportation modal security plans described in paragraph (1)(B), including operational recovery plans to expedite, to the maximum extent practicable, the return to operation of an adversely affected transportation system following a major terrorist attack on that system or other incident. These plans shall be coordinated with the resumption of trade protocols required under section 202 of the SAFE Port Act (6 U.S.C. 942) and the National Maritime Transportation Security Plan required under section 70103(a) of title 46.''.

(c) PERIODIC PROGRESS REPORTS.—Section 114(t)(4) of such title is amended—

(1) in subparagraph (C)—

(A) in clause (i) by inserting '', including the transportation modal security plans'' before the period at the end; and

(B) by striking clause (ii) and inserting the following:

''(ii) CONTENT.—Each progress report submitted under this subparagraph shall include, at a minimum, the following:

''(I) Recommendations for improving and implementing the National Strategy for Transportation Security and the transportation modal and intermodal security plans that the Secretary of Homeland Security, in consultation with the Secretary of Transportation, considers appropriate.

''(II) An accounting of all grants for transportation security, including grants and contracts for research and development, awarded by the Secretary of Homeland Security in the most recent fiscal year and a description of how such grants accomplished the goals of the National Strategy for Transportation Security.

''(III) An accounting of all—

''(aa) funds requested in the President's budget submitted pursuant to section 1105 of title 31 for the most recent fiscal year for transportation security, by mode;

''(bb) personnel working on transportation security by mode, including the number of contractors; and

''(cc) information on the turnover in the previous year among senior staff of the Department of Homeland Security, including component agencies, working on transportation security issues. Such information shall include the number of employees who have permanently left the office, agency, or area in which they worked, and the amount of time that they worked for the Department.

''(iii) WRITTEN EXPLANATION OF TRANSPORTATION SECURITY ACTIVITIES NOT DELINEATED IN THE NATIONAL STRATEGY FOR TRANSPORTATION SECURITY.—At the end of each fiscal year, the Secretary of Homeland Security shall submit to the appropriate congressional committees a written explanation of any Federal transportation security activity that is inconsistent with the National Strategy for Transportation Security, including the amount of funds to be expended for the activity and the number of personnel involved.''; and

(2) by striking subparagraph (E) and inserting the following:

''(E) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Affairs, and the Committee on Banking, Housing, and Urban Affairs of the Senate.''.

(d) PRIORITY STATUS.—Section 114(t)(5)(B) of such title is amended—

(1) in clause (iii), by striking ''and'' at the end;

(2) by redesignating clause (iv) as clause (v); and

(3) by inserting after clause (iii) the following:

''(iv) the transportation sector specific plan required under Homeland Security Presidential Directive 7; and''.

(e) COORDINATION AND PLAN DISTRIBUTION.—Section 114(t) of such title is amended by adding at the end the following:

''(6) COORDINATION.—In carrying out the responsibilities under this section, the Secretary of Homeland Security, in coordination with the Secretary of Transportation, shall consult, as appropriate, with Federal, State, and local agencies, tribal governments, private sector entities (including nonprofit employee labor organizations), institutions of higher learning, and other entities.

''(7) PLAN DISTRIBUTION.—The Secretary of Homeland Security shall make available and appropriately publicize an unclassified version of the National Strategy for Transportation Security, including its component transportation modal security plans, to Federal, State, regional, local and tribal authorities, transportation system owners or operators, private sector stakeholders, including nonprofit employee labor organizations representing transportation employees, institutions of higher learning, and other appropriate entities.''.

**SEC. 1203. TRANSPORTATION SECURITY INFORMATION SHARING.**

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

''(u) TRANSPORTATION SECURITY INFORMATION SHARING PLAN.—

''(1) DEFINITIONS.—In this subsection:

''(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' has the meaning given that term in subsection (t).

''(B) PLAN.—The term 'Plan' means the Transportation Security Information Sharing Plan established under paragraph (2).

''(C) PUBLIC AND PRIVATE STAKEHOLDERS.—The term 'public and private stakeholders' means Federal, State, and local agencies, tribal governments, and appropriate private entities, including nonprofit employee labor organizations representing transportation employees.

''(D) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(E) TRANSPORTATION SECURITY INFORMATION.—The term 'transportation security information' means information relating to the risks to transportation modes, including aviation, public transportation, railroad, ferry, highway, maritime, pipeline, and over-the-road bus transportation, and may include specific and general intelligence products, as appropriate.

''(2) ESTABLISHMENT OF PLAN.—The Secretary of Homeland Security, in consultation with the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485), the Secretary of Transportation, and public and private stakeholders, shall establish a Transportation Security Information Sharing Plan. In establishing the Plan, the Secretary shall gather input on the development of the Plan from private and public stakeholders and the program manager of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

''(3) PURPOSE OF PLAN.—The Plan shall promote sharing of transportation security information between the Department of Homeland Security and public and private stakeholders.

''(4) CONTENT OF PLAN.—The Plan shall include—

''(A) a description of how intelligence analysts within the Department of Homeland Security will coordinate their activities within the Department and with other Federal, State, and local agencies, and tribal governments, including coordination with existing modal information sharing centers and the center described in section 1410 of the Implementing Recommendations of the 9/11 Commission Act of 2007;

''(B) the establishment of a point of contact, which may be a single point of contact within the Department of Homeland Security, for each mode of transportation for the sharing of transportation security information with public and private stakeholders, including an explanation and justification to the appropriate congressional committees if the point of contact established pursuant to this subparagraph differs from the agency within the Department that has the primary authority, or has been delegated such authority by the Secretary, to regulate the security of that transportation mode;

''(C) a reasonable deadline by which the Plan will be implemented; and

''(D) a description of resource needs for fulfilling the Plan.

''(5) COORDINATION WITH INFORMATION SHARING .—The Plan shall be—

''(A) implemented in coordination, as appropriate, with the program manager for the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485); and

''(B) consistent with the establishment of the information sharing environment and any policies, guidelines, procedures, instructions, or standards established by the President or the program manager for the implementation and management of the information sharing environment.

''(6) REPORTS TO CONGRESS.—

''(A) IN GENERAL.—Not later than 150 days after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the appropriate congressional committees, a report containing the Plan.

''(B) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall submit to the appropriate congressional committees a report on updates to and the implementation of the Plan.

''(7) SURVEY AND REPORT.—

''(A) IN GENERAL.—The Comptroller General of the United States shall conduct a biennial survey of the satisfaction of recipients of transportation intelligence reports disseminated under the Plan.

''(B) INFORMATION SOUGHT.—The survey conducted under subparagraph (A) shall seek information about the quality, speed, regularity, and classification of the transportation security information products disseminated by the Department of Homeland Security to public and private stakeholders.

''(C) REPORT.—Not later than 1 year after the date of the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, and every even numbered year thereafter, the Comptroller General shall submit to the appropriate congressional committees, a report on the results of the survey conducted under subparagraph (A). The Comptroller General shall also provide a copy of the report to the Secretary.

''(8) SECURITY CLEARANCES.—The Secretary shall, to the greatest extent practicable, take steps to expedite the security clearances needed for designated public and private stakeholders to receive and obtain access to classified information distributed under this section, as appropriate.

''(9) CLASSIFICATION OF MATERIAL.—The Secretary, to the greatest extent practicable, shall provide designated public and private stakeholders with transportation security information in an unclassified format.''.

(b) CONGRESSIONAL OVERSIGHT OF SECURITY ASSURANCE FOR PUBLIC AND PRIVATE STAKEHOLDERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide a semiannual report to the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(A) the number of public and private stakeholders who were provided with each report;

(B) a description of the measures the Secretary has taken, under section 114(u)(7) of title 49, United States Code, as added by this section, or otherwise, to ensure proper treatment and security for any classified information to be shared with the public and private stakeholders under the Plan; and

(C) an explanation of the reason for the denial of transportation security information to any stakeholder who had previously received such information.

(2) NO REPORT REQUIRED IF NO CHANGES IN STAKEHOLDERS.—The Secretary is not required to provide a semiannual report under paragraph (1) if no stakeholders have been added to or removed from the group of persons with whom transportation security information is shared under the plan since the end of the period covered by the last preceding semiannual report.

**SEC. 1204. NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.**

(a) IN GENERAL.—The Secretary is authorized to establish, operate, and maintain a National Domestic Preparedness Consortium within the Department.

(b) MEMBERS.—Members of the National Domestic Preparedness Consortium shall consist of—

(1) the Center for Domestic Preparedness;

(2) the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology;

(3) the National Center for Biomedical Research and Training, Louisiana State University;

(4) the National Emergency Response and Rescue Training Center, Texas A&M University;

(5) the National Exercise, Test, and Training Center, Nevada Test Site;

(6) the Transportation Technology Center, Incorporated, in Pueblo, Colorado; and

(7) the National Disaster Preparedness Training Center, University of Hawaii.

(c) DUTIES.—The National Domestic Preparedness Consortium shall identify, develop, test, and deliver training to State, local, and tribal emergency response providers, provide on-site and mobile training at the performance and management and planning levels, and facilitate the delivery of training by the training partners of the Department.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(1) for the Center for Domestic Preparedness—

(A) $57,000,000 for fiscal year 2008;

(B) $60,000,000 for fiscal year 2009;

(C) $63,000,000 for fiscal year 2010; and

(D) $66,000,000 for fiscal year 2011; and

(2) for the National Energetic Materials Research and Testing Center, the National Center for Biomedical Research and Training, the National Emergency Response and Rescue Training Center, the National Exercise, Test, and Training Center, the Transportation Technology Center, Incorporated, and the National Disaster Preparedness Training Center each—

(A) $22,000,000 for fiscal year 2008;

(B) $23,000,000 for fiscal year 2009;

(C) $24,000,000 for fiscal year 2010; and

(D) $25,500,000 for fiscal year 2011.

(e) SAVINGS PROVISION.—From the amounts appropriated pursuant to this section, the Secretary shall ensure that future amounts provided to each of the following entities are not less than the amounts provided to each such entity for participation in the Consortium in fiscal year 2007:

(1) the Center for Domestic Preparedness;

(2) the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology;

(3) the National Center for Biomedical Research and Training, Louisiana State University;

(4) the National Emergency Response and Rescue Training Center, Texas A&M University; and

(5) the National Exercise, Test, and Training Center, Nevada Test Site.

**SEC. 1205. NATIONAL TRANSPORTATION SECURITY CENTER OF EXCELLENCE.**

(a) ESTABLISHMENT.—The Secretary shall establish a National Transportation Security Center of Excellence to conduct research and education activities, and to develop or provide professional security training, including the training of transportation employees and transportation professionals.

(b) DESIGNATION.—The Secretary shall select one of the institutions identified in subsection (c) as the lead institution responsible for coordinating the National Transportation Security Center of Excellence.

(c) MEMBER INSTITUTIONS.—

(1) CONSORTIUM.—The institution of higher education selected under subsection (b) shall execute agreements with the other institutions of higher education identified in this subsection and other institutions designated by the Secretary to develop a consortium to assist in accomplishing the goals of the Center.

(2) MEMBERS.—The National Transportation Security Center of Excellence shall consist of—

(A) Texas Southern University in Houston, Texas;

(B) the National Transit Institute at Rutgers, The State University of New Jersey;

(C) Tougaloo College;

(D) the Connecticut Transportation Institute at the University of Connecticut;

(E) the Homeland Security Management Institute, Long Island University;

(F) the Mack-Blackwell National Rural Transportation Study Center at the University of Arkansas; and

(G) any additional institutions or facilities designated by the Secretary.

(3) CERTAIN INCLUSIONS.—To the extent practicable, the Secretary shall ensure that an appropriate number of any additional consortium colleges or universities designated by the Secretary under this subsection are Historically Black Colleges and Universities, Hispanic Serving Institutions, and Indian Tribally Controlled Colleges and Universities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $18,000,000 for fiscal year 2008;

(2) $18,000,000 for fiscal year 2009;

(3) $18,000,000 for fiscal year 2010; and

(4) $18,000,000 for fiscal year 2011.

**SEC. 1206. IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR AND RESPONSE.**

(a) IMMUNITY FOR REPORTS OF SUSPECTED TERRORIST ACTIVITY OR SUSPICIOUS BEHAVIOR.—

(1) IN GENERAL.—Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability under Federal, State, and local law for such report.

(2) FALSE REPORTS.—Paragraph (1) shall not apply to any report that the person knew to be false or was made with reckless disregard for the truth at the time that person made that report.

(b) IMMUNITY FOR RESPONSE.—

*(1) IN GENERAL.—Any authorized official who observes, or receives a report of, covered activity and takes reasonable action in good faith to respond to such activity shall have qualified immunity from civil liability for such action, consistent with applicable law in the relevant jurisdiction. An authorized official as defined by subsection (d)(1)(A) not entitled to assert the defense of qualified immunity shall nevertheless be immune from civil liability under Federal, State, and local law if such authorized official takes reasonable action, in good faith, to respond to the reported activity.*

*(2) SAVINGS CLAUSE.—Nothing in this subsection shall affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available, and this subsection shall not be construed as affecting any such defense, privilege, or immunity.*

*(c) ATTORNEY FEES AND COSTS.—Any person or authorized official found to be immune from civil liability under this section shall be entitled to recover from the plaintiff all reasonable costs and attorney fees.*

*(d) DEFINITIONS.—In this section:*

*(1) AUTHORIZED OFFICIAL.—The term ''authorized official'' means—*

*(A) any employee or agent of a passenger transportation system or other person with responsibilities relating to the security of such systems;*

*(B) any officer, employee, or agent of the Department of Homeland Security, the Department of Transportation, or the Department of Justice with responsibilities relating to the security of passenger transportation systems; or*

*(C) any Federal, State, or local law enforcement officer.*

*(2) COVERED ACTIVITY.—The term ''covered activity'' means any suspicious transaction, activity, or occurrence that involves, or is directed against, a passenger transportation system or vehicle or its passengers indicating that an individual may be engaging, or preparing to engage, in a violation of law relating to—*

*(A) a threat to a passenger transportation system or passenger safety or security; or*

*(B) an act of terrorism (as that term is defined in section 3077 of title 18, United States Code).*

*(3) PASSENGER TRANSPORTATION.—The term ''passenger transportation'' means—*

*(A) public transportation, as defined in section 5302 of title 49, United States Code;*

*(B) over-the-road bus transportation, as defined in title XV of this Act, and school bus transportation;*

*(C) intercity passenger rail transportation as defined in section 24102 of title 49, United States Code;*

*(D) the transportation of passengers onboard a passenger vessel as defined in section 2101 of title 46, United States Code;*

*(E) other regularly scheduled waterborne transportation service of passengers by vessel of at least 20 gross tons; and*

*(F) air transportation, as defined in section 40102 of title 49, United States Code, of passengers.*

*(4) PASSENGER TRANSPORTATION SYSTEM.—The term ''passenger transportation system'' means an entity or entities organized to provide passenger transportation using vehicles, including the infrastructure used to provide such transportation.*

*(5) VEHICLE.—The term ''vehicle'' has the meaning given to that term in section 1992(16) of title 18, United States Code.*

*(e) EFFECTIVE DATE.—This section shall take effect on October 1, 2006, and shall apply to all activities and claims occurring on or after such date.*

## *TITLE XIII—TRANSPORTATION SECURITY ENHANCEMENTS*

### *SEC. 1301. DEFINITIONS.*

*For purposes of this title, the following terms apply:*

*(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives.*

*(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.*

*(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.*

*(4) STATE.—The term ''State'' means any one of the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.*

*(5) TERRORISM.—The term ''terrorism'' has the meaning that term has in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).*

*(6) UNITED STATES.—The term ''United States'' means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.*

### *SEC. 1302. ENFORCEMENT AUTHORITY.*

*(a) IN GENERAL.—Section 114 of title 49, United States Code, as amended by section 1203 of this Act, is further amended by adding at the end the following:*

*''(v) ENFORCEMENT OF REGULATIONS AND ORDERS OF THE SECRETARY OF HOMELAND SECURITY.—*

*''(1) APPLICATION OF SUBSECTION.—*

*''(A) IN GENERAL.—This subsection applies to the enforcement of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of chapter 701 of title 46 and under a provision of this title other than a provision of chapter 449 (in this subsection referred to as an 'applicable provision of this title').*

*''(B) VIOLATIONS OF CHAPTER 449.—The penalties for violations of regulations prescribed and orders issued by the Secretary of Homeland Security under chapter 449 of this title are provided under chapter 463 of this title.*

*''(C) NONAPPLICATION TO CERTAIN VIOLATIONS.—*

*''(i) Paragraphs (2) through (5) do not apply to violations of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of this title—*

*''(I) involving the transportation of personnel or shipments of materials by contractors where the Department of Defense has assumed control and responsibility;*

*''(II) by a member of the armed forces of the United States when performing official duties; or*

*''(III) by a civilian employee of the Department of Defense when performing official duties.*

*''(ii) Violations described in subclause (I), (II), or (III) of clause (i) shall be subject to penalties as determined by the Secretary of Defense or the Secretary's designee.*

*''(2) CIVIL PENALTY.—*

*''(A) IN GENERAL.—A person is liable to the United States Government for a civil penalty of not more than $10,000 for a violation of a regulation prescribed, or order issued, by the Secretary of Homeland Security under an applicable provision of this title.*

*''(B) REPEAT VIOLATIONS.—A separate violation occurs under this paragraph for each day the violation continues.*

*''(3) ADMINISTRATIVE IMPOSITION OF CIVIL PENALTIES.—*

*''(A) IN GENERAL.—The Secretary of Homeland Security may impose a civil penalty for a violation of a regulation prescribed, or order issued, under an applicable provision of this title. The Secretary shall give written notice of the finding of a violation and the penalty.*

*''(B) SCOPE OF CIVIL ACTION.—In a civil action to collect a civil penalty imposed by the Secretary under this subsection, a court may not re-examine issues of liability or the amount of the penalty.*

*''(C) JURISDICTION.—The district courts of the United States shall have exclusive jurisdiction of civil actions to collect a civil penalty imposed by the Secretary under this subsection if—*

*''(i) the amount in controversy is more than—*

*''(I) $400,000, if the violation was committed by a person other than an individual or small business concern; or*

*''(II) $50,000 if the violation was committed by an individual or small business concern;*

*''(ii) the action is in rem or another action in rem based on the same violation has been brought; or*

*''(iii) another action has been brought for an injunction based on the same violation.*

*''(D) MAXIMUM PENALTY.—The maximum civil penalty the Secretary administratively may impose under this paragraph is—*

*''(i) $400,000, if the violation was committed by a person other than an individual or small business concern; or*

*''(ii) $50,000, if the violation was committed by an individual or small business concern.*

*''(E) NOTICE AND OPPORTUNITY TO REQUEST HEARING.—Before imposing a penalty under this section the Secretary shall provide to the person against whom the penalty is to be imposed—*

*''(i) written notice of the proposed penalty; and*

*''(ii) the opportunity to request a hearing on the proposed penalty, if the Secretary receives the request not later than 30 days after the date on which the person receives notice.*

*''(4) COMPROMISE AND SETOFF.—*

*''(A) The Secretary may compromise the amount of a civil penalty imposed under this subsection.*

*''(B) The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.*

*''(5) INVESTIGATIONS AND PROCEEDINGS.—Chapter 461 shall apply to investigations and proceedings brought under this subsection to the same extent that it applies to investigations and proceedings brought with respect to aviation security duties designated to be carried out by the Secretary.*

*''(6) DEFINITIONS.—In this subsection:*

*''(A) PERSON.—The term 'person' does not include—*

*''(i) the United States Postal Service; or*

*''(ii) the Department of Defense.*

*''(B) SMALL BUSINESS CONCERN.—The term 'small business concern' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).*

*''(7) ENFORCEMENT TRANSPARENCY.—*

*''(A) IN GENERAL.—Not later than December 31, 2008, and annually thereafter, the Secretary shall—*

*''(i) provide an annual summary to the public of all enforcement actions taken by the Secretary under this subsection; and*

*''(ii) include in each such summary the docket number of each enforcement action, the type of alleged violation, the penalty or penalties proposed, and the final assessment amount of each penalty.*

*''(B) ELECTRONIC AVAILABILITY.—Each summary under this paragraph shall be made available to the public by electronic means.*

*''(C) RELATIONSHIP TO THE FREEDOM OF INFORMATION ACT AND THE PRIVACY ACT.—Nothing in this subsection shall be construed to require disclosure of information or records that are exempt from disclosure under sections 552 or 552a of title 5.*

*''(D) ENFORCEMENT GUIDANCE.—Not later than 180 days after the enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary shall provide a report to the public describing the enforcement process established under this subsection.''.*

*(b) CONFORMING AMENDMENT.—Section 46301(a)(4) of title 49, United States Code, is*

*amended by striking ''or another requirement under this title administered by the Under Secretary of Transportation for Security''.*

***SEC. 1303. AUTHORIZATION OF VISIBLE INTERMODAL PREVENTION AND RESPONSE TEAMS.***

*(a) IN GENERAL.—The Secretary, acting through the Administrator of the Transportation Security Administration, may develop Visible Intermodal Prevention and Response (referred to in this section as ''VIPR'') teams to augment the security of any mode of transportation at any location within the United States. In forming a VIPR team, the Secretary—*

*(1) may use any asset of the Department, including Federal air marshals, surface transportation security inspectors, canine detection teams, and advanced screening technology;*

*(2) may determine when a VIPR team shall be deployed, as well as the duration of the deployment;*

*(3) shall, prior to and during the deployment, consult with local security and law enforcement officials in the jurisdiction where the VIPR team is or will be deployed, to develop and agree upon the appropriate operational protocols and provide relevant information about the mission of the VIPR team, as appropriate; and*

*(4) shall, prior to and during the deployment, consult with all transportation entities directly affected by the deployment of a VIPR team, as appropriate, including railroad carriers, air carriers, airport owners, over-the-road bus operators and terminal owners and operators, motor carriers, public transportation agencies, owners or operators of highways, port operators and facility owners, vessel owners and operators and pipeline operators.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section such sums as necessary for fiscal years 2007 through 2011.*

***SEC. 1304. SURFACE TRANSPORTATION SECURITY INSPECTORS.***

*(a) IN GENERAL.—The Secretary, acting through the Administrator of the Transportation Security Administration, is authorized to train, employ, and utilize surface transportation security inspectors.*

*(b) MISSION.—The Secretary shall use surface transportation security inspectors to assist surface transportation carriers, operators, owners, entities, and facilities to enhance their security against terrorist attack and other security threats and to assist the Secretary in enforcing applicable surface transportation security regulations and directives.*

*(c) AUTHORITIES.—Surface transportation security inspectors employed pursuant to this section shall be authorized such powers and delegated such responsibilities as the Secretary determines appropriate, subject to subsection (e).*

*(d) REQUIREMENTS.—The Secretary shall require that surface transportation security inspectors have relevant transportation experience and other security and inspection qualifications, as determined appropriate.*

*(e) LIMITATIONS.—*

*(1) INSPECTORS.—Surface transportation inspectors shall be prohibited from issuing fines to public transportation agencies, as defined in title XIV, for violations of the Department's regulations or orders except through the process described in paragraph (2).*

*(2) CIVIL PENALTIES.—The Secretary shall be prohibited from assessing civil penalties against public transportation agencies, as defined in title XIV, for violations of the Department's regulations or orders, except in accordance with the following:*

*(A) In the case of a public transportation agency that is found to be in violation of a regulation or order issued by the Secretary, the Secretary shall seek correction of the violation through a written notice to the public transportation agency and shall give the public transportation agency reasonable opportunity to correct the violation or propose an alternative means of compliance acceptable to the Secretary.*

*(B) If the public transportation agency does not correct the violation or propose an alternative means of compliance acceptable to the Secretary within a reasonable time period that is specified in the written notice, the Secretary may take any action authorized in section 114 of title 49, United States Code, as amended by this Act.*

*(3) LIMITATION ON SECRETARY.—The Secretary shall not initiate civil enforcement actions for violations of administrative and procedural requirements pertaining to the application for, and expenditure of, funds awarded under transportation security grant programs under this Act.*

*(f) NUMBER OF INSPECTORS.—The Secretary shall employ up to a total of—*

*(1) 100 surface transportation security inspectors in fiscal year 2007;*

*(2) 150 surface transportation security inspectors in fiscal year 2008;*

*(3) 175 surface transportation security inspectors in fiscal year 2009; and*

*(4) 200 surface transportation security inspectors in fiscal years 2010 and 2011.*

*(g) COORDINATION.—The Secretary shall ensure that the mission of the surface transportation security inspectors is consistent with any relevant risk assessments required by this Act or completed by the Department, the modal plans required under section 114(t) of title 49, United States Code, the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities, dated September 28, 2004, and any and all subsequent annexes to this Memorandum of Understanding, and other relevant documents setting forth the Department's transportation security strategy, as appropriate.*

*(h) CONSULTATION.—The Secretary shall periodically consult with the surface transportation entities which are or may be inspected by the surface transportation security inspectors, including, as appropriate, railroad carriers, over-the-road bus operators and terminal owners and operators, motor carriers, public transportation agencies, owners or operators of highways, and pipeline operators on—*

*(1) the inspectors' duties, responsibilities, authorities, and mission; and*

*(2) strategies to improve transportation security and to ensure compliance with transportation security requirements.*

*(i) REPORT.—Not later than September 30, 2008, the Department of Homeland Security Inspector General shall transmit a report to the appropriate congressional committees on the performance and effectiveness of surface transportation security inspectors, whether there is a need for additional inspectors, and other recommendations.*

*(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—*

*(1) $11,400,000 for fiscal year 2007;*

*(2) $17,100,000 for fiscal year 2008;*

*(3) $19,950,000 for fiscal year 2009;*

*(4) $22,800,000 for fiscal year 2010; and*

*(5) $22,800,000 for fiscal year 2011.*

***SEC. 1305. SURFACE TRANSPORTATION SECURITY TECHNOLOGY INFORMATION SHARING.***

*(a) IN GENERAL.—*

*(1) INFORMATION SHARING.—The Secretary, in consultation with the Secretary of Transportation, shall establish a program to provide appropriate information that the Department has gathered or developed on the performance, use, and testing of technologies that may be used to enhance railroad, public transportation, and surface transportation security to surface transportation entities, including railroad carriers, over-the-road bus operators and terminal owners and operators, motor carriers, public transportation agencies, owners or operators of highways, pipeline operators, and State, local, and tribal governments that provide security assistance to such entities.*

*(2) DESIGNATION OF QUALIFIED ANTITERRORISM TECHNOLOGIES.—The Secretary shall include in such information provided in paragraph (1) whether the technology is designated as a qualified antiterrorism technology under the Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (Public Law 107–296), as appropriate.*

*(b) PURPOSE.—The purpose of the program is to assist eligible grant recipients under this Act and others, as appropriate, to purchase and use the best technology and equipment available to meet the security needs of the Nation's surface transportation system.*

*(c) COORDINATION.—The Secretary shall ensure that the program established under this section makes use of and is consistent with other Department technology testing, information sharing, evaluation, and standards-setting programs, as appropriate.*

***SEC. 1306. TSA PERSONNEL LIMITATIONS.***

*Any statutory limitation on the number of employees in the Transportation Security Administration does not apply to employees carrying out this title and titles XII, XIV, and XV.*

***SEC. 1307. NATIONAL EXPLOSIVES DETECTION CANINE TEAM TRAINING PROGRAM.***

*(a) DEFINITIONS.—For purposes of this section, the term ''explosives detection canine team'' means a canine and a canine handler that are trained to detect explosives, radiological materials, chemical, nuclear or biological weapons, or other threats as defined by the Secretary.*

*(b) IN GENERAL.—*

*(1) INCREASED CAPACITY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall—*

*(A) begin to increase the number of explosives detection canine teams certified by the Transportation Security Administration for the purposes of transportation-related security by up to 200 canine teams annually by the end of 2010; and*

*(B) encourage State, local, and tribal governments and private owners of high-risk transportation facilities to strengthen security through the use of highly trained explosives detection canine teams.*

*(2) EXPLOSIVES DETECTION CANINE TEAMS.—The Secretary of Homeland Security shall increase the number of explosives detection canine teams by—*

*(A) using the Transportation Security Administration's National Explosives Detection Canine Team Training Center, including expanding and upgrading existing facilities, procuring and breeding additional canines, and increasing staffing and oversight commensurate with the increased training and deployment capabilities;*

*(B) partnering with other Federal, State, or local agencies, nonprofit organizations, universities, or the private sector to increase the training capacity for canine detection teams;*

*(C) procuring explosives detection canines trained by nonprofit organizations, universities, or the private sector provided they are trained in a manner consistent with the standards and requirements developed pursuant to subsection (c) or other criteria developed by the Secretary; or*

*(D) a combination of subparagraphs (A), (B), and (C), as appropriate.*

*(c) STANDARDS FOR EXPLOSIVES DETECTION CANINE TEAMS.—*

*(1) IN GENERAL.—Based on the feasibility in meeting the ongoing demand for quality explosives detection canine teams, the Secretary shall establish criteria, including canine training curricula, performance standards, and other requirements approved by the Transportation Security Administration necessary to ensure that explosives detection canine teams trained by nonprofit organizations, universities, and private sector entities are adequately trained and maintained.*

*(2) EXPANSION.—In developing and implementing such curriculum, performance standards, and other requirements, the Secretary shall—*

*(A) coordinate with key stakeholders, including international, Federal, State, and local officials, and private sector and academic entities to develop best practice guidelines for such a standardized program, as appropriate;*

*(B) require that explosives detection canine teams trained by nonprofit organizations, universities, or private sector entities that are used or made available by the Secretary be trained consistent with specific training criteria developed by the Secretary; and*

*(C) review the status of the private sector programs on at least an annual basis to ensure compliance with training curricula, performance standards, and other requirements.*

*(d) DEPLOYMENT.—The Secretary shall—*

*(1) use the additional explosives detection canine teams as part of the Department's efforts to strengthen security across the Nation's transportation network, and may use the canine teams on a more limited basis to support other homeland security missions, as determined appropriate by the Secretary;*

*(2) make available explosives detection canine teams to all modes of transportation, for high-risk areas or to address specific threats, on an as-needed basis and as otherwise determined appropriate by the Secretary;*

*(3) encourage, but not require, any transportation facility or system to deploy TSA-certified explosives detection canine teams developed under this section; and*

*(4) consider specific needs and training requirements for explosives detection canine teams to be deployed across the Nation's transportation network, including in venues of multiple modes of transportation, as appropriate.*

*(e) CANINE PROCUREMENT.—The Secretary, acting through the Administrator of the Transportation Security Administration, shall work to ensure that explosives detection canine teams are procured as efficiently as possible and at the best price, while maintaining the needed level of quality, including, if appropriate, through increased domestic breeding.*

*(f) STUDY.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall report to the appropriate congressional committees on the utilization of explosives detection canine teams to strengthen security and the capacity of the national explosive detection canine team program.*

*(g) AUTHORIZATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for fiscal years 2007 through 2011.*

***SEC. 1308. MARITIME AND SURFACE TRANSPORTATION SECURITY USER FEE STUDY.***

*(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a study of the need for, and feasibility of, establishing a system of maritime and surface transportation-related user fees that may be imposed and collected as a dedicated revenue source, on a temporary or continuing basis, to provide necessary funding for legitimate improvements to, and maintenance of, maritime and surface transportation security, including vessel and facility plans required under section 70103(c) of title 46, United States Code. In developing the study, the Secretary shall consult with maritime and surface transportation carriers, shippers, passengers, facility owners and operators, and other persons as determined by the Secretary. Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that contains—*

*(1) the results of the study;*

*(2) an assessment of the annual sources of funding collected through maritime and surface transportation at ports of entry and a detailed description of the distribution and use of such funds, including the amount and percentage of such sources that are dedicated to improve and maintain security;*

*(3) an assessment of—*

*(A) the fees, charges, and standards imposed on United States ports, port terminal operators, shippers, carriers, and other persons who use United States ports of entry compared with the fees and charges imposed on Canadian and Mexican ports, Canadian and Mexican port terminal operators, shippers, carriers, and other persons who use Canadian or Mexican ports of entry; and*

*(B) the impact of such fees, charges, and standards on the competitiveness of United States ports, port terminal operators, railroad carriers, motor carriers, pipelines, other transportation modes, and shippers;*

*(4) the private efforts and investments to secure maritime and surface transportation modes, including those that are operational and those that are planned; and*

*(5) the Secretary's recommendations based upon the study, and an assessment of the consistency of such recommendations with the international obligations and commitments of the United States.*

*(b) DEFINITIONS.—In this section:*

*(1) PORT OF ENTRY.—The term ''port of entry'' means any port or other facility through which foreign goods are permitted to enter the customs territory of a country under official supervision.*

*(2) MARITIME AND SURFACE TRANSPORTATION.—The term ''maritime and surface transportation'' includes ocean borne and vehicular transportation.*

***SEC. 1309. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.***

*(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—*

*(1) in subsection (b)(1), by striking ''decides that the individual poses a security risk under subsection (c)'' and inserting ''determines under subsection (c) that the individual poses a security risk''; and*

*(2) in subsection (c), by amending paragraph (1) to read as follows:*

*''(1) DISQUALIFICATIONS.—*

*''(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:*

*''(i) Espionage or conspiracy to commit espionage.*

*''(ii) Sedition or conspiracy to commit sedition.*

*''(iii) Treason or conspiracy to commit treason.*

*''(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a crime under a comparable State law, or conspiracy to commit such crime.*

*''(v) A crime involving a transportation security incident.*

*''(vi) Improper transportation of a hazardous material in violation of section 5104(b) of title 49, or a comparable State law.*

*''(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipment, transportation, delivery, import, export, or storage of, or dealing in, an explosive or explosive device. In this clause, an explosive or explosive device includes—*

*''(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);*

*''(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and*

*''(III) a destructive device (as defined in 921(a)(4) of title 18 or section 5845(f) of the Internal Revenue Code of 1986).*

*''(viii) Murder.*

*''(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.*

*''(x) A violation of chapter 96 of title 18, popularly known as the Racketeer Influenced and Corrupt Organizations Act, or a comparable State law, if one of the predicate acts found by a jury or admitted by the defendant consists of one of the crimes listed in this subparagraph.*

*''(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).*

*''(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).*

*''(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:*

*''(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipment, transportation, delivery, import, export, or storage of, or dealing in, a firearm or other weapon. In this clause, a firearm or other weapon includes—*

*''(I) firearms (as defined in section 921(a)(3) of title 18 or section 5845(a) of the Internal Revenue Code of 1986); and*

*''(II) items contained on the U.S. Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.*

*''(ii) Extortion.*

*''(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.*

*''(iv) Bribery.*

*''(v) Smuggling.*

*''(vi) Immigration violations.*

*''(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.*

*''(viii) Arson.*

*''(ix) Kidnaping or hostage taking.*

*''(x) Rape or aggravated sexual abuse.*

*''(xi) Assault with intent to kill.*

*''(xii) Robbery.*

*''(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.*

*''(xiv) Fraudulent entry into a seaport in violation of section 1036 of title 18, or a comparable State law.*

*''(xv) A violation of the chapter 96 of title 18, popularly known as the Racketeer Influenced and Corrupt Organizations Act or a comparable State law, other than any of the violations listed in subparagraph (A)(x).*

*''(C) UNDER WANT, WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in paragraph (1)(A), is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.*

*''(D) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—*

*''(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—*

*''(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or*

''(II) for causing a severe transportation security incident;

''(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

''(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

''(iv) otherwise poses a terrorism security risk to the United States.

''(E) MODIFICATION OF LISTED OFFENSES.—The Secretary may, by rulemaking, add to or modify the list of disqualifying crimes described in paragraph (1)(B).''.

**SEC. 1310. ROLES OF THE DEPARTMENT OF HOMELAND SECURITY AND THE DEPARTMENT OF TRANSPORTATION.**

The Secretary of Homeland Security is the principal Federal official responsible for transportation security. The roles and responsibilities of the Department of Homeland Security and the Department of Transportation in carrying out this title and titles XII, XIV, and XV are the roles and responsibilities of such Departments pursuant to the Aviation and Transportation Security Act (Public Law 107–71); the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458); the National Infrastructure Protection Plan required by Homeland Security Presidential Directive 7; The Homeland Security Act of 2002; The National Response Plan; Executive Order 13416: Strengthening Surface Transportation Security, dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities, dated September 28, 2004 and any and all subsequent annexes to this Memorandum of Understanding; and any other relevant agreements between the two Departments.

## TITLE XIV—PUBLIC TRANSPORTATION SECURITY

**SEC. 1401. SHORT TITLE.**

This title may be cited as the ''National Transit Systems Security Act of 2007''.

**SEC. 1402. DEFINITIONS.**

For purposes of this title, the following terms apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) DISADVANTAGED BUSINESSES CONCERNS.—The term ''disadvantaged business concerns'' means small businesses that are owned and controlled by socially and economically disadvantaged individuals as defined in section 124, title 13, Code of Federal Regulations.

(4) FRONTLINE EMPLOYEE.—The term ''frontline employee'' means an employee of a public transportation agency who is a transit vehicle driver or operator, dispatcher, maintenance and maintenance support employee, station attendant, customer service employee, security employee, or transit police, or any other employee who has direct contact with riders on a regular basis, and any other employee of a public transportation agency that the Secretary determines should receive security training under section 1408.

(5) PUBLIC TRANSPORTATION AGENCY.—The term ''public transportation agency'' means a publicly owned operator of public transportation eligible to receive Federal assistance under chapter 53 of title 49, United States Code.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

**SEC. 1403. FINDINGS.**

Congress finds that—

(1) 182 public transportation systems throughout the world have been primary targets of terrorist attacks;

(2) more than 6,000 public transportation agencies operate in the United States;

(3) people use public transportation vehicles 33,000,000 times each day;

(4) the Federal Transit Administration has invested $93,800,000,000 since 1992 for construction and improvements;

(5) the Federal investment in transit security has been insufficient; and

(6) greater Federal investment in transit security improvements per passenger boarding is necessary to better protect the American people, given transit's vital importance in creating mobility and promoting our Nation's economy.

**SEC. 1404. NATIONAL STRATEGY FOR PUBLIC TRANSPORTATION SECURITY.**

(a) NATIONAL STRATEGY.—Not later than 9 months after the date of enactment of this Act and based upon the previous and ongoing security assessments conducted by the Department and the Department of Transportation, the Secretary, consistent with and as required by section 114(t) of title 49, United States Code, shall develop and implement the modal plan for public transportation, entitled the ''National Strategy for Public Transportation Security''.

(b) PURPOSE.—

(1) GUIDELINES.—In developing the National Strategy for Public Transportation Security, the Secretary shall establish guidelines for public transportation security that—

(A) minimize security threats to public transportation systems; and

(B) maximize the abilities of public transportation systems to mitigate damage resulting from terrorist attack or other major incident.

(2) ASSESSMENTS AND CONSULTATIONS.—In developing the National Strategy for Public Transportation Security, the Secretary shall—

(A) use established and ongoing public transportation security assessments as the basis of the National Strategy for Public Transportation Security; and

(B) consult with all relevant stakeholders, including public transportation agencies, nonprofit labor organizations representing public transportation employees, emergency responders, public safety officials, and other relevant parties.

(c) CONTENTS.—In the National Strategy for Public Transportation Security, the Secretary shall describe prioritized goals, objectives, policies, actions, and schedules to improve the security of public transportation.

(d) RESPONSIBILITIES.—The Secretary shall include in the National Strategy for Public Transportation Security a description of the roles, responsibilities, and authorities of Federal, State, and local agencies, tribal governments, and appropriate stakeholders. The plan shall also include—

(1) the identification of, and a plan to address, gaps and unnecessary overlaps in the roles, responsibilities, and authorities of Federal agencies; and

(2) a process for coordinating existing or future security strategies and plans for public transportation, including the National Infrastructure Protection Plan required by Homeland Security Presidential Directive 7; Executive Order 13416: Strengthening Surface Transportation Security dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities dated September 28, 2004; and subsequent annexes and agreements.

(e) ADEQUACY OF EXISTING PLANS AND STRATEGIES.—In developing the National Strategy for Public Transportation Security, the Secretary shall use relevant existing risk assessments and strategies developed by the Department or other Federal agencies, including those developed or implemented pursuant to section 114(t) of title 49, United States Code, or Homeland Security Presidential Directive 7.

(f) FUNDING.—There is authorized to be appropriated to the Secretary to carry out this section $2,000,000 for fiscal year 2008.

**SEC. 1405. SECURITY ASSESSMENTS AND PLANS.**

(a) PUBLIC TRANSPORTATION SECURITY ASSESSMENTS.—

(1) SUBMISSION.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Transit Administration of the Department of Transportation shall submit all public transportation security assessments and all other relevant information to the Secretary.

(2) SECRETARIAL REVIEW.—Not later than 60 days after receiving the submission under paragraph (1), the Secretary shall review and augment the security assessments received, and conduct additional security assessments as necessary to ensure that at a minimum, all high risk public transportation agencies, as determined by the Secretary, will have a completed security assessment.

(3) CONTENT.—The Secretary shall ensure that each completed security assessment includes—

(A) identification of critical assets, infrastructure, and systems and their vulnerabilities; and

(B) identification of any other security weaknesses, including weaknesses in emergency response planning and employee training.

(b) BUS AND RURAL PUBLIC TRANSPORTATION SYSTEMS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) conduct security assessments, based on a representative sample, to determine the specific needs of—

(A) local bus-only public transportation systems; and

(B) public transportation systems that receive funds under section 5311 of title 49, United States Code; and

(2) make the representative assessments available for use by similarly situated systems.

(c) SECURITY PLANS.—

(1) REQUIREMENT FOR PLAN.—

(A) HIGH RISK AGENCIES.—The Secretary shall require public transportation agencies determined by the Secretary to be at high risk for terrorism to develop a comprehensive security plan. The Secretary shall provide technical assistance and guidance to public transportation agencies in preparing and implementing security plans under this section.

(B) OTHER AGENCIES.—Provided that no public transportation agency that has not been designated high risk shall be required to develop a security plan, the Secretary may also establish a security program for public transportation agencies not designated high risk by the Secretary, to assist those public transportation agencies which request assistance, including—

(i) guidance to assist such agencies in conducting security assessments and preparing and implementing security plans; and

(ii) a process for the Secretary to review and approve such assessments and plans, as appropriate.

(2) CONTENTS OF PLAN.—The Secretary shall ensure that security plans include, as appropriate—

(A) a prioritized list of all items included in the public transportation agency's security assessment that have not yet been addressed;

(B) a detailed list of any additional capital and operational improvements identified by the Department or the public transportation agency and a certification of the public transportation agency's technical capacity for operating and maintaining any security equipment that may be identified in such list;

(C) specific procedures to be implemented or used by the public transportation agency in response to a terrorist attack, including evacuation and passenger communication plans and appropriate evacuation and communication measures for the elderly and individuals with disabilities;

*(D) a coordinated response plan that establishes procedures for appropriate interaction with State and local law enforcement agencies, emergency responders, and Federal officials in order to coordinate security measures and plans for response in the event of a terrorist attack or other major incident;*

*(E) a strategy and timeline for conducting training under section 1408;*

*(F) plans for providing redundant and other appropriate backup systems necessary to ensure the continued operation of critical elements of the public transportation system in the event of a terrorist attack or other major incident;*

*(G) plans for providing service capabilities throughout the system in the event of a terrorist attack or other major incident in the city or region which the public transportation system serves;*

*(H) methods to mitigate damage within a public transportation system in case of an attack on the system, including a plan for communication and coordination with emergency responders; and*

*(I) other actions or procedures as the Secretary determines are appropriate to address the security of the public transportation system.*

*(3) REVIEW.—Not later than 6 months after receiving the plans required under this section, the Secretary shall—*

*(A) review each security plan submitted;*

*(B) require the public transportation agency to make any amendments needed to ensure that the plan meets the requirements of this section; and*

*(C) approve any security plan that meets the requirements of this section.*

*(4) EXEMPTION.—The Secretary shall not require a public transportation agency to develop a security plan under paragraph (1) if the agency does not receive a grant under section 1406.*

*(5) WAIVER.—The Secretary may waive the exemption provided in paragraph (4) to require a public transportation agency to develop a security plan under paragraph (1) in the absence of grant funds under section 1406 if not less than 3 days after making the determination the Secretary provides the appropriate congressional committees and the public transportation agency written notification detailing the need for the security plan, the reasons grant funding has not been made available, and the reason the agency has been designated high risk.*

*(d) CONSISTENCY WITH OTHER PLANS.—The Secretary shall ensure that the security plans developed by public transportation agencies under this section are consistent with the security assessments developed by the Department and the National Strategy for Public Transportation Security developed under section 1404.*

*(e) UPDATES.—Not later than September 30, 2008, and annually thereafter, the Secretary shall—*

*(1) update the security assessments referred to in subsection (a);*

*(2) update the security improvement priorities required under subsection (f); and*

*(3) require public transportation agencies to update the security plans required under subsection (c) as appropriate.*

*(f) SECURITY IMPROVEMENT PRIORITIES.—*

*(1) IN GENERAL.—Beginning in fiscal year 2008 and each fiscal year thereafter, the Secretary, after consultation with management and nonprofit employee labor organizations representing public transportation employees as appropriate, and with appropriate State and local officials, shall utilize the information developed or received in this section to establish security improvement priorities unique to each individual public transportation agency that has been assessed.*

*(2) ALLOCATIONS.—The Secretary shall use the security improvement priorities established in paragraph (1) as the basis for allocating risk-based grant funds under section 1406, unless the Secretary notifies the appropriate congressional committees that the Secretary has determined an adjustment is necessary to respond to an urgent threat or other significant national security factors.*

*(g) SHARED FACILITIES.—The Secretary shall encourage the development and implementation of coordinated assessments and security plans to the extent a public transportation agency shares facilities (such as tunnels, bridges, stations, or platforms) with another public transportation agency, a freight or passenger railroad carrier, or over-the-road bus operator that are geographically close or otherwise co-located.*

*(h) NONDISCLOSURE OF INFORMATION.—*

*(1) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall be construed as authorizing the withholding of any information from Congress.*

*(2) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this section shall be construed as affecting any authority or obligation of a Federal agency to disclose any record or information that the Federal agency obtains from a public transportation agency under any other Federal law.*

*(i) DETERMINATION.—In response to a petition by a public transportation agency or at the discretion of the Secretary, the Secretary may recognize existing procedures, protocols, and standards of a public transportation agency that the Secretary determines meet all or part of the requirements of this section regarding security assessments or security plans.*

***SEC. 1406. PUBLIC TRANSPORTATION SECURITY ASSISTANCE.***

*(a) SECURITY ASSISTANCE PROGRAM.—*

*(1) IN GENERAL.—The Secretary shall establish a program for making grants to eligible public transportation agencies for security improvements described in subsection (b).*

*(2) ELIGIBILITY.—A public transportation agency is eligible for a grant under this section if the Secretary has performed a security assessment or the agency has developed a security plan under section 1405. Grant funds shall only be awarded for permissible uses under subsection (b) to—*

*(A) address items included in a security assessment; or*

*(B) further a security plan.*

*(b) USES OF FUNDS.—A recipient of a grant under subsection (a) shall use the grant funds for one or more of the following:*

*(1) Capital uses of funds, including—*

*(A) tunnel protection systems;*

*(B) perimeter protection systems, including access control, installation of improved lighting, fencing, and barricades;*

*(C) redundant critical operations control systems;*

*(D) chemical, biological, radiological, or explosive detection systems, including the acquisition of canines used for such detection;*

*(E) surveillance equipment;*

*(F) communications equipment, including mobile service equipment to provide access to wireless Enhanced 911 (E911) emergency services in an underground fixed guideway system;*

*(G) emergency response equipment, including personal protective equipment;*

*(H) fire suppression and decontamination equipment;*

*(I) global positioning or tracking and recovery equipment, and other automated-vehicle-locator-type system equipment;*

*(J) evacuation improvements;*

*(K) purchase and placement of bomb-resistant trash cans throughout public transportation facilities, including subway exits, entrances, and tunnels;*

*(L) capital costs associated with security awareness, security preparedness, and security response training, including training under section 1408 and exercises under section 1407;*

*(M) security improvements for public transportation systems, including extensions thereto, in final design or under construction;*

*(N) security improvements for stations and other public transportation infrastructure, including stations and other public transportation infrastructure owned by State or local governments; and*

*(O) other capital security improvements determined appropriate by the Secretary.*

*(2) Operating uses of funds, including—*

*(A) security training, including training under section 1408 and training developed by institutions of higher education and by nonprofit employee labor organizations, for public transportation employees, including frontline employees;*

*(B) live or simulated exercises under section 1407;*

*(C) public awareness campaigns for enhanced public transportation security;*

*(D) canine patrols for chemical, radiological, biological, or explosives detection;*

*(E) development of security plans under section 1405;*

*(F) overtime reimbursement including reimbursement of State, local, and tribal governments, for costs for enhanced security personnel during significant national and international public events;*

*(G) operational costs, including reimbursement of State, local, and tribal governments for costs for personnel assigned to full-time or part-time security or counterterrorism duties related to public transportation, provided that this expense totals no more than 10 percent of the total grant funds received by a public transportation agency in any 1 year; and*

*(H) other operational security costs determined appropriate by the Secretary, excluding routine, ongoing personnel costs, other than those set forth in this section.*

*(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—*

*(1) determine the requirements for recipients of grants under this section, including application requirements;*

*(2) pursuant to subsection (a)(2), select the recipients of grants based solely on risk; and*

*(3) pursuant to subsection (b), establish the priorities for which grant funds may be used under this section.*

*(d) DISTRIBUTION OF GRANTS.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall determine the most effective and efficient way to distribute grant funds to the recipients of grants determined by the Secretary under subsection (a). Subject to the determination made by the Secretaries, the Secretary may transfer funds to the Secretary of Transportation for the purposes of disbursing funds to the grant recipient.*

*(e) SUBJECT TO CERTAIN TERMS AND CONDITIONS.—Except as otherwise specifically provided in this section, a grant provided under this section shall be subject to the terms and conditions applicable to a grant made under section 5307 of title 49, United States Code, as in effect on January 1, 2007, and such other terms and conditions as are determined necessary by the Secretary.*

*(f) LIMITATION ON USES OF FUNDS.—Grants made under this section may not be used to make any State or local government cost-sharing contribution under any other Federal law.*

*(g) ANNUAL REPORTS.—Each recipient of a grant under this section shall report annually to the Secretary on the use of the grant funds.*

*(h) GUIDELINES.—Before distribution of funds to recipients of grants, the Secretary shall issue guidelines to ensure that, to the extent that recipients of grants under this section use contractors or subcontractors, such recipients shall use small, minority, women-owned, or disadvantaged business concerns as contractors or subcontractors to the extent practicable.*

*(i) COORDINATION WITH STATE HOMELAND SECURITY PLANS.—In establishing security improvement priorities under section 1405 and in awarding grants for capital security improvements and operational security improvements*

*under subsection (b), the Secretary shall act consistently with relevant State homeland security plans.*

*(j) MULTISTATE TRANSPORTATION SYSTEMS.—In cases in which a public transportation system operates in more than one State, the Secretary shall give appropriate consideration to the risks of the entire system, including those portions of the States into which the system crosses, in establishing security improvement priorities under section 1405 and in awarding grants for capital security improvements and operational security improvements under subsection (b).*

*(k) CONGRESSIONAL NOTIFICATION.—Not later than 3 days before the award of any grant under this section, the Secretary shall notify simultaneously, the appropriate congressional committees of the intent to award such grant.*

*(l) RETURN OF MISSPENT GRANT FUNDS.—The Secretary shall establish a process to require the return of any misspent grant funds received under this section determined to have been spent for a purpose other than those specified in the grant award.*

*(m) AUTHORIZATION OF APPROPRIATIONS.—*

*(1) There are authorized to be appropriated to the Secretary to make grants under this section—*

*(A) such sums as are necessary for fiscal year 2007;*

*(B) $650,000,000 for fiscal year 2008, except that not more than 50 percent of such funds may be used for operational costs under subsection (b)(2);*

*(C) $750,000,000 for fiscal year 2009, except that not more than 30 percent of such funds may be used for operational costs under subsection (b)(2);*

*(D) $900,000,000 for fiscal year 2010, except that not more than 20 percent of such funds may be used for operational costs under subsection (b)(2); and*

*(E) $1,100,000,000 for fiscal year 2011, except that not more than 10 percent of such funds may be used for operational costs under subsection (b)(2).*

*(2) PERIOD OF AVAILABILITY.—Sums appropriated to carry out this section shall remain available until expended.*

*(3) WAIVER.—The Secretary may waive the limitation on operational costs specified in subparagraphs (B) through (E) of paragraph (1) if the Secretary determines that such a waiver is required in the interest of national security, and if the Secretary provides a written justification to the appropriate congressional committees prior to any such action.*

*(4) EFFECTIVE DATE.—Funds provided for fiscal year 2007 transit security grants under Public Law 110–28 shall be allocated based on security assessments that are in existence as of the date of enactment of this Act.*

***SEC. 1407. SECURITY EXERCISES.***

*(a) IN GENERAL.—The Secretary shall establish a program for conducting security exercises for public transportation agencies for the purpose of assessing and improving the capabilities of entities described in subsection (b) to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism.*

*(b) COVERED ENTITIES.—Entities to be assessed under the program shall include—*

*(1) Federal, State, and local agencies and tribal governments;*

*(2) public transportation agencies;*

*(3) governmental and nongovernmental emergency response providers and law enforcement personnel, including transit police; and*

*(4) any other organization or entity that the Secretary determines appropriate.*

*(c) REQUIREMENTS.—The Secretary shall ensure that the program—*

*(1) requires, for public transportation agencies which the Secretary deems appropriate, exercises to be conducted that are—*

*(A) scaled and tailored to the needs of specific public transportation systems, and include taking into account the needs of the elderly and individuals with disabilities;*

*(B) live;*

*(C) coordinated with appropriate officials;*

*(D) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;*

*(E) inclusive, as appropriate, of frontline employees and managers; and*

*(F) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;*

*(2) provides that exercises described in paragraph (1) will be—*

*(A) evaluated by the Secretary against clear and consistent performance measures;*

*(B) assessed by the Secretary to learn best practices, which shall be shared with appropriate Federal, State, local, and tribal officials, governmental and nongovernmental emergency response providers, law enforcement personnel, including railroad and transit police, and appropriate stakeholders; and*

*(C) followed by remedial action by covered entities in response to lessons learned;*

*(3) involves individuals in neighborhoods around the infrastructure of a public transportation system; and*

*(4) assists State, local, and tribal governments and public transportation agencies in designing, implementing, and evaluating exercises that conform to the requirements of paragraph (2).*

*(d) NATIONAL EXERCISE PROGRAM.—The Secretary shall ensure that the exercise program developed under subsection (a) is a component of the National Exercise Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).*

*(e) FERRY SYSTEM EXEMPTION.—This section does not apply to any ferry system for which drills are required to be conducted pursuant to section 70103 of title 46, United States Code.*

***SEC. 1408. PUBLIC TRANSPORTATION SECURITY TRAINING PROGRAM.***

*(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall develop and issue detailed interim final regulations, and not later than 1 year after the date of enactment of this Act, the Secretary shall develop and issue detailed final regulations, for a public transportation security training program to prepare public transportation employees, including frontline employees, for potential security threats and conditions.*

*(b) CONSULTATION.—The Secretary shall develop the interim final and final regulations under subsection (a) in consultation with—*

*(1) appropriate law enforcement, fire service, security, and terrorism experts;*

*(2) representatives of public transportation agencies; and*

*(3) nonprofit employee labor organizations representing public transportation employees or emergency response personnel.*

*(c) PROGRAM ELEMENTS.—The interim final and final regulations developed under subsection (a) shall require security training programs to include, at a minimum, elements to address the following:*

*(1) Determination of the seriousness of any occurrence or threat.*

*(2) Crew and passenger communication and coordination.*

*(3) Appropriate responses to defend oneself, including using nonlethal defense devices.*

*(4) Use of personal protective devices and other protective equipment.*

*(5) Evacuation procedures for passengers and employees, including individuals with disabilities and the elderly.*

*(6) Training related to behavioral and psychological understanding of, and responses to, terrorist incidents, including the ability to cope with hijacker behavior, and passenger responses.*

*(7) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.*

*(8) Recognition and reporting of dangerous substances and suspicious packages, persons, and situations.*

*(9) Understanding security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers and for on scene interaction with such emergency response providers.*

*(10) Operation and maintenance of security equipment and systems.*

*(11) Other security training activities that the Secretary deems appropriate.*

*(d) REQUIRED PROGRAMS.—*

*(1) DEVELOPMENT AND SUBMISSION TO SECRETARY.—Not later than 90 days after a public transportation agency meets the requirements under subsection (e), each such public transportation agency shall develop a security training program in accordance with the regulations developed under subsection (a) and submit the program to the Secretary for approval.*

*(2) APPROVAL.—Not later than 60 days after receiving a security training program proposal under this subsection, the Secretary shall approve the program or require the public transportation agency that developed the program to make any revisions to the program that the Secretary determines necessary for the program to meet the requirements of the regulations. A public transportation agency shall respond to the Secretary's comments within 30 days after receiving them.*

*(3) TRAINING.—Not later than 1 year after the Secretary approves a security training program proposal in accordance with this subsection, the public transportation agency that developed the program shall complete the training of all employees covered under the program.*

*(4) UPDATES OF REGULATIONS AND PROGRAM REVISIONS.—The Secretary shall periodically review and update, as appropriate, the training regulations issued under subsection (a) to reflect new or changing security threats. Each public transportation agency shall revise its training program accordingly and provide additional training as necessary to its workers within a reasonable time after the regulations are updated.*

*(e) APPLICABILITY.—A public transportation agency that receives a grant award under this title shall be required to develop and implement a security training program pursuant to this section.*

*(f) LONG-TERM TRAINING REQUIREMENT.—Any public transportation agency required to develop a security training program pursuant to this section shall provide routine and ongoing training for employees covered under the program, regardless of whether the public transportation agency receives subsequent grant awards.*

*(g) NATIONAL TRAINING PROGRAM.—The Secretary shall ensure that the training program developed under subsection (a) is a component of the National Training Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).*

*(h) FERRY EXEMPTION.—This section shall not apply to any ferry system for which training is required to be conducted pursuant to section 70103 of title 46, United States Code.*

*(i) REPORT.—Not later than 2 years after the date of issuance of the final regulation, the Comptroller General shall review implementation of the training program, including interviewing a representative sample of public transportation agencies and employees, and report to the appropriate congressional committees, on the number of reviews conducted and the results. The Comptroller General may submit the report in both classified and redacted formats as necessary.*

***SEC. 1409. PUBLIC TRANSPORTATION RESEARCH AND DEVELOPMENT.***

*(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary shall carry*

*out a research and development program through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and in consultation with the Transportation Security Administration and with the Federal Transit Administration, for the purpose of improving the security of public transportation systems.*

*(b) GRANTS AND CONTRACTS AUTHORIZED.—The Secretary shall award grants or contracts to public or private entities to conduct research and demonstrate technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.*

*(c) USE OF FUNDS.—Grants or contracts awarded under subsection (a)—*

*(1) shall be coordinated with activities of the Homeland Security Advanced Research Projects Agency; and*

*(2) may be used to—*

*(A) research chemical, biological, radiological, or explosive detection systems that do not significantly impede passenger access;*

*(B) research imaging technologies;*

*(C) conduct product evaluations and testing;*

*(D) improve security and redundancy for critical communications, electrical power, and computer and train control systems;*

*(E) develop technologies for securing tunnels, transit bridges and aerial structures;*

*(F) research technologies that mitigate damages in the event of a cyber attack; and*

*(G) research other technologies or methods for reducing or deterring terrorist attacks against public transportation systems, or mitigating damage from such attacks.*

*(d) PRIVACY AND CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES.—*

*(1) CONSULTATION.—In carrying out research and development projects under this section, the Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department, as appropriate, and in accordance with section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142).*

*(2) PRIVACY IMPACT ASSESSMENTS.—In accordance with sections 222 and 705 of the Homeland Security Act of 2002 (6 U.S.C. 142; 345), the Chief Privacy Officer shall conduct privacy impact assessments and the Officer for Civil Rights and Civil Liberties shall conduct reviews, as appropriate, for research and development initiatives developed under this section.*

*(e) REPORTING REQUIREMENT.—Each entity that is awarded a grant or contract under this section shall report annually to the Department on the use of grant or contract funds received under this section to ensure that the awards made are expended in accordance with the purposes of this title and the priorities developed by the Secretary.*

*(f) COORDINATION.—The Secretary shall ensure that the research is consistent with the priorities established in the National Strategy for Public Transportation Security and is coordinated, to the extent practicable, with other Federal, State, local, tribal, and private sector public transportation, railroad, commuter railroad, and over-the-road bus research initiatives to leverage resources and avoid unnecessary duplicative efforts.*

*(g) RETURN OF MISSPENT GRANT OR CONTRACT FUNDS.—If the Secretary determines that a grantee or contractor used any portion of the grant or contract funds received under this section for a purpose other than the allowable uses specified under subsection (c), the grantee or contractor shall return any amount so used to the Treasury of the United States.*

*(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to make grants under this section—*

*(1) such sums as necessary for fiscal year 2007;*

*(2) $25,000,000 for fiscal year 2008;*

*(3) $25,000,000 for fiscal year 2009;*

*(4) $25,000,000 for fiscal year 2010; and*

*(5) $25,000,000 for fiscal year 2011.*

***SEC. 1410. INFORMATION SHARING.***

*(a) INTELLIGENCE SHARING.—The Secretary shall ensure that the Department of Transportation receives appropriate and timely notification of all credible terrorist threats against public transportation assets in the United States.*

*(b) INFORMATION SHARING ANALYSIS CENTER.—*

*(1) AUTHORIZATION.—The Secretary shall provide for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (referred to in this subsection as the ''ISAC'').*

*(2) PARTICIPATION.—The Secretary—*

*(A) shall require public transportation agencies that the Secretary determines to be at high risk of terrorist attack to participate in the ISAC;*

*(B) shall encourage all other public transportation agencies to participate in the ISAC;*

*(C) shall encourage the participation of nonprofit employee labor organizations representing public transportation employees, as appropriate; and*

*(D) shall not charge a fee for participating in the ISAC.*

*(c) REPORT.—The Comptroller General shall report, not less than 3 years after the date of enactment of this Act, to the appropriate congressional committees, as to the value and efficacy of the ISAC along with any other public transportation information-sharing programs ongoing at the Department. The report shall include an analysis of the user satisfaction of public transportation agencies on the state of information-sharing and the value that each system provides the user, the costs and benefits of all centers and programs, the coordination among centers and programs, how each center or program contributes to implementing the information sharing plan under section 1203, and analysis of the extent to which the ISAC is duplicative with the Department's information-sharing program.*

*(d) AUTHORIZATION.—*

*(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—*

*(A) $600,000 for fiscal year 2008;*

*(B) $600,000 for fiscal year 2009;*

*(C) $600,000 for fiscal year 2010; and*

*(D) such sums as may be necessary for 2011, provided the report required in subsection (c) of this section has been submitted to Congress.*

*(2) AVAILABILITY OF FUNDS.—Such sums shall remain available until expended.*

***SEC. 1411. THREAT ASSESSMENTS.***

*Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a name-based security background check against the consolidated terrorist watchlist and an immigration status check for all public transportation frontline employees, similar to the threat assessment screening program required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (71 Fed. Reg. 25066 (April 8, 2006)).*

***SEC. 1412. REPORTING REQUIREMENTS.***

*(a) ANNUAL REPORT TO CONGRESS.—*

*(1) IN GENERAL.—Not later than March 31st of each year, the Secretary shall submit a report, containing the information described in paragraph (2), to the appropriate congressional committees.*

*(2) CONTENTS.—The report submitted under paragraph (1) shall include—*

*(A) a description of the implementation of the provisions of this title;*

*(B) the amount of funds appropriated to carry out the provisions of this title that have not been expended or obligated;*

*(C) the National Strategy for Public Transportation Security required under section 1404;*

*(D) an estimate of the cost to implement the National Strategy for Public Transportation Security which shall break out the aggregated total cost of needed capital and operational security improvements for fiscal years 2008–2018; and*

*(E) the state of public transportation security in the United States, which shall include detailing the status of security assessments, the progress being made around the country in developing prioritized lists of security improvements necessary to make public transportation facilities and passengers more secure, the progress being made by agencies in developing security plans and how those plans differ from the security assessments and a prioritized list of security improvements being compiled by other agencies, as well as a random sample of an equal number of large- and small-scale projects currently underway.*

*(3) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.*

*(b) ANNUAL REPORT TO GOVERNORS.—*

*(1) IN GENERAL.—Not later than March 31 of each year, the Secretary shall submit a report to the Governor of each State with a public transportation agency that has received a grant under this Act.*

*(2) CONTENTS.—The report submitted under paragraph (1) shall specify—*

*(A) the amount of grant funds distributed to each such public transportation agency; and*

*(B) the use of such grant funds.*

***SEC. 1413. PUBLIC TRANSPORTATION EMPLOYEE PROTECTIONS.***

*(a) IN GENERAL.—A public transportation agency, a contractor or a subcontractor of such agency, or an officer or employee of such agency, shall not discharge, demote, suspend, reprimand, or in any other way discriminate against an employee if such discrimination is due, in whole or in part, to the employee's lawful, good faith act done, or perceived by the employer to have been done or about to be done—*

*(1) to provide information, directly cause information to be provided, or otherwise directly assist in any investigation regarding any conduct which the employee reasonably believes constitutes a violation of any Federal law, rule, or regulation relating to public transportation safety or security, or fraud, waste, or abuse of Federal grants or other public funds intended to be used for public transportation safety or security, if the information or assistance is provided to or an investigation stemming from the provided information is conducted by—*

*(A) a Federal, State, or local regulatory or law enforcement agency (including an office of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.; Public Law 95–452);*

*(B) any Member of Congress, any Committee of Congress, or the Government Accountability Office; or*

*(C) a person with supervisory authority over the employee or such other person who has the authority to investigate, discover, or terminate the misconduct;*

*(2) to refuse to violate or assist in the violation of any Federal law, rule, or regulation relating to public transportation safety or security;*

*(3) to file a complaint or directly cause to be brought a proceeding related to the enforcement of this section or to testify in that proceeding;*

*(4) to cooperate with a safety or security investigation by the Secretary of Transportation, the Secretary of Homeland Security, or the National Transportation Safety Board; or*

*(5) to furnish information to the Secretary of Transportation, the Secretary of Homeland Security, the National Transportation Safety Board, or any Federal, State, or local regulatory or law enforcement agency as to the facts relating to any accident or incident resulting in injury or death to an individual or damage to property occurring in connection with public transportation.*

*(b) HAZARDOUS SAFETY OR SECURITY CONDITIONS.—(1) A public transportation agency, or a*

*contractor or a subcontractor of such agency, or an officer or employee of such agency, shall not discharge, demote, suspend, reprimand, or in any other way discriminate against an employee for—*

*(A) reporting a hazardous safety or security condition;*

*(B) refusing to work when confronted by a hazardous safety or security condition related to the performance of the employee's duties, if the conditions described in paragraph (2) exist; or*

*(C) refusing to authorize the use of any safety- or security-related equipment, track, or structures, if the employee is responsible for the inspection or repair of the equipment, track, or structures, when the employee believes that the equipment, track, or structures are in a hazardous safety or security condition, if the conditions described in paragraph (2) of this subsection exist.*

*(2) A refusal is protected under paragraph (1)(B) and (C) if—*

*(A) the refusal is made in good faith and no reasonable alternative to the refusal is available to the employee;*

*(B) a reasonable individual in the circumstances then confronting the employee would conclude that—*

*(i) the hazardous condition presents an imminent danger of death or serious injury; and*

*(ii) the urgency of the situation does not allow sufficient time to eliminate the danger without such refusal; and*

*(C) the employee, where possible, has notified the public transportation agency of the existence of the hazardous condition and the intention not to perform further work, or not to authorize the use of the hazardous equipment, track, or structures, unless the condition is corrected immediately or the equipment, track, or structures are repaired properly or replaced.*

*(3) In this subsection, only subsection (b)(1)(A) shall apply to security personnel, including transit police, employed or utilized by a public transportation agency to protect riders, equipment, assets, or facilities.*

*(c) ENFORCEMENT ACTION.—*

*(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) or (b) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of a complaint filed under this paragraph, the Secretary of Labor shall notify, in writing, the person named in the complaint and the person's employer of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).*

*(2) INVESTIGATION; PRELIMINARY ORDER.—*

*(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary of Labor to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) or (b) of the Secretary of Labor's findings. If the Secretary of Labor concludes that there is a reasonable cause to believe that a violation of subsection (a) or (b) has occurred, the Secretary of Labor shall accompany the Secretary of Labor's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.*

*(B) REQUIREMENTS.—*

*(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in subsection (a) or (b) was a contributing factor in the unfavorable personnel action alleged in the complaint.*

*(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary of Labor that the complainant has made the showing required under clause (i), no investigation otherwise required under paragraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.*

*(iii) CRITERIA FOR DETERMINATION BY SECRETARY OF LABOR.—The Secretary of Labor may determine that a violation of subsection (a) or (b) has occurred only if the complainant demonstrates that any behavior described in subsection (a) or (b) was a contributing factor in the unfavorable personnel action alleged in the complaint.*

*(iv) PROHIBITION.—Relief may not be ordered under paragraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.*

*(3) FINAL ORDER.—*

*(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.*

*(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) or (b) has occurred, the Secretary of Labor shall order the person who committed such violation to—*

*(i) take affirmative action to abate the violation; and*

*(ii) provide the remedies described in subsection (d).*

*(C) ORDER.—If an order is issued under subparagraph (B), the Secretary of Labor, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, bringing the complaint upon which the order was issued.*

*(D) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer reasonable attorney fees not exceeding $1,000.*

*(4) REVIEW.—*

*(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.*

*(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.*

*(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.*

*(6) ENFORCEMENT OF ORDER BY PARTIES.—*

*(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.*

*(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.*

*(7) DE NOVO REVIEW.—With respect to a complaint under paragraph (1), if the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The action shall be governed by the same legal burdens of proof specified in paragraph (2)(B) for review by the Secretary of Labor.*

*(d) REMEDIES.—*

*(1) IN GENERAL.—An employee prevailing in any action under subsection (c) shall be entitled to all relief necessary to make the employee whole.*

*(2) DAMAGES.—Relief in an action under subsection (c) (including an action described in (c)(7)) shall include—*

*(A) reinstatement with the same seniority status that the employee would have had, but for the discrimination;*

*(B) any backpay, with interest; and*

*(C) compensatory damages, including compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.*

*(3) POSSIBLE RELIEF.—Relief in any action under subsection (c) may include punitive damages in an amount not to exceed $250,000.*

*(e) ELECTION OF REMEDIES.—An employee may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the public transportation agency.*

*(f) NO PREEMPTION.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.*

*(g) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.*

*(h) DISCLOSURE OF IDENTITY.—*

*(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation or the Secretary of Homeland Security may not disclose the name of an employee who has provided information described in subsection (a)(1).*

*(2) The Secretary of Transportation or the Secretary of Homeland Security shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement. The Secretary making such disclosure shall provide reasonable advance notice to the affected employee if disclosure of that person's identity or identifying information is to occur.*

*(i) PROCESS FOR REPORTING SECURITY PROBLEMS TO THE DEPARTMENT OF HOMELAND SECURITY.—*

*(1) ESTABLISHMENT OF PROCESS.—The Secretary shall establish through regulations after an opportunity for notice and comment, and provide information to the public regarding, a process by which any person may submit a report to the Secretary regarding public transportation security problems, deficiencies, or vulnerabilities.*

*(2) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary shall respond promptly to such person and acknowledge receipt of the report.*

*(3) STEPS TO ADDRESS PROBLEM.—The Secretary shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps to address any problems or deficiencies identified.*

***SEC. 1414. SECURITY BACKGROUND CHECKS OF COVERED INDIVIDUALS FOR PUBLIC TRANSPORTATION.***

*(a) DEFINITIONS.—In this section, the following definitions apply:*

*(1) SECURITY BACKGROUND CHECK.—The term ''security background check'' means reviewing the following for the purpose of identifying individuals who may pose a threat to transportation security, national security, or of terrorism:*

*(A) Relevant criminal history databases.*

*(B) In the case of an alien (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))), the relevant databases to determine the status of the alien under the immigration laws of the United States.*

*(C) Other relevant information or databases, as determined by the Secretary.*

*(2) COVERED INDIVIDUAL.—The term ''covered individual'' means an employee of a public transportation agency or a contractor or subcontractor of a public transportation agency.*

*(b) GUIDANCE.—*

*(1) Any guidance, recommendations, suggested action items, or any other widely disseminated voluntary action item issued by the Secretary to a public transportation agency or a contractor or subcontractor of a public transportation agency relating to performing a security background check of a covered individual shall contain recommendations on the appropriate scope and application of such a security background check, including the time period covered, the types of disqualifying offenses, and a redress process for adversely impacted covered individuals consistent with subsections (c) and (d) of this section.*

*(2) Not later than 60 days after the date of enactment of this Act, any guidance, recommendations, suggested action items, or any other widely disseminated voluntary action item issued by the Secretary prior to the date of enactment of this Act to a public transportation agency or a contractor or subcontractor of a public transportation agency relating to performing a security background check of a covered individual shall be updated in compliance with paragraph (b)(1).*

*(3) If a public transportation agency or a contractor or subcontractor of a public transportation agency performs a security background check on a covered individual to fulfill guidance issued by the Secretary under paragraph (1) or (2), the Secretary shall not consider such guidance fulfilled unless an adequate redress process as described in subsection (d) is provided to covered individuals.*

*(c) REQUIREMENTS.—If the Secretary issues a rule, regulation or directive requiring a public transportation agency or contractor or subcontractor of a public transportation agency to perform a security background check of a covered individual, then the Secretary shall prohibit a public transportation agency or contractor or subcontractor of a public transportation agency from making an adverse employment decision, including removal or suspension of the employee, due to such rule, regulation, or directive with respect to a covered individual unless the public transportation agency or contractor or subcontractor of a public transportation agency determines that the covered individual—*

*(1) has been convicted of, has been found not guilty of by reason of insanity, or is under want, warrant, or indictment for a permanent disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations;*

*(2) was convicted of or found not guilty by reason of insanity of an interim disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations, within 7 years of the date that the public transportation agency or contractor or subcontractor of the public transportation agency performs the security background check; or*

*(3) was incarcerated for an interim disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations, and released from incarceration within 5 years of the date that the public transportation agency or contractor or subcontractor of a public transportation agency performs the security background check.*

*(d) REDRESS PROCESS.—If the Secretary issues a rule, regulation, or directive requiring a public transportation agency or contractor or subcontractor of a public transportation agency to perform a security background check of a covered individual, the Secretary shall—*

*(1) provide an adequate redress process for a covered individual subjected to an adverse employment decision, including removal or suspension of the employee, due to such rule, regulation, or directive that is consistent with the appeals and waiver process established for applicants for commercial motor vehicle hazardous materials endorsements and transportation workers at ports, as required by section 70105(c) of title 49, United States Code; and*

*(2) have the authority to order an appropriate remedy, including reinstatement of the covered individual, should the Secretary determine that a public transportation agency or contractor or subcontractor of a public transportation agency wrongfully made an adverse employment decision regarding a covered individual pursuant to such rule, regulation, or directive.*

*(e) FALSE STATEMENTS.—A public transportation agency or a contractor or subcontractor of a public transportation agency may not knowingly misrepresent to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check. Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a regulation that prohibits a public transportation agency or a contractor or subcontractor of a public transportation agency from knowingly misrepresenting to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check.*

*(f) RIGHTS AND RESPONSIBILITIES.—Nothing in this section shall be construed to abridge a public transportation agency's or a contractor or subcontractor of a public transportation agency's rights or responsibilities to make adverse employment decisions permitted by other Federal, State, or local laws. Nothing in the section shall be construed to abridge rights and responsibilities of covered individuals, a public transportation agency, or a contractor or subcontractor of a public transportation agency under any other Federal, State, or local laws or collective bargaining agreement.*

*(g) NO PREEMPTION OF FEDERAL OR STATE LAW.—Nothing in this section shall be construed to preempt a Federal, State, or local law that requires criminal history background checks, immigration status checks, or other background checks of covered individuals.*

*(h) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the process for review established under section 70105(c) of title 46, United States Code, including regulations issued pursuant to such section.*

***SEC. 1415. LIMITATION ON FINES AND CIVIL PENALTIES.***

*(a) INSPECTORS.—Surface transportation inspectors shall be prohibited from issuing fines to public transportation agencies for violations of the Department's regulations or orders except through the process described in subsection (b).*

*(b) CIVIL PENALTIES.—The Secretary shall be prohibited from assessing civil penalties against public transportation agencies for violations of the Department's regulations or orders, except in accordance with the following:*

*(1) In the case of a public transportation agency that is found to be in violation of a regulation or order issued by the Secretary, the Secretary shall seek correction of the violation through a written notice to the public transportation agency and shall give the public transportation agency reasonable opportunity to correct the violation or propose an alternative means of compliance acceptable to the Secretary.*

*(2) If the public transportation agency does not correct the violation or propose an alternative means of compliance acceptable to the Secretary within a reasonable time period that is specified in the written notice, the Secretary may take any action authorized in section 114 of title 49, United States Code, as amended by this Act.*

*(c) LIMITATION ON SECRETARY.—The Secretary shall not initiate civil enforcement actions for violations of administrative and procedural requirements pertaining to the application for and expenditure of funds awarded under transportation security grant programs under this title.*

## *TITLE XV—SURFACE TRANSPORTATION SECURITY*

### *Subtitle A—General Provisions*

***SEC. 1501. DEFINITIONS.***

*In this title, the following definitions apply:*

*(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives.*

*(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.*

*(3) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.*

*(4) OVER-THE-ROAD BUS.—The term ''over-the-road bus'' means a bus characterized by an elevated passenger deck located over a baggage compartment.*

*(5) OVER-THE-ROAD BUS FRONTLINE EMPLOYEES.—In this section, the term ''over-the-road bus frontline employees'' means over-the-road bus drivers, security personnel, dispatchers, maintenance and maintenance support personnel, ticket agents, other terminal employees, and other employees of an over-the-road bus operator or terminal owner or operator that the Secretary determines should receive security training under this title.*

*(6) RAILROAD FRONTLINE EMPLOYEES.—In this section, the term ''railroad frontline employees'' means security personnel, dispatchers, locomotive engineers, conductors, trainmen, other onboard employees, maintenance and maintenance support personnel, bridge tenders, and any other employees of railroad carriers that the Secretary determines should receive security training under this title.*

*(7) RAILROAD.—The term ''railroad'' has the meaning that term has in section 20102 of title 49, United States Code.*

*(8) RAILROAD CARRIER.—The term ''railroad carrier'' has the meaning that term has in section 20102 of title 49, United States Code.*

*(9) STATE.—The term ''State'' means any one of the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.*

*(10) TERRORISM.—The term ''terrorism'' has the meaning that term has in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).*

*(11) TRANSPORTATION.—The term ''transportation'', as used with respect to an over-the-road bus, means the movement of passengers or property by an over-the-road bus—*

*(A) in the jurisdiction of the United States between a place in a State and a place outside the State (including a place outside the United States); or*

*(B) in a State that affects trade, traffic, and transportation described in subparagraph (A).*

*(12) UNITED STATES.—The term ''United States'' means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.*

*(13) SECURITY-SENSITIVE MATERIAL.—The term ''security-sensitive material'' means a material, or a group or class of material, in a particular amount and form that the Secretary, in consultation with the Secretary of Transportation, determines, through a rulemaking with opportunity for public comment, poses a significant risk to national security while being transported in commerce due to the potential use of the material in an act of terrorism. In making such a designation, the Secretary shall, at a minimum, consider the following:*

*(A) Class 7 radioactive materials.*

*(B) Division 1.1, 1.2, or 1.3 explosives.*

*(C) Materials poisonous or toxic by inhalation, including Division 2.3 gases and Division 6.1 materials.*

*(D) A select agent or toxin regulated by the Centers for Disease Control and Prevention under part 73 of title 42, Code of Federal Regulations.*

*(14) DISADVANTAGED BUSINESS CONCERNS.—The term ''disadvantaged business concerns'' means small businesses that are owned and controlled by socially and economically disadvantaged individuals as defined in section 124, of title 13, Code of Federal Regulations.*

*(15) AMTRAK.—The term ''Amtrak'' means the National Railroad Passenger Corporation.*

***SEC. 1502. OVERSIGHT AND GRANT PROCEDURES.***

*(a) SECRETARIAL OVERSIGHT.—The Secretary, in coordination with Secretary of Transportation for grants awarded to Amtrak, shall establish necessary procedures, including monitoring and audits, to ensure that grants made under this title are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary.*

*(b) ADDITIONAL AUDITS AND REVIEWS.—The Secretary, and the Secretary of Transportation for grants awarded to Amtrak, may award contracts to undertake additional audits and reviews of the safety, security, procurement, management, and financial compliance of a recipient of amounts under this title.*

*(c) PROCEDURES FOR GRANT AWARD.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures, and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Secretary and shall be consistent, to the extent practicable, with the grant procedures established under section 70107(i) and (j) of title 46, United States Code.*

*(d) ADDITIONAL AUTHORITY.—*

*(1) ISSUANCE.—The Secretary may issue nonbinding letters of intent to recipients of a grant under this title, to commit funding from future budget authority of an amount, not more than the Federal Government's share of the project's cost, for a capital improvement project.*

*(2) SCHEDULE.—The letter of intent under this subsection shall establish a schedule under which the Secretary will reimburse the recipient for the Government's share of the project's costs, as amounts become available, if the recipient, after the Secretary issues that letter, carries out the project without receiving amounts under a grant issued under this title.*

*(3) NOTICE TO SECRETARY.—A recipient that has been issued a letter of intent under this section shall notify the Secretary of the recipient's intent to carry out a project before the project begins.*

*(4) NOTICE TO CONGRESS.—The Secretary shall transmit to the appropriate congressional committees a written notification at least 5 days before the issuance of a letter of intent under this subsection.*

*(5) LIMITATIONS.—A letter of intent issued under this subsection is not an obligation of the Federal Government under section 1501 of title 31, United States Code, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.*

*(e) RETURN OF MISSPENT GRANT FUNDS.—As part of the grant agreement under subsection (c), the Secretary shall require grant applicants to return any misspent grant funds received under this title that the Secretary considers to have been spent for a purpose other than those specified in the grant award. The Secretary shall take all necessary actions to recover such funds.*

*(f) CONGRESSIONAL NOTIFICATION.—Not later than 5 days before the award of any grant is made under this title, the Secretary shall notify the appropriate congressional committees of the intent to award such grant.*

*(g) GUIDELINES.—The Secretary shall ensure, to the extent practicable, that grant recipients under this title who use contractors or subcontractors use small, minority, women-owned, or disadvantaged business concerns as contractors or subcontractors when appropriate.*

***SEC. 1503. AUTHORIZATION OF APPROPRIATIONS.***

*(a) TRANSPORTATION SECURITY ADMINISTRATION AUTHORIZATION.—Section 114 of title 49, United States Code, as amended by section 1302 of this Act, is further amended by adding at the end the following:*

*''(w) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for—*

*''(1) railroad security—*

*''(A) $488,000,000 for fiscal year 2008;*

*''(B) $483,000,000 for fiscal year 2009;*

*''(C) $508,000,000 for fiscal year 2010; and*

*''(D) $508,000,000 for fiscal year 2011;*

*''(2) over-the-road bus and trucking security—*

*''(A) $14,000,000 for fiscal year 2008;*

*''(B) $27,000,000 for fiscal year 2009;*

*''(C) $27,000,000 for fiscal year 2010; and*

*''(D) $27,000,000 for fiscal year 2011; and*

*''(3) hazardous material and pipeline security—*

*''(A) $12,000,000 for fiscal year 2008;*

*''(B) $12,000,000 for fiscal year 2009; and*

*''(C) $12,000,000 for fiscal year 2010.''.*

*(b) DEPARTMENT OF TRANSPORTATION.—There are authorized to be appropriated to the Secretary of Transportation to carry out section 1515—*

*(1) $38,000,000 for fiscal year 2008;*

*(2) $40,000,000 for fiscal year 2009;*

*(3) $55,000,000 for fiscal year 2010; and*

*(4) $70,000,000 for fiscal year 2011.*

***SEC. 1504. PUBLIC AWARENESS.***

*Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a national plan for railroad and over-the-road bus security public outreach and awareness. Such a plan shall be designed to increase awareness of measures that the general public, passengers, and employees of railroad carriers and over-the-road bus operators can take to increase the security of the national railroad and over-the-road bus transportation systems. Such a plan shall also provide outreach to railroad carriers and over-the-road bus operators and their employees to improve their awareness of available technologies, ongoing research and development efforts, and available Federal funding sources to improve security. Not later than 9 months after the date of enactment of this Act, the Secretary shall implement the plan developed under this section.*

***Subtitle B—Railroad Security***

***SEC. 1511. RAILROAD TRANSPORTATION SECURITY RISK ASSESSMENT AND NATIONAL STRATEGY.***

*(a) RISK ASSESSMENT.—The Secretary shall establish a Federal task force, including the Transportation Security Administration and other agencies within the Department, the Department of Transportation, and other appropriate Federal agencies, to complete, within 6 months of the date of enactment of this Act, a nationwide risk assessment of a terrorist attack on railroad carriers. The assessment shall include—*

*(1) a methodology for conducting the risk assessment, including timelines, that addresses how the Department will work with the entities described in subsection (c) and make use of existing Federal expertise within the Department, the Department of Transportation, and other appropriate agencies;*

*(2) identification and evaluation of critical assets and infrastructure, including tunnels used by railroad carriers in high-threat urban areas;*

*(3) identification of risks to those assets and infrastructure;*

*(4) identification of risks that are specific to the transportation of hazardous materials via railroad;*

*(5) identification of risks to passenger and cargo security, transportation infrastructure protection systems, operations, communications systems, and any other area identified by the assessment;*

*(6) an assessment of employee training and emergency response planning;*

*(7) an assessment of public and private operational recovery plans, taking into account the plans for the maritime sector required under section 70103 of title 46, United States Code, to expedite, to the maximum extent practicable, the return of an adversely affected railroad transportation system or facility to its normal performance level after a major terrorist attack or other security event on that system or facility; and*

*(8) an account of actions taken or planned by both public and private entities to address identified railroad security issues and an assessment of the effective integration of such actions.*

*(b) NATIONAL STRATEGY.—*

*(1) REQUIREMENT.—Not later than 9 months after the date of enactment of this Act and based upon the assessment conducted under subsection (a), the Secretary, consistent with and as required by section 114(t) of title 49, United States Code, shall develop and implement the modal plan for railroad transportation, entitled the ''National Strategy for Railroad Transportation Security''.*

*(2) CONTENTS.—The modal plan shall include prioritized goals, actions, objectives, policies, mechanisms, and schedules for, at a minimum—*

*(A) improving the security of railroad tunnels, railroad bridges, railroad switching and car storage areas, other railroad infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant railroad-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of railroad service or on operations served or otherwise affected by railroad service;*

*(B) deploying equipment and personnel to detect security threats, including those posed by explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;*

*(C) consistent with section 1517, training railroad employees in terrorism prevention, preparedness, passenger evacuation, and response activities;*

*(D) conducting public outreach campaigns for railroads regarding security, including educational initiatives designed to inform the public on how to prevent, prepare for, respond to, and recover from a terrorist attack on railroad transportation;*

*(E) providing additional railroad security support for railroads at high or severe threat levels of alert;*

*(F) ensuring, in coordination with freight and intercity and commuter passenger railroads, the continued movement of freight and passengers in the event of an attack affecting the railroad system, including the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station;*

*(G) coordinating existing and planned railroad security initiatives undertaken by the public and private sectors;*

*(H) assessing—*

*(i) the usefulness of covert testing of railroad security systems;*

*(ii) the ability to integrate security into infrastructure design; and*

*(iii) the implementation of random searches of passengers and baggage; and*

*(I) identifying the immediate and long-term costs of measures that may be required to address those risks and public and private sector sources to fund such measures.*

*(3) RESPONSIBILITIES.—The Secretary shall include in the modal plan a description of the roles, responsibilities, and authorities of Federal, State, and local agencies, government-sponsored entities, tribal governments, and appropriate stakeholders described in subsection (c). The plan shall also include—*

*(A) the identification of, and a plan to address, gaps and unnecessary overlaps in the roles, responsibilities, and authorities described in this paragraph;*

*(B) a methodology for how the Department will work with the entities described in subsection (c), and make use of existing Federal expertise within the Department, the Department of Transportation, and other appropriate agencies;*

*(C) a process for facilitating security clearances for the purpose of intelligence and information sharing with the entities described in subsection (c), as appropriate;*

*(D) a strategy and timeline, coordinated with the research and development program established under section 1518, for the Department, the Department of Transportation, other appropriate Federal agencies and private entities to research and develop new technologies for securing railroad systems; and*

*(E) a process for coordinating existing or future security strategies and plans for railroad transportation, including the National Infrastructure Protection Plan required by Homeland Security Presidential Directive 7; Executive Order Number 13416: ''Strengthening Surface Transportation Security'' dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities dated September 28, 2004, and any and all subsequent annexes to this Memorandum of Understanding, and any other relevant agreements between the two Departments.*

*(c) CONSULTATION WITH STAKEHOLDERS.—In developing the National Strategy required under this section, the Secretary shall consult with railroad management, nonprofit employee organizations representing railroad employees, owners or lessors of railroad cars used to transport hazardous materials, emergency responders, offerors of security-sensitive materials, public safety officials, and other relevant parties.*

*(d) ADEQUACY OF EXISTING PLANS AND STRATEGIES.—In developing the risk assessment and National Strategy required under this section, the Secretary shall utilize relevant existing plans, strategies, and risk assessments developed by the Department or other Federal agencies, including those developed or implemented pursuant to section 114(t) of title 49, United States Code, or Homeland Security Presidential Directive 7, and, as appropriate, assessments developed by other public and private stakeholders.*

*(e) REPORT.—*

*(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the appropriate congressional committees a report containing—*

*(A) the assessment and the National Strategy required by this section; and*

*(B) an estimate of the cost to implement the National Strategy.*

*(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.*

*(f) ANNUAL UPDATES.—Consistent with the requirements of section 114(t) of title 49, United States Code, the Secretary shall update the assessment and National Strategy each year and transmit a report, which may be submitted in both classified and redacted formats, to the appropriate congressional committees containing the updated assessment and recommendations.*

*(g) FUNDING.—Out of funds appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this title, there shall be made available to the Secretary to carry out this section $5,000,000 for fiscal year 2008.*

***SEC. 1512. RAILROAD CARRIER ASSESSMENTS AND PLANS.***

*(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary shall issue regulations that—*

*(1) require each railroad carrier assigned to a high-risk tier under this section to—*

*(A) conduct a vulnerability assessment in accordance with subsections (c) and (d); and*

*(B) to prepare, submit to the Secretary for approval, and implement a security plan in accordance with this section that addresses security performance requirements; and*

*(2) establish standards and guidelines, based on and consistent with the risk assessment and National Strategy for Railroad Transportation Security developed under section 1511, for developing and implementing the vulnerability assessments and security plans for railroad carriers assigned to high-risk tiers.*

*(b) NON HIGH-RISK PROGRAMS.—The Secretary may establish a security program for railroad carriers not assigned to a high-risk tier, including—*

*(1) guidance for such carriers in conducting vulnerability assessments and preparing and implementing security plans, as determined appropriate by the Secretary; and*

*(2) a process to review and approve such assessments and plans, as appropriate.*

*(c) DEADLINE FOR SUBMISSION.—Not later than 9 months after the date of issuance of the regulations under subsection (a), the vulnerability assessments and security plans required by such regulations for railroad carriers assigned to a high-risk tier shall be completed and submitted to the Secretary for review and approval.*

*(d) VULNERABILITY ASSESSMENTS.—*

*(1) REQUIREMENTS.—The Secretary shall provide technical assistance and guidance to railroad carriers in conducting vulnerability assessments under this section and shall require that each vulnerability assessment of a railroad carrier assigned to a high-risk tier under this section, include, as applicable—*

*(A) identification and evaluation of critical railroad carrier assets and infrastructure, including platforms, stations, intermodal terminals, tunnels, bridges, switching and storage areas, and information systems as appropriate;*

*(B) identification of the vulnerabilities to those assets and infrastructure;*

*(C) identification of strengths and weaknesses in—*

*(i) physical security;*

*(ii) passenger and cargo security, including the security of security-sensitive materials being transported by railroad or stored on railroad property;*

*(iii) programmable electronic devices, computers, or other automated systems which are used in providing the transportation;*

*(iv) alarms, cameras, and other protection systems;*

*(v) communications systems and utilities needed for railroad security purposes, including dispatching and notification systems;*

*(vi) emergency response planning;*

*(vii) employee training; and*

*(viii) such other matters as the Secretary determines appropriate; and*

*(D) identification of redundant and backup systems required to ensure the continued operation of critical elements of a railroad carrier's system in the event of an attack or other incident, including disruption of commercial electric power or communications network.*

*(2) THREAT INFORMATION.—The Secretary shall provide in a timely manner to the appropriate employees of a railroad carrier, as designated by the railroad carrier, threat information that is relevant to the carrier when preparing and submitting a vulnerability assessment and security plan, including an assessment of the most likely methods that could be used by terrorists to exploit weaknesses in railroad security.*

*(e) SECURITY PLANS.—*

*(1) REQUIREMENTS.—The Secretary shall provide technical assistance and guidance to railroad carriers in preparing and implementing security plans under this section, and shall require that each security plan of a railroad carrier assigned to a high-risk tier under this section include, as applicable—*

*(A) identification of a security coordinator having authority—*

*(i) to implement security actions under the plan;*

*(ii) to coordinate security improvements; and*

*(iii) to receive immediate communications from appropriate Federal officials regarding railroad security;*

*(B) a list of needed capital and operational improvements;*

*(C) procedures to be implemented or used by the railroad carrier in response to a terrorist attack, including evacuation and passenger communication plans that include individuals with disabilities as appropriate;*

*(D) identification of steps taken with State and local law enforcement agencies, emergency responders, and Federal officials to coordinate security measures and plans for response to a terrorist attack;*

*(E) a strategy and timeline for conducting training under section 1517;*

*(F) enhanced security measures to be taken by the railroad carrier when the Secretary declares a period of heightened security risk;*

*(G) plans for providing redundant and backup systems required to ensure the continued operation of critical elements of the railroad carrier's system in the event of a terrorist attack or other incident;*

*(H) a strategy for implementing enhanced security for shipments of security-sensitive materials, including plans for quickly locating and securing such shipments in the event of a terrorist attack or security incident; and*

*(I) such other actions or procedures as the Secretary determines are appropriate to address the security of railroad carriers.*

*(2) SECURITY COORDINATOR REQUIREMENTS.—The Secretary shall require that the individual serving as the security coordinator identified in paragraph (1)(A) is a citizen of the United States. The Secretary may waive this requirement with respect to an individual if the Secretary determines that it is appropriate to do so based on a background check of the individual and a review of the consolidated terrorist watchlist.*

*(3) CONSISTENCY WITH OTHER PLANS.—The Secretary shall ensure that the security plans developed by railroad carriers under this section are consistent with the risk assessment and National Strategy for Railroad Transportation Security developed under section 1511.*

*(f) DEADLINE FOR REVIEW PROCESS.—Not later than 6 months after receiving the assessments and plans required under this section, the Secretary shall—*

*(1) review each vulnerability assessment and security plan submitted to the Secretary in accordance with subsection (c);*

*(2) require amendments to any security plan that does not meet the requirements of this section; and*

*(3) approve any vulnerability assessment or security plan that meets the requirements of this section.*

*(g) INTERIM SECURITY MEASURES.—The Secretary may require railroad carriers, during the period before the deadline established under subsection (c), to submit a security plan under subsection (e) to implement any necessary interim security measures essential to providing adequate security of the railroad carrier's system. An interim plan required under this subsection will be superseded by a plan required under subsection (e).*

*(h) TIER ASSIGNMENT.—Utilizing the risk assessment and National Strategy for Railroad Transportation Security required under section 1511, the Secretary shall assign each railroad carrier to a risk-based tier established by the Secretary.*

*(1) PROVISION OF INFORMATION.—The Secretary may request, and a railroad carrier shall provide, information necessary for the Secretary to assign a railroad carrier to the appropriate tier under this subsection.*

*(2) NOTIFICATION.—Not later than 60 days after the date a railroad carrier is assigned to a tier under this subsection, the Secretary shall notify the railroad carrier of the tier to which it is assigned and the reasons for such assignment.*

*(3) HIGH-RISK TIERS.—At least one of the tiers established by the Secretary under this subsection shall be designated a tier for high-risk railroad carriers.*

*(4) REASSIGNMENT.—The Secretary may reassign a railroad carrier to another tier, as appropriate, in response to changes in risk. The Secretary shall notify the railroad carrier not later than 60 days after such reassignment and provide the railroad carrier with the reasons for such reassignment.*

*(i) NONDISCLOSURE OF INFORMATION.—*

*(1) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall be construed as authorizing the withholding of any information from Congress.*

*(2) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this section shall be construed as affecting any authority or obligation of a Federal agency to disclose any record or information that the Federal agency obtains from a railroad carrier under any other Federal law.*

*(j) EXISTING PROCEDURES, PROTOCOLS AND STANDARDS.—*

*(1) DETERMINATION.—In response to a petition by a railroad carrier or at the discretion of the Secretary, the Secretary may determine that existing procedures, protocols, and standards meet all or part of the requirements of this section, including regulations issued under subsection (a), regarding vulnerability assessments and security plans.*

*(2) ELECTION.—Upon review and written determination by the Secretary that existing procedures, protocols, or standards of a railroad carrier satisfy the requirements of this section, the railroad carrier may elect to comply with those procedures, protocols, or standards instead of the requirements of this section.*

*(3) PARTIAL APPROVAL.—If the Secretary determines that the existing procedures, protocols, or standards of a railroad carrier satisfy only part of the requirements of this section, the Secretary may accept such submission, but shall require submission by the railroad carrier of any additional information relevant to the vulnerability assessment and security plan of the railroad carrier to ensure that the remaining requirements of this section are fulfilled.*

*(4) NOTIFICATION.—If the Secretary determines that particular existing procedures, protocols, or standards of a railroad carrier under this subsection do not satisfy the requirements of this section, the Secretary shall provide to the railroad carrier a written notification that includes an explanation of the determination.*

*(5) REVIEW.—Nothing in this subsection shall relieve the Secretary of the obligation—*

*(A) to review the vulnerability assessment and security plan submitted by a railroad carrier under this section; and*

*(B) to approve or disapprove each submission on an individual basis.*

*(k) PERIODIC EVALUATION BY RAILROAD CARRIERS REQUIRED.—*

*(1) SUBMISSION OF EVALUATION.—Not later than 3 years after the date on which a vulnerability assessment or security plan required to be submitted to the Secretary under subsection (c) is approved, and at least once every 5 years thereafter (or on such a schedule as the Secretary may establish by regulation), a railroad carrier who submitted a vulnerability assessment and security plan and who is still assigned to the high-risk tier must also submit to the Secretary an evaluation of the adequacy of the vulnerability assessment and security plan that includes a description of any material changes made to the vulnerability assessment or security plan.*

*(2) REVIEW OF EVALUATION.—Not later than 180 days after the date on which an evaluation is submitted, the Secretary shall review the evaluation and notify the railroad carrier submitting the evaluation of the Secretary's approval or disapproval of the evaluation.*

*(l) SHARED FACILITIES.—The Secretary may permit under this section the development and implementation of coordinated vulnerability assessments and security plans to the extent that a railroad carrier shares facilities with, or is colocated with, other transportation entities or providers that are required to develop vulnerability assessments and security plans under Federal law.*

*(m) CONSULTATION.—In carrying out this section, the Secretary shall consult with railroad carriers, nonprofit employee labor organizations representation railroad employees, and public safety and law enforcement officials.*

***SEC. 1513. RAILROAD SECURITY ASSISTANCE.***

*(a) SECURITY IMPROVEMENT GRANTS.—(1) The Secretary, in consultation with the Administrator of the Transportation Security Administration and other appropriate agencies or officials, is authorized to make grants to railroad carriers, the Alaska Railroad, security-sensitive materials offerors who ship by railroad, owners of railroad cars used in the transportation of security-sensitive materials, State and local governments (for railroad passenger facilities and infrastructure not owned by Amtrak), and Amtrak for intercity passenger railroad and freight railroad security improvements described in subsection (b) as approved by the Secretary.*

*(2) A railroad carrier is eligible for a grant under this section if the carrier has completed a vulnerability assessment and developed a security plan that the Secretary has approved in accordance with section 1512.*

*(3) A recipient of a grant under this section may use grant funds only for permissible uses under subsection (b) to further a railroad security plan that meets the requirements of paragraph (2).*

*(4) Notwithstanding the requirement for eligibility and uses of funds in paragraphs (2) and (3), a railroad carrier is eligible for a grant under this section if the applicant uses the funds solely for the development of assessments or security plans under section 1512.*

*(5) Notwithstanding the requirements for eligibility and uses of funds in paragraphs (2) and (3), prior to the earlier of one year after the date of issuance of final regulations requiring vulnerability assessments and security plans under section 1512 or 3 years after the date of enactment of this Act, the Secretary may award grants under this section for rail security improvements listed under subsection (b) based upon railroad carrier vulnerability assessments and security plans that the Secretary determines are sufficient for the purposes of this section but have not been approved by the Secretary in accordance with section 1512.*

*(b) USES OF FUNDS.—A recipient of a grant under this section shall use the grant funds for one or more of the following:*

*(1) Security and redundancy for critical communications, computer, and train control systems essential for secure railroad operations.*

*(2) Accommodation of railroad cargo or passenger security inspection facilities, related infrastructure, and operations at or near United States international borders or other ports of entry.*

*(3) The security of security-sensitive materials transportation by railroad.*

*(4) Chemical, biological, radiological, or explosive detection, including canine patrols for such detection.*

*(5) The security of intercity passenger railroad stations, trains, and infrastructure, including security capital improvement projects that the Secretary determines enhance railroad station security.*

*(6) Technologies to reduce the vulnerabilities of railroad cars, including structural modification of railroad cars transporting security-sensitive materials to improve their resistance to acts of terrorism.*

*(7) The sharing of intelligence and information about security threats.*

*(8) To obtain train tracking and communications equipment, including equipment that is interoperable with Federal, State, and local agencies and tribal governments.*

*(9) To hire, train, and employ police and security officers, including canine units, assigned to full-time security or counterterrorism duties related to railroad transportation.*

*(10) Overtime reimbursement, including reimbursement of State, local, and tribal governments for costs, for enhanced security personnel assigned to duties related to railroad security during periods of high or severe threat levels and National Special Security Events or other periods of heightened security as determined by the Secretary.*

*(11) Perimeter protection systems, including access control, installation of improved lighting, fencing, and barricades at railroad facilities.*

*(12) Tunnel protection systems.*

*(13) Passenger evacuation and evacuation-related capital improvements.*

*(14) Railroad security inspection technologies, including verified visual inspection technologies using hand-held readers.*

*(15) Surveillance equipment.*

*(16) Cargo or passenger screening equipment.*

*(17) Emergency response equipment, including fire suppression and decontamination equipment, personal protective equipment, and defibrillators.*

*(18) Operating and capital costs associated with security awareness, preparedness, and response training, including training under section 1517, and training developed by universities, institutions of higher education, and nonprofit employee labor organizations, for railroad employees, including frontline employees.*

*(19) Live or simulated exercises, including exercises described in section 1516.*

*(20) Public awareness campaigns for enhanced railroad security.*

*(21) Development of assessments or security plans under section 1512.*

*(22) Other security improvements—*

*(A) identified, required, or recommended under sections 1511 and 1512, including infrastructure, facilities, and equipment upgrades; or*

*(B) that the Secretary considers appropriate.*

*(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—*

*(1) determine the requirements for recipients of grants;*

*(2) establish priorities for uses of funds for grant recipients;*

*(3) award the funds authorized by this section based on risk, as identified by the plans required under sections 1511 and 1512, or assessment or plan described in subsection (a)(5);*

*(4) take into account whether stations or facilities are used by commuter railroad passengers as well as intercity railroad passengers in reviewing grant applications;*

*(5) encourage non-Federal financial participation in projects funded by grants; and*

*(6) not later than 5 business days after awarding a grant to Amtrak under this section, transfer grant funds to the Secretary of Transportation to be disbursed to Amtrak.*

*(d) MULTIYEAR AWARDS.—Grant funds awarded under this section may be awarded for projects that span multiple years.*

*(e) LIMITATION ON USES OF FUNDS.—A grant made under this section may not be used to make any State or local government cost-sharing contribution under any other Federal law.*

*(f) ANNUAL REPORTS.—Each recipient of a grant under this section shall report annually to the Secretary on the use of grant funds.*

*(g) NON-FEDERAL MATCH STUDY.—Not later than 240 days after the date of enactment of this Act, the Secretary shall provide a report to the appropriate congressional committees on the feasibility and appropriateness of requiring a non-Federal match for grants awarded to freight railroad carriers and other private entities under this section.*

*(h) SUBJECT TO CERTAIN STANDARDS.—A recipient of a grant under this section and sections 1514 and 1515 shall be required to comply with the standards of section 24312 of title 49, United States Code, as in effect on January 1, 2007, with respect to the project in the same manner as Amtrak is required to comply with such standards for construction work financed under an agreement made under section 24308(a) of that title.*

*(i) AUTHORIZATION OF APPROPRIATIONS.—*

*(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this title, there shall be made available to the Secretary to carry out this section—*

*(A) $300,000,000 for fiscal year 2008;*

*(B) $300,000,000 for fiscal year 2009;*

*(C) $300,000,000 for fiscal year 2010; and*

*(D) $300,000,000 for fiscal year 2011.*

*(2) PERIOD OF AVAILABILITY.—Sums appropriated to carry out this section shall remain available until expended.*

***SEC. 1514. SYSTEMWIDE AMTRAK SECURITY UPGRADES.***

*(a) IN GENERAL.—*

*(1) GRANTS.—Subject to subsection (b), the Secretary, in consultation with the Administrator of the Transportation Security Administration, is authorized to make grants to Amtrak in accordance with the provisions of this section.*

*(2) GENERAL PURPOSES.—The Secretary may make such grants for the purposes of—*

*(A) protecting underwater and underground assets and systems;*

*(B) protecting high-risk and high-consequence assets identified through systemwide risk assessments;*

*(C) providing counterterrorism or security training;*

*(D) providing both visible and unpredictable deterrence; and*

*(E) conducting emergency preparedness drills and exercises.*

*(3) SPECIFIC PROJECTS.—The Secretary shall make such grants—*

*(A) to secure major tunnel access points and ensure tunnel integrity in New York, New Jersey, Maryland, and Washington, DC;*

*(B) to secure Amtrak trains;*

*(C) to secure Amtrak stations;*

*(D) to obtain a watchlist identification system approved by the Secretary;*

*(E) to obtain train tracking and interoperable communications systems that are coordinated with Federal, State, and local agencies and tribal governments to the maximum extent possible;*

*(F) to hire, train, and employ police and security officers, including canine units, assigned to full-time security or counterterrorism duties related to railroad transportation;*

*(G) for operating and capital costs associated with security awareness, preparedness, and response training, including training under section 1517, and training developed by universities, institutions of higher education, and nonprofit employee labor organizations, for railroad employees, including frontline employees; and*

*(H) for live or simulated exercises, including exercises described in section 1516.*

*(b) CONDITIONS.—The Secretary shall award grants to Amtrak under this section for projects contained in a systemwide security plan approved by the Secretary developed pursuant to section 1512. Not later than 5 business days after awarding a grant to Amtrak under this section, the Secretary shall transfer the grant funds to the Secretary of Transportation to be disbursed to Amtrak.*

*(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system and consistent with the risk assessment required under section 1511 and Amtrak's vulnerability assessment and security plan developed under section 1512, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.*

*(d) AVAILABILITY OF FUNDS.—*

*(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this title, there shall be made available to the Secretary and the Administrator of the Transportation Security Administration to carry out this section—*

*(A) $150,000,000 for fiscal year 2008;*

*(B) $150,000,000 for fiscal year 2009;*

*(C) $175,000,000 for fiscal year 2010; and*

*(D) $175,000,000 for fiscal year 2011.*

*(2) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.*

***SEC. 1515. FIRE AND LIFE SAFETY IMPROVEMENTS.***

*(a) LIFE-SAFETY NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for making grants to Amtrak for the purpose of carrying out projects to make fire and life safety improvements to Amtrak tunnels on the Northeast Corridor the following amounts:*

*(1) For the 6 New York and New Jersey tunnels to provide ventilation, electrical, and fire safety technology improvements, emergency communication and lighting systems, and emergency access and egress for passengers—*

*(A) $25,000,000 for fiscal year 2008;*

*(B) $30,000,000 for fiscal year 2009;*

*(C) $45,000,000 for fiscal year 2010; and*

*(D) $60,000,000 for fiscal year 2011.*

*(2) For the Baltimore Potomac Tunnel and the Union Tunnel, together, to provide adequate drainage and ventilation, communication, lighting, standpipe, and passenger egress improvements—*

*(A) $5,000,000 for fiscal year 2008;*

*(B) $5,000,000 for fiscal year 2009;*

*(C) $5,000,000 for fiscal year 2010; and*

*(D) $5,000,000 for fiscal year 2011.*

*(3) For the Union Station tunnels in the District of Columbia to improve ventilation, communication, lighting, and passenger egress improvements—*

*(A) $5,000,000 for fiscal year 2008;*

*(B) $5,000,000 for fiscal year 2009;*

*(C) $5,000,000 for fiscal year 2010; and*

*(D) $5,000,000 for fiscal year 2011.*

*(b) INFRASTRUCTURE UPGRADES.—Out of funds appropriated pursuant to section 1503(b), there shall be made available to the Secretary of Transportation for fiscal year 2008, $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.*

*(c) AVAILABILITY OF AMOUNTS.—Amounts appropriated pursuant to this section shall remain available until expended.*

*(d) PLANS REQUIRED.—The Secretary of Transportation may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—*

*(1) until Amtrak has submitted to the Secretary of Transportation, and the Secretary of Transportation has approved, an engineering and financial plan for such projects; and*

*(2) unless, for each project funded pursuant to this section, the Secretary of Transportation has approved a project management plan prepared by Amtrak.*

*(e) REVIEW OF PLANS.—*

*(1) IN GENERAL.—The Secretary of Transportation shall complete the review of a plan required under subsection (d) and approve or disapprove the plan within 45 days after the date on which each such plan is submitted by Amtrak.*

*(2) INCOMPLETE OR DEFICIENT PLAN.—If the Secretary of Transportation determines that a plan is incomplete or deficient, the Secretary of Transportation shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary of Transportation's notification, submit a modified plan for the Secretary of Transportation's review.*

*(3) APPROVAL OF PLAN.—Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary of Transportation shall either approve the modified plan, or if the Secretary of Transportation finds the plan is still*

*incomplete or deficient, the Secretary of Transportation shall—*

*(A) identify in writing to the appropriate congressional committees the portions of the plan the Secretary finds incomplete or deficient;*

*(B) approve all other portions of the plan;*

*(C) obligate the funds associated with those portions; and*

*(D) execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.*

*(f) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary of Transportation, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a), shall—*

*(1) consider the extent to which railroad carriers other than Amtrak use or plan to use the tunnels;*

*(2) consider the feasibility of seeking a financial contribution from those other railroad carriers toward the costs of the projects; and*

*(3) obtain financial contributions or commitments from such other railroad carriers at levels reflecting the extent of their use or planned use of the tunnels, if feasible.*

***SEC. 1516. RAILROAD CARRIER EXERCISES.***

*(a) IN GENERAL.—The Secretary shall establish a program for conducting security exercises for railroad carriers for the purpose of assessing and improving the capabilities of entities described in subsection (b) to prevent, prepare for, mitigate, respond to, and recover from acts of terrorism.*

*(b) COVERED ENTITIES.—Entities to be assessed under the program shall include—*

*(1) Federal, State, and local agencies and tribal governments;*

*(2) railroad carriers;*

*(3) governmental and nongovernmental emergency response providers, law enforcement agencies, and railroad and transit police, as appropriate; and*

*(4) any other organization or entity that the Secretary determines appropriate.*

*(c) REQUIREMENTS.—The Secretary shall ensure that the program—*

*(1) consolidates existing security exercises for railroad carriers administered by the Department and the Department of Transportation, as jointly determined by the Secretary and the Secretary of Transportation, unless the Secretary waives this consolidation requirement as appropriate;*

*(2) consists of exercises that are—*

*(A) scaled and tailored to the needs of the carrier, including addressing the needs of the elderly and individuals with disabilities;*

*(B) live, in the case of the most at-risk facilities to a terrorist attack;*

*(C) coordinated with appropriate officials;*

*(D) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;*

*(E) inclusive, as appropriate, of railroad frontline employees; and*

*(F) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;*

*(3) provides that exercises described in paragraph (2) will be—*

*(A) evaluated by the Secretary against clear and consistent performance measures;*

*(B) assessed by the Secretary to identify best practices, which shall be shared, as appropriate, with railroad carriers, nonprofit employee organizations that represent railroad carrier employees, Federal, State, local, and tribal officials, governmental and nongovernmental emergency response providers, law enforcement personnel, including railroad carrier and transit police, and other stakeholders; and*

*(C) used to develop recommendations, as appropriate, from the Secretary to railroad carriers on remedial action to be taken in response to lessons learned;*

*(4) allows for proper advanced notification of communities and local governments in which exercises are held, as appropriate; and*

*(5) assists State, local, and tribal governments and railroad carriers in designing, implementing, and evaluating additional exercises that conform to the requirements of paragraph (1).*

*(d) NATIONAL EXERCISE PROGRAM.—The Secretary shall ensure that the exercise program developed under subsection (c) is a component of the National Exercise Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).*

***SEC. 1517. RAILROAD SECURITY TRAINING PROGRAM.***

*(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall develop and issue regulations for a training program to prepare railroad frontline employees for potential security threats and conditions. The regulations shall take into consideration any current security training requirements or best practices.*

*(b) CONSULTATION.—The Secretary shall develop the regulations under subsection (a) in consultation with—*

*(1) appropriate law enforcement, fire service, emergency response, security, and terrorism experts;*

*(2) railroad carriers;*

*(3) railroad shippers; and*

*(4) nonprofit employee labor organizations representing railroad employees or emergency response personnel.*

*(c) PROGRAM ELEMENTS.—The regulations developed under subsection (a) shall require security training programs described in subsection (a) to include, at a minimum, elements to address the following, as applicable:*

*(1) Determination of the seriousness of any occurrence or threat.*

*(2) Crew and passenger communication and coordination.*

*(3) Appropriate responses to defend or protect oneself.*

*(4) Use of personal and other protective equipment.*

*(5) Evacuation procedures for passengers and railroad employees, including individuals with disabilities and the elderly.*

*(6) Psychology, behavior, and methods of terrorists, including observation and analysis.*

*(7) Training related to psychological responses to terrorist incidents, including the ability to cope with hijacker behavior and passenger responses.*

*(8) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.*

*(9) Recognition and reporting of dangerous substances, suspicious packages, and situations.*

*(10) Understanding security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers and for on-scene interaction with such emergency response providers.*

*(11) Operation and maintenance of security equipment and systems.*

*(12) Other security training activities that the Secretary considers appropriate.*

*(d) REQUIRED PROGRAMS.—*

*(1) DEVELOPMENT AND SUBMISSION TO SECRETARY.—Not later than 90 days after the Secretary issues regulations under subsection (a), each railroad carrier shall develop a security training program in accordance with this section and submit the program to the Secretary for approval.*

*(2) APPROVAL OR DISAPPROVAL.—Not later than 60 days after receiving a security training program proposal under this subsection, the Secretary shall approve the program or require the railroad carrier that developed the program to make any revisions to the program that the Secretary considers necessary for the program to meet the requirements of this section. A railroad carrier shall respond to the Secretary's comments within 30 days after receiving them.*

*(3) TRAINING.—Not later than 1 year after the Secretary approves a security training program in accordance with this subsection, the railroad carrier that developed the program shall complete the training of all railroad frontline employees who were hired by a carrier more than 30 days preceding such date. For such employees employed less than 30 days by a carrier preceding such date, training shall be completed within the first 60 days of employment.*

*(4) UPDATES OF REGULATIONS AND PROGRAM REVISIONS.—The Secretary shall periodically review and update as appropriate the training regulations issued under subsection (a) to reflect new or changing security threats. Each railroad carrier shall revise its training program accordingly and provide additional training as necessary to its frontline employees within a reasonable time after the regulations are updated.*

*(e) NATIONAL TRAINING PROGRAM.—The Secretary shall ensure that the training program developed under subsection (a) is a component of the National Training Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).*

*(f) REPORTING REQUIREMENTS.—Not later than 2 years after the date of regulation issuance, the Secretary shall review implementation of the training program of a representative sample of railroad carriers and railroad frontline employees, and report to the appropriate congressional committees on the number of reviews conducted and the results of such reviews. The Secretary may submit the report in both classified and redacted formats as necessary.*

*(g) OTHER EMPLOYEES.—The Secretary shall issue guidance and best practices for a railroad shipper employee security program containing the elements listed under subsection (c).*

***SEC. 1518. RAILROAD SECURITY RESEARCH AND DEVELOPMENT.***

*(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary, acting through the Under Secretary for Science and Technology and the Administrator of the Transportation Security Administration, shall carry out a research and development program for the purpose of improving the security of railroad transportation systems.*

*(b) ELIGIBLE PROJECTS.—The research and development program may include projects—*

*(1) to reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances, including the development of technology to screen passengers in large numbers at peak commuting times with minimal interference and disruption;*

*(2) to test new emergency response and recovery techniques and technologies, including those used at international borders;*

*(3) to develop improved railroad security technologies, including—*

*(A) technologies for sealing or modifying railroad tank cars;*

*(B) automatic inspection of railroad cars;*

*(C) communication-based train control systems;*

*(D) emergency response training, including training in a tunnel environment;*

*(E) security and redundancy for critical communications, electrical power, computer, and train control systems; and*

*(F) technologies for securing bridges and tunnels;*

*(4) to test wayside detectors that can detect tampering;*

*(5) to support enhanced security for the transportation of security-sensitive materials by railroad;*

*(6) to mitigate damages in the event of a cyber attack; and*

*(7) to address other vulnerabilities and risks identified by the Secretary.*

*(c) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary—*

*(1) shall ensure that the research and development program is consistent with the National Strategy for Railroad Transportation Security developed under section 1511 and any other transportation security research and development programs required by this Act;*

*(2) shall, to the extent practicable, coordinate the research and development activities of the Department with other ongoing research and development security-related initiatives, including research being conducted by—*

*(A) the Department of Transportation, including University Transportation Centers and other institutes, centers, and simulators funded by the Department of Transportation;*

*(B) the National Academy of Sciences;*

*(C) the Technical Support Working Group;*

*(D) other Federal departments and agencies; and*

*(E) other Federal and private research laboratories, research entities, and universities and institutions of higher education, including Historically Black Colleges and Universities, Hispanic Serving Institutions, or Indian Tribally Controlled Colleges and Universities;*

*(3) shall carry out any research and development project authorized by this section through a reimbursable agreement with an appropriate Federal agency, if the agency—*

*(A) is currently sponsoring a research and development project in a similar area; or*

*(B) has a unique facility or capability that would be useful in carrying out the project;*

*(4) may award grants, or enter into cooperative agreements, contracts, other transactions, or reimbursable agreements to the entities described in paragraph (2) and the eligible grant recipients under section 1513; and*

*(5) shall make reasonable efforts to enter into memoranda of understanding, contracts, grants, cooperative agreements, or other transactions with railroad carriers willing to contribute both physical space and other resources.*

*(d) PRIVACY AND CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES.—*

*(1) CONSULTATION.—In carrying out research and development projects under this section, the Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department as appropriate and in accordance with section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142).*

*(2) PRIVACY IMPACT ASSESSMENTS.—In accordance with sections 222 and 705 of the Homeland Security Act of 2002 (6 U.S.C. 142; 345), the Chief Privacy Officer shall conduct privacy impact assessments and the Officer for Civil Rights and Civil Liberties shall conduct reviews, as appropriate, for research and development initiatives developed under this section that the Secretary determines could have an impact on privacy, civil rights, or civil liberties.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—*

*(1) IN GENERAL.—Out of funds appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503, there shall be made available to the Secretary to carry out this section—*

*(A) $33,000,000 for fiscal year 2008;*

*(B) $33,000,000 for fiscal year 2009;*

*(C) $33,000,000 for fiscal year 2010; and*

*(D) $33,000,000 for fiscal year 2011.*

*(2) PERIOD OF AVAILABILITY.—Such sums shall remain available until expended.*

***SEC. 1519. RAILROAD TANK CAR SECURITY TESTING.***

*(a) RAILROAD TANK CAR VULNERABILITY ASSESSMENT.—*

*(1) ASSESSMENT.—The Secretary shall assess the likely methods of a deliberate terrorist attack against a railroad tank car used to transport toxic-inhalation-hazard materials, and for each method assessed, the degree to which it may be successful in causing death, injury, or serious adverse effects to human health, the environment, critical infrastructure, national security, the national economy, or public welfare.*

*(2) THREATS.—In carrying out paragraph (1), the Secretary shall consider the most current threat information as to likely methods of a successful terrorist attack on a railroad tank car transporting toxic-inhalation-hazard materials, and may consider the following:*

*(A) Explosive devices placed along the tracks or attached to a railroad tank car.*

*(B) The use of missiles, grenades, rockets, mortars, or other high-caliber weapons against a railroad tank car.*

*(3) PHYSICAL TESTING.—In developing the assessment required under paragraph (1), the Secretary shall conduct physical testing of the vulnerability of railroad tank cars used to transport toxic-inhalation-hazard materials to different methods of a deliberate attack, using technical information and criteria to evaluate the structural integrity of railroad tank cars.*

*(4) REPORT.—Not later than 30 days after the completion of the assessment under paragraph (1), the Secretary shall provide to the appropriate congressional committees a report, in the appropriate format, on such assessment.*

*(b) RAILROAD TANK CAR DISPERSION MODELING.—*

*(1) IN GENERAL.—The Secretary, acting through the National Infrastructure Simulation and Analysis Center, shall conduct an air dispersion modeling analysis of release scenarios of toxic-inhalation-hazard materials resulting from a terrorist attack on a loaded railroad tank car carrying such materials in urban and rural environments.*

*(2) CONSIDERATIONS.—The analysis under this subsection shall take into account the following considerations:*

*(A) The most likely means of attack and the resulting dispersal rate.*

*(B) Different times of day, to account for differences in cloud coverage and other atmospheric conditions in the environment being modeled.*

*(C) Differences in population size and density.*

*(D) Historically accurate wind speeds, temperatures, and wind directions.*

*(E) Differences in dispersal rates or other relevant factors related to whether a railroad tank car is in motion or stationary.*

*(F) Emergency response procedures by local officials.*

*(G) Any other considerations the Secretary believes would develop an accurate, plausible dispersion model for toxic-inhalation-hazard materials released from a railroad tank car as a result of a terrorist act.*

*(3) CONSULTATION.—In conducting the dispersion modeling under paragraph (1), the Secretary shall consult with the Secretary of Transportation, hazardous materials experts, railroad carriers, nonprofit employee labor organizations representing railroad employees, appropriate State, local, and tribal officials, and other Federal agencies, as appropriate.*

*(4) INFORMATION SHARING.—Upon completion of the analysis required under paragraph (1), the Secretary shall share the information developed with the appropriate stakeholders, given appropriate information protection provisions as may be required by the Secretary.*

*(5) REPORT.—Not later than 30 days after completion of all dispersion analyses under paragraph (1), the Secretary shall submit to the appropriate congressional committees a report detailing the Secretary's conclusions and findings in an appropriate format.*

***SEC. 1520. RAILROAD THREAT ASSESSMENTS.***

*Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a name-based security background check against the consolidated terrorist watchlist and an immigration status check for all railroad frontline employees, similar to the threat assessment screening program required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (71 Fed. Reg. 25066 (April 8, 2006)).*

***SEC. 1521. RAILROAD EMPLOYEE PROTECTIONS.***

*Section 20109 of title 49, United States Code, is amended to read:*

***"SEC. 20109. EMPLOYEE PROTECTIONS.***

*''(a) IN GENERAL.—A railroad carrier engaged in interstate or foreign commerce, a contractor or a subcontractor of such a railroad carrier, or an officer or employee of such a railroad carrier, may not discharge, demote, suspend, reprimand, or in any other way discriminate against an employee if such discrimination is due, in whole or in part, to the employee's lawful, good faith act done, or perceived by the employer to have been done or about to be done—*

*''(1) to provide information, directly cause information to be provided, or otherwise directly assist in any investigation regarding any conduct which the employee reasonably believes constitutes a violation of any Federal law, rule, or regulation relating to railroad safety or security, or gross fraud, waste, or abuse of Federal grants or other public funds intended to be used for railroad safety or security, if the information or assistance is provided to or an investigation stemming from the provided information is conducted by—*

*''(A) a Federal, State, or local regulatory or law enforcement agency (including an office of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.; Public Law 95–452);*

*''(B) any Member of Congress, any committee of Congress, or the Government Accountability Office; or*

*''(C) a person with supervisory authority over the employee or such other person who has the authority to investigate, discover, or terminate the misconduct;*

*''(2) to refuse to violate or assist in the violation of any Federal law, rule, or regulation relating to railroad safety or security;*

*''(3) to file a complaint, or directly cause to be brought a proceeding related to the enforcement of this part or, as applicable to railroad safety or security, chapter 51 or 57 of this title, or to testify in that proceeding;*

*''(4) to notify, or attempt to notify, the railroad carrier or the Secretary of Transportation of a work-related personal injury or work-related illness of an employee;*

*''(5) to cooperate with a safety or security investigation by the Secretary of Transportation, the Secretary of Homeland Security, or the National Transportation Safety Board;*

*''(6) to furnish information to the Secretary of Transportation, the Secretary of Homeland Security, the National Transportation Safety Board, or any Federal, State, or local regulatory or law enforcement agency as to the facts relating to any accident or incident resulting in injury or death to an individual or damage to property occurring in connection with railroad transportation; or*

*''(7) to accurately report hours on duty pursuant to chapter 211.*

*''(b) HAZARDOUS SAFETY OR SECURITY CONDITIONS.—(1) A railroad carrier engaged in interstate or foreign commerce, or an officer or employee of such a railroad carrier, shall not discharge, demote, suspend, reprimand, or in any other way discriminate against an employee for—*

*''(A) reporting, in good faith, a hazardous safety or security condition;*

*''(B) refusing to work when confronted by a hazardous safety or security condition related to the performance of the employee's duties, if the conditions described in paragraph (2) exist; or*

*''(C) refusing to authorize the use of any safety-related equipment, track, or structures, if the employee is responsible for the inspection or repair of the equipment, track, or structures, when the employee believes that the equipment, track, or structures are in a hazardous safety or*

*security condition, if the conditions described in paragraph (2) exist.*

*''(2) A refusal is protected under paragraph (1)(B) and (C) if—*

*''(A) the refusal is made in good faith and no reasonable alternative to the refusal is available to the employee;*

*''(B) a reasonable individual in the circumstances then confronting the employee would conclude that—*

*''(i) the hazardous condition presents an imminent danger of death or serious injury; and*

*''(ii) the urgency of the situation does not allow sufficient time to eliminate the danger without such refusal; and*

*''(C) the employee, where possible, has notified the railroad carrier of the existence of the hazardous condition and the intention not to perform further work, or not to authorize the use of the hazardous equipment, track, or structures, unless the condition is corrected immediately or the equipment, track, or structures are repaired properly or replaced.*

*''(3) In this subsection, only paragraph (1)(A) shall apply to security personnel employed by a railroad carrier to protect individuals and property transported by railroad.*

*''(c) ENFORCEMENT ACTION.—*

*''(1) IN GENERAL.—An employee who alleges discharge, discipline, or other discrimination in violation of subsection (a) or (b) of this section, may seek relief in accordance with the provisions of this section, with any petition or other request for relief under this section to be initiated by filing a complaint with the Secretary of Labor.*

*''(2) PROCEDURE.—*

*''(A) IN GENERAL.—Any action under paragraph (1) shall be governed under the rules and procedures set forth in section 42121(b), including:*

*''(i) BURDENS OF PROOF.—Any action brought under (c)(1) shall be governed by the legal burdens of proof set forth in section 42121(b).*

*''(ii) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 180 days after the date on which the alleged violation of subsection (a) or (b) of this section occurs.*

*''(iii) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order issued by the Secretary of Labor pursuant to the procedures in section 42121(b), the Secretary of Labor may bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred, as set forth in 42121.*

*''(B) EXCEPTION.—Notification made under section 42121(b)(1) shall be made to the person named in the complaint and the person's employer.*

*''(3) DE NOVO REVIEW.—With respect to a complaint under paragraph (1), if the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.*

*''(4) APPEALS.—Any person adversely affected or aggrieved by an order issued pursuant to the procedures in section 42121(b), may obtain review of the order in the United States court of appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary of Labor. The review shall conform to chapter 7 of title 5. The commencement of proceedings under this paragraph shall not, unless ordered by the court, operate as a stay of the order.*

*''(d) REMEDIES.—*

*''(1) IN GENERAL.—An employee prevailing in any action under subsection (c) shall be entitled to all relief necessary to make the employee whole.*

*''(2) DAMAGES.—Relief in an action under subsection (c) (including an action described in subsection (c)(3)) shall include—*

*''(A) reinstatement with the same seniority status that the employee would have had, but for the discrimination;*

*''(B) any backpay, with interest; and*

*''(C) compensatory damages, including compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.*

*''(3) POSSIBLE RELIEF.—Relief in any action under subsection (c) may include punitive damages in an amount not to exceed $250,000.*

*''(e) ELECTION OF REMEDIES.—An employee may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the railroad carrier.*

*''(f) NO PREEMPTION.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.*

*''(g) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.*

*''(h) DISCLOSURE OF IDENTITY.—*

*''(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation or the Secretary of Homeland Security may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this part or, as applicable to railroad safety or security, chapter 51 or 57 of this title, or a regulation prescribed or order issued under any of those provisions.*

*''(2) The Secretary of Transportation or the Secretary of Homeland Security shall disclose to the Attorney General the name of an employee described in paragraph (1) if the matter is referred to the Attorney General for enforcement. The Secretary making such disclosures shall provide reasonable advance notice to the affected employee if disclosure of that person's identity or identifying information is to occur.*

*''(i) PROCESS FOR REPORTING SECURITY PROBLEMS TO THE DEPARTMENT OF HOMELAND SECURITY.—*

*''(1) ESTABLISHMENT OF PROCESS.—The Secretary of Homeland Security shall establish through regulations, after an opportunity for notice and comment, a process by which any person may report to the Secretary of Homeland Security regarding railroad security problems, deficiencies, or vulnerabilities.*

*''(2) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary of Homeland Security shall respond promptly to such person and acknowledge receipt of the report.*

*''(3) STEPS TO ADDRESS PROBLEM.—The Secretary of Homeland Security shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps to address any problems or deficiencies identified.''.*

***SEC. 1522. SECURITY BACKGROUND CHECKS OF COVERED INDIVIDUALS.***

*(a) DEFINITIONS.—In this section, the following definitions apply:*

*(1) SECURITY BACKGROUND CHECK.—The term ''security background check'' means reviewing, for the purpose of identifying individuals who may pose a threat to transportation security or national security, or of terrorism—*

*(A) relevant criminal history databases;*

*(B) in the case of an alien (as defined in the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)), the relevant databases to determine the status of the alien under the immigration laws of the United States; and*

*(C) other relevant information or databases, as determined by the Secretary.*

*(2) COVERED INDIVIDUAL.—The term ''covered individual'' means an employee of a railroad carrier or a contractor or subcontractor of a railroad carrier.*

*(b) GUIDANCE.—*

*(1) Any guidance, recommendations, suggested action items, or any other widely disseminated voluntary action items issued by the Secretary to a railroad carrier or a contractor or subcontractor of a railroad carrier relating to performing a security background check of a covered individual shall contain recommendations on the appropriate scope and application of such a security background check, including the time period covered, the types of disqualifying offenses, and a redress process for adversely impacted covered individuals consistent with subsections (c) and (d) of this section.*

*(2) Within 60 days after the date of enactment of this Act, any guidance, recommendations, suggested action items, or any other widely disseminated voluntary action item issued by the Secretary prior to the date of enactment of this Act to a railroad carrier or a contractor or subcontractor of a railroad carrier relating to performing a security background check of a covered individual shall be updated in compliance with paragraph (1).*

*(3) If a railroad carrier or a contractor or subcontractor of a railroad carrier performs a security background check on a covered individual to fulfill guidance issued by the Secretary under paragraph (1) or (2), the Secretary shall not consider such guidance fulfilled unless an adequate redress process as described in subsection (d) is provided to covered individuals.*

*(c) REQUIREMENTS.—If the Secretary issues a rule, regulation, or directive requiring a railroad carrier or contractor or subcontractor of a railroad carrier to perform a security background check of a covered individual, then the Secretary shall prohibit the railroad carrier or contractor or subcontractor of a railroad carrier from making an adverse employment decision, including removal or suspension of the covered individual, due to such rule, regulation, or directive with respect to a covered individual unless the railroad carrier or contractor or subcontractor of a railroad carrier determines that the covered individual—*

*(1) has been convicted of, has been found not guilty by reason of insanity, or is under want, warrant, or indictment for a permanent disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations;*

*(2) was convicted of or found not guilty by reason of insanity of an interim disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations, within 7 years of the date that the railroad carrier or contractor or subcontractor of a railroad carrier performs the security background check; or*

*(3) was incarcerated for an interim disqualifying criminal offense listed in part 1572 of title 49, Code of Federal Regulations, and released from incarceration within 5 years of the date that the railroad carrier or contractor or subcontractor of a railroad carrier performs the security background check.*

*(d) REDRESS PROCESS.—If the Secretary issues a rule, regulation, or directive requiring a railroad carrier or contractor or subcontractor of a railroad carrier to perform a security background check of a covered individual, the Secretary shall—*

*(1) provide an adequate redress process for a covered individual subjected to an adverse employment decision, including removal or suspension of the employee, due to such rule, regulation, or directive that is consistent with the appeals and waiver process established for applicants for commercial motor vehicle hazardous materials endorsements and transportation employees at ports, as required by section 70105(c) of title 46, United States Code; and*

*(2) have the authority to order an appropriate remedy, including reinstatement of the covered individual, should the Secretary determine that a railroad carrier or contractor or subcontractor of a railroad carrier wrongfully made an adverse employment decision regarding a covered individual pursuant to such rule, regulation, or directive.*

*(e) FALSE STATEMENTS.—A railroad carrier or a contractor or subcontractor of a railroad carrier may not knowingly misrepresent to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check. Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a regulation that prohibits a railroad carrier or a contractor or subcontractor of a railroad carrier from knowingly misrepresenting to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check.*

*(f) RIGHTS AND RESPONSIBILITIES.—Nothing in this section shall be construed to abridge a railroad carrier's or a contractor or subcontractor of a railroad carrier's rights or responsibilities to make adverse employment decisions permitted by other Federal, State, or local laws. Nothing in the section shall be construed to abridge rights and responsibilities of covered individuals, a railroad carrier, or a contractor or subcontractor of a railroad carrier, under any other Federal, State, or local laws or under any collective bargaining agreement.*

*(g) NO PREEMPTION OF FEDERAL OR STATE LAW.—Nothing in this section shall be construed to preempt a Federal, State, or local law that requires criminal history background checks, immigration status checks, or other background checks, of covered individuals.*

*(h) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the process for review established under section 70105(c) of title 46, United States Code, including regulations issued pursuant to such section.*

***SEC. 1523. NORTHERN BORDER RAILROAD PASSENGER REPORT.***

*(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Transportation Security Administration, the Secretary of Transportation, heads of other appropriate Federal departments and agencies and Amtrak shall transmit a report to the appropriate congressional committees that contains—*

*(1) a description of the current system for screening passengers and baggage on passenger railroad service between the United States and Canada;*

*(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in ''The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America'', dated January 18, 2001;*

*(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the ''Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States'', dated April 2, 2003;*

*(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;*

*(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for railroad passengers traveling between the United States and Canada to the Department;*

*(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers;*

*(7) a draft of any changes in existing Federal law necessary to provide for prescreening of such passengers and providing prescreened passenger lists to the Department; and*

*(8) an analysis of the feasibility of reinstating in-transit inspections onboard international Amtrak trains.*

*(b) PRIVACY AND CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES.—*

*(1) CONSULTATION.—In preparing the report under this section, the Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department as appropriate and in accordance with section 222 of the Homeland Security Act of 2002.*

*(2) PRIVACY IMPACT ASSESSMENTS.—In accordance with sections 222 and 705 of the Homeland Security Act of 2002, the report must contain a privacy impact assessment conducted by the Chief Privacy Officer and a review conducted by the Officer for Civil Rights and Civil Liberties.*

***SEC. 1524. INTERNATIONAL RAILROAD SECURITY PROGRAM.***

*(a) IN GENERAL.—*

*(1) The Secretary shall develop a system to detect both undeclared passengers and contraband, with a primary focus on the detection of nuclear and radiological materials entering the United States by railroad.*

*(2) SYSTEM REQUIREMENTS.—In developing the system under paragraph (1), the Secretary may, in consultation with the Domestic Nuclear Detection Office, Customs and Border Protection, and the Transportation Security Administration—*

*(A) deploy radiation detection equipment and nonintrusive imaging equipment at locations where railroad shipments cross an international border to enter the United States;*

*(B) consider the integration of radiation detection technologies with other nonintrusive inspection technologies where feasible;*

*(C) ensure appropriate training, operations, and response protocols are established for Federal, State, and local personnel;*

*(D) implement alternative procedures to check railroad shipments at locations where the deployment of nonintrusive inspection imaging equipment is determined to not be practicable;*

*(E) ensure, to the extent practicable, that such technologies deployed can detect terrorists or weapons, including weapons of mass destruction; and*

*(F) take other actions, as appropriate, to develop the system.*

*(b) ADDITIONAL INFORMATION.—The Secretary shall—*

*(1) identify and seek the submission of additional data elements for improved high-risk targeting related to the movement of cargo through the international supply chain utilizing a railroad prior to importation into the United States;*

*(2) utilize data collected and maintained by the Secretary of Transportation in the targeting of high-risk cargo identified under paragraph (1); and*

*(3) analyze the data provided in this subsection to identify high-risk cargo for inspection.*

*(c) REPORT TO CONGRESS.—Not later than September 30, 2008, the Secretary shall transmit to the appropriate congressional committees a report that describes the progress of the system being developed under subsection (a).*

*(d) DEFINITIONS.—In this section:*

*(1) INTERNATIONAL SUPPLY CHAIN.—The term ''international supply chain'' means the end-to-end process for shipping goods to or from the United States, beginning at the point of origin (including manufacturer, supplier, or vendor) through a point of distribution to the destination.*

*(2) RADIATION DETECTION EQUIPMENT.—The term ''radiation detection equipment'' means any technology that is capable of detecting or identifying nuclear and radiological material or nuclear and radiological explosive devices.*

*(3) INSPECTION.—The term ''inspection'' means the comprehensive process used by Customs and Border Protection to assess goods entering the United States to appraise them for duty purposes, to detect the presence of restricted or prohibited items, and to ensure compliance with all applicable laws.*

***SEC. 1525. TRANSMISSION LINE REPORT.***

*(a) STUDY.—The Comptroller General shall undertake an assessment of the placement of high-voltage, direct-current, electric transmission lines along active railroad and other transportation rights-of-way. In conducting the assessment, the Comptroller General shall evaluate any economic, safety, and security risks and benefits to inhabitants living adjacent to such rights-of-way and to consumers of electric power transmitted by such transmission lines.*

*(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall transmit the results of the assessment in subsection (a) to the appropriate congressional committees.*

***SEC. 1526. RAILROAD SECURITY ENHANCEMENTS.***

*(a) RAILROAD POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended—*

*(1) by inserting ''(a) IN GENERAL.—'' before ''Under''; and*

*(2) by adding at the end the following:*

*''(b) ASSIGNMENT.—A railroad police officer employed by a railroad carrier and certified or commissioned as a police officer under the laws of a State may be temporarily assigned to assist a second railroad carrier in carrying out law enforcement duties upon the request of the second railroad carrier, at which time the police officer shall be considered to be an employee of the second railroad carrier and shall have authority to enforce the laws of any jurisdiction in which the second railroad carrier owns property to the same extent as provided in subsection (a).''.*

*(b) MODEL STATE LEGISLATION.—Not later than November 2, 2007, the Secretary of Transportation shall develop and make available to States model legislation to address the problem of entities that claim to be railroad carriers in order to establish and run a police force when the entities do not in fact provide railroad transportation. In developing the model State legislation the Secretary shall solicit the input of the States, railroads carriers, and railroad carrier employees. The Secretary shall review and, if necessary, revise such model State legislation periodically.*

***SEC. 1527. APPLICABILITY OF DISTRICT OF COLUMBIA LAW TO CERTAIN AMTRAK CONTRACTS.***

*Section 24301 of title 49, United States Code, is amended by adding at the end the following:*

*''(o) APPLICABILITY OF DISTRICT OF COLUMBIA LAW.—Any lease or contract entered into between Amtrak and the State of Maryland, or any department or agency of the State of Maryland, after the date of the enactment of this subsection shall be governed by the laws of the District of Columbia.''.*

***SEC. 1528. RAILROAD PREEMPTION CLARIFICATION.***

*Section 20106 of title 49, United States Code, is amended to read as follows:*

***"§ 20106. Preemption***

*''(a) NATIONAL UNIFORMITY OF REGULATION.—(1) Laws, regulations, and orders related to railroad safety and laws, regulations, and orders related to railroad security shall be nationally uniform to the extent practicable.*

*''(2) A State may adopt or continue in force a law, regulation, or order related to railroad safety or security until the Secretary of Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to railroad security matters), prescribes a regulation or issues an order covering the subject matter of the State requirement. A State may adopt or continue in force an additional or more stringent law, regulation, or order related to railroad safety or security when the law, regulation, or order—*

*''(A) is necessary to eliminate or reduce an essentially local safety or security hazard;*

*''(B) is not incompatible with a law, regulation, or order of the United States Government; and*

*''(C) does not unreasonably burden interstate commerce.*

*''(b) CLARIFICATION REGARDING STATE LAW CAUSES OF ACTION.—(1) Nothing in this section shall be construed to preempt an action under State law seeking damages for personal injury, death, or property damage alleging that a party—*

*''(A) has failed to comply with the Federal standard of care established by a regulation or order issued by the Secretary of Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to railroad security matters), covering the subject matter as provided in subsection (a) of this section;*

*''(B) has failed to comply with its own plan, rule, or standard that it created pursuant to a regulation or order issued by either of the Secretaries; or*

*''(C) has failed to comply with a State law, regulation, or order that is not incompatible with subsection (a)(2).*

*''(2) This subsection shall apply to all pending State law causes of action arising from events or activities occurring on or after January 18, 2002.*

*''(c) JURISDICTION.—Nothing in this section creates a Federal cause of action on behalf of an injured party or confers Federal question jurisdiction for such State law causes of action.''.*

***Subtitle C—Over-the-Road Bus and Trucking Security***

***SEC. 1531. OVER-THE-ROAD BUS SECURITY ASSESSMENTS AND PLANS.***

*(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall issue regulations that—*

*(1) require each over-the-road bus operator assigned to a high-risk tier under this section—*

*(A) to conduct a vulnerability assessment in accordance with subsections (c) and (d); and*

*(B) to prepare, submit to the Secretary for approval, and implement a security plan in accordance with subsection (e); and*

*(2) establish standards and guidelines for developing and implementing the vulnerability assessments and security plans for carriers assigned to high-risk tiers consistent with this section.*

*(b) NON HIGH-RISK PROGRAMS.—The Secretary may establish a security program for over-the-road bus operators not assigned to a high-risk tier, including—*

*(1) guidance for such operators in conducting vulnerability assessments and preparing and implementing security plans, as determined appropriate by the Secretary; and*

*(2) a process to review and approve such assessments and plans, as appropriate.*

*(c) DEADLINE FOR SUBMISSION.—Not later than 9 months after the date of issuance of the regulations under subsection (a), the vulnerability assessments and security plans required by such regulations for over-the-road bus operators assigned to a high-risk tier shall be completed and submitted to the Secretary for review and approval.*

*(d) VULNERABILITY ASSESSMENTS.—*

*(1) REQUIREMENTS.—The Secretary shall provide technical assistance and guidance to over-the-road bus operators in conducting vulnerability assessments under this section and shall require that each vulnerability assessment of an operator assigned to a high-risk tier under this section includes, as appropriate—*

*(A) identification and evaluation of critical assets and infrastructure, including platforms, stations, terminals, and information systems;*

*(B) identification of the vulnerabilities to those assets and infrastructure; and*

*(C) identification of weaknesses in—*

*(i) physical security;*

*(ii) passenger and cargo security;*

*(iii) the security of programmable electronic devices, computers, or other automated systems which are used in providing over-the-road bus transportation;*

*(iv) alarms, cameras, and other protection systems;*

*(v) communications systems and utilities needed for over-the-road bus security purposes, including dispatching systems;*

*(vi) emergency response planning;*

*(vii) employee training; and*

*(viii) such other matters as the Secretary determines appropriate.*

*(2) THREAT INFORMATION.—The Secretary shall provide in a timely manner to the appropriate employees of an over-the-road bus operator, as designated by the over-the-road bus operator, threat information that is relevant to the operator when preparing and submitting a vulnerability assessment and security plan, including an assessment of the most likely methods that could be used by terrorists to exploit weaknesses in over-the-road bus security.*

*(e) SECURITY PLANS.—*

*(1) REQUIREMENTS.—The Secretary shall provide technical assistance and guidance to over-the-road bus operators in preparing and implementing security plans under this section and shall require that each security plan of an over-the-road bus operator assigned to a high-risk tier under this section includes, as appropriate—*

*(A) the identification of a security coordinator having authority—*

*(i) to implement security actions under the plan;*

*(ii) to coordinate security improvements; and*

*(iii) to receive communications from appropriate Federal officials regarding over-the-road bus security;*

*(B) a list of needed capital and operational improvements;*

*(C) procedures to be implemented or used by the over-the-road bus operator in response to a terrorist attack, including evacuation and passenger communication plans that include individuals with disabilities, as appropriate;*

*(D) the identification of steps taken with State and local law enforcement agencies, emergency responders, and Federal officials to coordinate security measures and plans for response to a terrorist attack;*

*(E) a strategy and timeline for conducting training under section 1534;*

*(F) enhanced security measures to be taken by the over-the-road bus operator when the Secretary declares a period of heightened security risk;*

*(G) plans for providing redundant and backup systems required to ensure the continued operation of critical elements of the over-the-road bus operator's system in the event of a terrorist attack or other incident; and*

*(H) such other actions or procedures as the Secretary determines are appropriate to address the security of over-the-road bus operators.*

*(2) SECURITY COORDINATOR REQUIREMENTS.—The Secretary shall require that the individual serving as the security coordinator identified in paragraph (1)(A) is a citizen of the United States. The Secretary may waive this requirement with respect to an individual if the Secretary determines that it is appropriate to do so based on a background check of the individual and a review of the consolidated terrorist watchlist.*

*(f) DEADLINE FOR REVIEW PROCESS.—Not later than 6 months after receiving the assessments and plans required under this section, the Secretary shall—*

*(1) review each vulnerability assessment and security plan submitted to the Secretary in accordance with subsection (c);*

*(2) require amendments to any security plan that does not meet the requirements of this section; and*

*(3) approve any vulnerability assessment or security plan that meets the requirements of this section.*

*(g) INTERIM SECURITY MEASURES.—The Secretary may require over-the-road bus operators, during the period before the deadline established under subsection (c), to submit a security plan to implement any necessary interim security measures essential to providing adequate security of the over-the-road bus operator's system. An interim plan required under this subsection shall be superseded by a plan required under subsection (c).*

*(h) TIER ASSIGNMENT.—The Secretary shall assign each over-the-road bus operator to a risk-based tier established by the Secretary.*

*(1) PROVISION OF INFORMATION.—The Secretary may request, and an over-the-road bus operator shall provide, information necessary for the Secretary to assign an over-the-road bus operator to the appropriate tier under this subsection.*

*(2) NOTIFICATION.—Not later than 60 days after the date an over-the-road bus operator is assigned to a tier under this section, the Secretary shall notify the operator of the tier to which it is assigned and the reasons for such assignment.*

*(3) HIGH-RISK TIERS.—At least one of the tiers established by the Secretary under this section shall be a tier designated for high-risk over-the-road bus operators.*

*(4) REASSIGNMENT.—The Secretary may reassign an over-the-road bus operator to another tier, as appropriate, in response to changes in risk and the Secretary shall notify the over-the-road bus operator within 60 days after such reassignment and provide the operator with the reasons for such reassignment.*

*(i) EXISTING PROCEDURES, PROTOCOLS, AND STANDARDS.—*

*(1) DETERMINATION.—In response to a petition by an over-the-road bus operator or at the discretion of the Secretary, the Secretary may determine that existing procedures, protocols, and standards meet all or part of the requirements of this section regarding vulnerability assessments and security plans.*

*(2) ELECTION.—Upon review and written determination by the Secretary that existing procedures, protocols, or standards of an over-the-road bus operator satisfy the requirements of this section, the over-the-road bus operator may elect to comply with those procedures, protocols, or standards instead of the requirements of this section.*

*(3) PARTIAL APPROVAL.—If the Secretary determines that the existing procedures, protocols, or standards of an over-the-road bus operator satisfy only part of the requirements of this section, the Secretary may accept such submission, but shall require submission by the operator of any additional information relevant to the vulnerability assessment and security plan of the operator to ensure that the remaining requirements of this section are fulfilled.*

*(4) NOTIFICATION.—If the Secretary determines that particular existing procedures, protocols, or*

*standards of an over-the-road bus operator under this subsection do not satisfy the requirements of this section, the Secretary shall provide to the operator a written notification that includes an explanation of the reasons for nonacceptance.*

*(5) REVIEW.—Nothing in this subsection shall relieve the Secretary of the obligation—*

*(A) to review the vulnerability assessment and security plan submitted by an over-the-road bus operator under this section; and*

*(B) to approve or disapprove each submission on an individual basis.*

*(j) PERIODIC EVALUATION BY OVER-THE-ROAD BUS PROVIDER REQUIRED.—*

*(1) SUBMISSION OF EVALUATION.—Not later than 3 years after the date on which a vulnerability assessment or security plan required to be submitted to the Secretary under subsection (c) is approved, and at least once every 5 years thereafter (or on such a schedule as the Secretary may establish by regulation), an over-the-road bus operator who submitted a vulnerability assessment and security plan and who is still assigned to the high-risk tier shall also submit to the Secretary an evaluation of the adequacy of the vulnerability assessment and security plan that includes a description of any material changes made to the vulnerability assessment or security plan.*

*(2) REVIEW OF EVALUATION.—Not later than 180 days after the date on which an evaluation is submitted, the Secretary shall review the evaluation and notify the over-the-road bus operator submitting the evaluation of the Secretary's approval or disapproval of the evaluation.*

*(k) SHARED FACILITIES.—The Secretary may permit under this section the development and implementation of coordinated vulnerability assessments and security plans to the extent that an over-the-road bus operator shares facilities with, or is colocated with, other transportation entities or providers that are required to develop vulnerability assessments and security plans under Federal law.*

*(l) NONDISCLOSURE OF INFORMATION.—*

*(1) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall be construed as authorizing the withholding of any information from Congress.*

*(2) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this section shall be construed as affecting any authority or obligation of a Federal agency to disclose any record or information that the Federal agency obtains from an over-the-road bus operator under any other Federal law.*

***SEC. 1532. OVER-THE-ROAD BUS SECURITY ASSISTANCE.***

*(a) IN GENERAL.—The Secretary shall establish a program for making grants to eligible private operators providing transportation by an over-the-road bus for security improvements described in subsection (b).*

*(b) USES OF FUNDS.—A recipient of a grant received under subsection (a) shall use the grant funds for one or more of the following:*

*(1) Constructing and modifying terminals, garages, and facilities, including terminals and other over-the-road bus facilities owned by State or local governments, to increase their security.*

*(2) Modifying over-the-road buses to increase their security.*

*(3) Protecting or isolating the driver of an over-the-road bus.*

*(4) Acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or other means and for information links with government agencies, for security purposes.*

*(5) Installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities.*

*(6) Establishing and improving an emergency communications system linking drivers and over-the-road buses to the recipient's operations center or linking the operations center to law enforcement and emergency personnel.*

*(7) Implementing and operating passenger screening programs for weapons and explosives.*

*(8) Public awareness campaigns for enhanced over-the-road bus security.*

*(9) Operating and capital costs associated with over-the-road bus security awareness, preparedness, and response training, including training under section 1534 and training developed by institutions of higher education and by nonprofit employee labor organizations, for over-the-road bus employees, including frontline employees.*

*(10) Chemical, biological, radiological, or explosive detection, including canine patrols for such detection.*

*(11) Overtime reimbursement, including reimbursement of State, local, and tribal governments for costs, for enhanced security personnel assigned to duties related to over-the-road bus security during periods of high or severe threat levels, National Special Security Events, or other periods of heightened security as determined by the Secretary.*

*(12) Live or simulated exercises, including those described in section 1533.*

*(13) Operational costs to hire, train, and employ police and security officers, including canine units, assigned to full-time security or counterterrorism duties related to over-the-road bus transportation, including reimbursement of State, local, and tribal government costs for such personnel.*

*(14) Development of assessments or security plans under section 1531.*

*(15) Such other improvements as the Secretary considers appropriate.*

*(c) DUE CONSIDERATION.—In making grants under this section, the Secretary shall prioritize grant funding based on security risks to bus passengers and the ability of a project to reduce, or enhance response to, that risk, and shall not penalize private operators of over-the-road buses that have taken measures to enhance over-the-road bus transportation security prior to September 11, 2001.*

*(d) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—*

*(1) determine the requirements for recipients of grants under this section, including application requirements;*

*(2) select grant recipients;*

*(3) award the funds authorized by this section based on risk, as identified by the plans required under section 1531 or assessment or plan described in subsection (f)(2); and*

*(4) pursuant to subsection (c), establish priorities for the use of funds for grant recipients.*

*(e) DISTRIBUTION OF GRANTS.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall determine the most effective and efficient way to distribute grant funds to the recipients of grants determined by the Secretary under subsection (a). Subject to the determination made by the Secretaries, the Secretary may transfer funds to the Secretary of Transportation for the purposes of disbursing funds to the grant recipient.*

*(f) ELIGIBILITY.—*

*(1) A private operator providing transportation by an over-the-road bus is eligible for a grant under this section if the operator has completed a vulnerability assessment and developed a security plan that the Secretary has approved under section 1531. Grant funds may only be used for permissible uses under subsection (b) to further an over-the-road bus security plan.*

*(2) Notwithstanding the requirements for eligibility and uses in paragraph (1), prior to the earlier of one year after the date of issuance of final regulations requiring vulnerability assessments and security plans under section 1531 or 3 years after the date of enactment of this Act, the Secretary may award grants under this section for over-the-road bus security improvements listed under subsection (b) based upon over-the-road bus vulnerability assessments and security plans that the Secretary deems are sufficient for the purposes of this section but have not been approved by the Secretary in accordance with section 1531.*

*(g) SUBJECT TO CERTAIN TERMS AND CONDITIONS.—Except as otherwise specifically provided in this section, a grant made under this section shall be subject to the terms and conditions applicable to subrecipients who provide over-the-road bus transportation under section 5311(f) of title 49, United States Code, and such other terms and conditions as are determined necessary by the Secretary.*

*(h) LIMITATION ON USES OF FUNDS.—A grant made under this section may not be used to make any State or local government cost-sharing contribution under any other Federal law.*

*(i) ANNUAL REPORTS.—Each recipient of a grant under this section shall report annually to the Secretary and on the use of such grant funds.*

*(j) CONSULTATION.—In carrying out this section, the Secretary shall consult with over-the-road bus operators and nonprofit employee labor organizations representing over-the-road bus employees, public safety and law enforcement officials.*

*(k) AUTHORIZATION.—*

*(1) IN GENERAL.—From the amounts appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this Act, there shall be made available to the Secretary to make grants under this section—*

*(A) $12,000,000 for fiscal year 2008;*

*(B) $25,000,000 for fiscal year 2009;*

*(C) $25,000,000 for fiscal year 2010; and*

*(D) $25,000,000 for fiscal year 2011.*

*(2) PERIOD OF AVAILABILITY.—Sums appropriated to carry out this section shall remain available until expended.*

***SEC. 1533. OVER-THE-ROAD BUS EXERCISES.***

*(a) IN GENERAL.—The Secretary shall establish a program for conducting security exercises for over-the-road bus transportation for the purpose of assessing and improving the capabilities of entities described in subsection (b) to prevent, prepare for, mitigate, respond to, and recover from acts of terrorism.*

*(b) COVERED ENTITIES.—Entities to be assessed under the program shall include—*

*(1) Federal, State, and local agencies and tribal governments;*

*(2) over-the-road bus operators and over-the-road bus terminal owners and operators;*

*(3) governmental and nongovernmental emergency response providers and law enforcement agencies; and*

*(4) any other organization or entity that the Secretary determines appropriate.*

*(c) REQUIREMENTS.—The Secretary shall ensure that the program—*

*(1) consolidates existing security exercises for over-the-road bus operators and terminals administered by the Department and the Department of Transportation, as jointly determined by the Secretary and the Secretary of Transportation, unless the Secretary waives this consolidation requirement, as appropriate;*

*(2) consists of exercises that are—*

*(A) scaled and tailored to the needs of the over-the-road bus operators and terminals, including addressing the needs of the elderly and individuals with disabilities;*

*(B) live, in the case of the most at-risk facilities to a terrorist attack;*

*(C) coordinated with appropriate officials;*

*(D) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences;*

*(E) inclusive, as appropriate, of over-the-road bus frontline employees; and*

*(F) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the*

*National Preparedness Goal, and other such national initiatives;*

*(3) provides that exercises described in paragraph (2) will be—*

*(A) evaluated by the Secretary against clear and consistent performance measures;*

*(B) assessed by the Secretary to identify best practices, which shall be shared, as appropriate, with operators providing over-the-road bus transportation, nonprofit employee organizations that represent over-the-road bus employees, Federal, State, local, and tribal officials, governmental and nongovernmental emergency response providers, and law enforcement personnel; and*

*(C) used to develop recommendations, as appropriate, provided to over-the-road bus operators and terminal owners and operators on remedial action to be taken in response to lessons learned;*

*(4) allows for proper advanced notification of communities and local governments in which exercises are held, as appropriate; and*

*(5) assists State, local, and tribal governments and over-the-road bus operators and terminal owners and operators in designing, implementing, and evaluating additional exercises that conform to the requirements of paragraph (2).*

*(d) NATIONAL EXERCISE PROGRAM.—The Secretary shall ensure that the exercise program developed under subsection (c) is consistent with the National Exercise Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).*

***SEC. 1534. OVER-THE-ROAD BUS SECURITY TRAINING PROGRAM.***

*(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall develop and issue regulations for an over-the-road bus training program to prepare over-the-road bus frontline employees for potential security threats and conditions. The regulations shall take into consideration any current security training requirements or best practices.*

*(b) CONSULTATION.—The Secretary shall develop regulations under subsection (a) in consultation with—*

*(1) appropriate law enforcement, fire service, emergency response, security, and terrorism experts;*

*(2) operators providing over-the-road bus transportation; and*

*(3) nonprofit employee labor organizations representing over-the-road bus employees and emergency response personnel.*

*(c) PROGRAM ELEMENTS.—The regulations developed under subsection (a) shall require security training programs, to include, at a minimum, elements to address the following, as applicable:*

*(1) Determination of the seriousness of any occurrence or threat.*

*(2) Driver and passenger communication and coordination.*

*(3) Appropriate responses to defend or protect oneself.*

*(4) Use of personal and other protective equipment.*

*(5) Evacuation procedures for passengers and over-the-road bus employees, including individuals with disabilities and the elderly.*

*(6) Psychology, behavior, and methods of terrorists, including observation and analysis.*

*(7) Training related to psychological responses to terrorist incidents, including the ability to cope with hijacker behavior and passenger responses.*

*(8) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.*

*(9) Recognition and reporting of dangerous substances, suspicious packages, and situations.*

*(10) Understanding security incident procedures, including procedures for communicating with emergency response providers and for on-scene interaction with such emergency response providers.*

*(11) Operation and maintenance of security equipment and systems.*

*(12) Other security training activities that the Secretary considers appropriate.*

*(d) REQUIRED PROGRAMS.—*

*(1) DEVELOPMENT AND SUBMISSION TO SECRETARY.—Not later than 90 days after the Secretary issues the regulations under subsection (a), each over-the-road bus operator shall develop a security training program in accordance with such regulations and submit the program to the Secretary for approval.*

*(2) APPROVAL.—Not later than 60 days after receiving a security training program under this subsection, the Secretary shall approve the program or require the over-the-road bus operator that developed the program to make any revisions to the program that the Secretary considers necessary for the program to meet the requirements of the regulations. An over-the-road bus operator shall respond to the Secretary's comments not later than 30 days after receiving them.*

*(3) TRAINING.—Not later than 1 year after the Secretary approves a security training program in accordance with this subsection, the over-the-road bus operator that developed the program shall complete the training of all over-the-road bus frontline employees who were hired by the operator more than 30 days preceding such date. For such employees employed less than 30 days by an operator preceding such date, training shall be completed within the first 60 days of employment.*

*(4) UPDATES OF REGULATIONS AND PROGRAM REVISIONS.—The Secretary shall periodically review and update, as appropriate, the training regulations issued under subsection (a) to reflect new or changing security threats. Each over-the-road bus operator shall revise its training program accordingly and provide additional training as necessary to its employees within a reasonable time after the regulations are updated.*

*(e) NATIONAL TRAINING PROGRAM.—The Secretary shall ensure that the training program developed under subsection (a) is a component of the National Training Program established under section 648 of the Post Katrina Emergency Management Reform Act (Public Law 109–295; 6 U.S.C. 748).*

*(f) REPORTING REQUIREMENTS.—Not later than 2 years after the date of regulation issuance, the Secretary shall review implementation of the training program of a representative sample of over-the-road bus operators and over-the-road bus frontline employees, and report to the appropriate congressional committees of such reviews. The Secretary may submit the report in both classified and redacted formats as necessary.*

***SEC. 1535. OVER-THE-ROAD BUS SECURITY RESEARCH AND DEVELOPMENT.***

*(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary, acting through the Under Secretary for Science and Technology and the Administrator of the Transportation Security Administration, shall carry out a research and development program for the purpose of improving the security of over-the-road buses.*

*(b) ELIGIBLE PROJECTS.—The research and development program may include projects—*

*(1) to reduce the vulnerability of over-the-road buses, stations, terminals, and equipment to explosives and hazardous chemical, biological, and radioactive substances, including the development of technology to screen passengers in large numbers with minimal interference and disruption;*

*(2) to test new emergency response and recovery techniques and technologies, including those used at international borders;*

*(3) to develop improved technologies, including those for—*

*(A) emergency response training, including training in a tunnel environment, if appropriate; and*

*(B) security and redundancy for critical communications, electrical power, computer, and over-the-road bus control systems; and*

*(4) to address other vulnerabilities and risks identified by the Secretary.*

*(c) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary—*

*(1) shall ensure that the research and development program is consistent with the other transportation security research and development programs required by this Act;*

*(2) shall, to the extent practicable, coordinate the research and development activities of the Department with other ongoing research and development security-related initiatives, including research being conducted by—*

*(A) the Department of Transportation, including University Transportation Centers and other institutes, centers, and simulators funded by the Department of Transportation;*

*(B) the National Academy of Sciences;*

*(C) the Technical Support Working Group;*

*(D) other Federal departments and agencies; and*

*(E) other Federal and private research laboratories, research entities, and institutions of higher education, including Historically Black Colleges and Universities, Hispanic Serving Institutions, and Indian Tribally Controlled Colleges and Universities;*

*(3) shall carry out any research and development project authorized by this section through a reimbursable agreement with an appropriate Federal agency, if the agency—*

*(A) is currently sponsoring a research and development project in a similar area; or*

*(B) has a unique facility or capability that would be useful in carrying out the project;*

*(4) may award grants and enter into cooperative agreements, contracts, other transactions, or reimbursable agreements to the entities described in paragraph (2) and eligible recipients under section 1532; and*

*(5) shall make reasonable efforts to enter into memoranda of understanding, contracts, grants, cooperative agreements, or other transactions with private operators providing over-the-road bus transportation willing to contribute assets, physical space, and other resources.*

*(d) PRIVACY AND CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES.—*

*(1) CONSULTATION.—In carrying out research and development projects under this section, the Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department as appropriate and in accordance with section 222 of the Homeland Security Act of 2002.*

*(2) PRIVACY IMPACT ASSESSMENTS.—In accordance with sections 222 and 705 of the Homeland Security Act of 2002, the Chief Privacy Officer shall conduct privacy impact assessments and the Officer for Civil Rights and Civil Liberties shall conduct reviews, as appropriate, for research and development initiatives developed under this section that the Secretary determines could have an impact on privacy, civil rights, or civil liberties.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—*

*(1) IN GENERAL.—From the amounts appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this Act, there shall be made available to the Secretary to carry out this section—*

*(A) $2,000,000 for fiscal year 2008;*

*(B) $2,000,000 for fiscal year 2009;*

*(C) $2,000,000 for fiscal year 2010; and*

*(D) $2,000,000 for fiscal year 2011.*

*(2) PERIOD OF AVAILABILITY.—Such sums shall remain available until expended.*

***SEC. 1536. MOTOR CARRIER EMPLOYEE PROTECTIONS.***

*Section 31105 of title 49, United States Code, is amended to read:*

*''(a) PROHIBITIONS.—(1) A person may not discharge an employee, or discipline or discriminate against an employee regarding pay, terms, or privileges of employment, because—*

''(A)(i) the employee, or another person at the employee's request, has filed a complaint or begun a proceeding related to a violation of a commercial motor vehicle safety or security regulation, standard, or order, or has testified or will testify in such a proceeding; or

''(ii) the person perceives that the employee has filed or is about to file a complaint or has begun or is about to begin a proceeding related to a violation of a commercial motor vehicle safety or security regulation, standard, or order;

''(B) the employee refuses to operate a vehicle because—

''(i) the operation violates a regulation, standard, or order of the United States related to commercial motor vehicle safety, health, or security; or

''(ii) the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle's hazardous safety or security condition;

''(C) the employee accurately reports hours on duty pursuant to chapter 315;

''(D) the employee cooperates, or the person perceives that the employee is about to cooperate, with a safety or security investigation by the Secretary of Transportation, the Secretary of Homeland Security, or the National Transportation Safety Board; or

''(E) the employee furnishes, or the person perceives that the employee is or is about to furnish, information to the Secretary of Transportation, the Secretary of Homeland Security, the National Transportation Safety Board, or any Federal, State, or local regulatory or law enforcement agency as to the facts relating to any accident or incident resulting in injury or death to an individual or damage to property occurring in connection with commercial motor vehicle transportation.

''(2) Under paragraph (1)(B)(ii) of this subsection, an employee's apprehension of serious injury is reasonable only if a reasonable individual in the circumstances then confronting the employee would conclude that the hazardous safety or security condition establishes a real danger of accident, injury, or serious impairment to health. To qualify for protection, the employee must have sought from the employer, and been unable to obtain, correction of the hazardous safety or security condition.

''(b) FILING COMPLAINTS AND PROCEDURES.—(1) An employee alleging discharge, discipline, or discrimination in violation of subsection (a) of this section, or another person at the employee's request, may file a complaint with the Secretary of Labor not later than 180 days after the alleged violation occurred. All complaints initiated under this section shall be governed by the legal burdens of proof set forth in section 42121(b). On receiving the complaint, the Secretary of Labor shall notify, in writing, the person alleged to have committed the violation of the filing of the complaint.

''(2)(A) Not later than 60 days after receiving a complaint, the Secretary of Labor shall conduct an investigation, decide whether it is reasonable to believe the complaint has merit, and notify, in writing, the complainant and the person alleged to have committed the violation of the findings. If the Secretary of Labor decides it is reasonable to believe a violation occurred, the Secretary of Labor shall include with the decision findings and a preliminary order for the relief provided under paragraph (3) of this subsection.

''(B) Not later than 30 days after the notice under subparagraph (A) of this paragraph, the complainant and the person alleged to have committed the violation may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of objections does not stay a reinstatement ordered in the preliminary order. If a hearing is not requested within the 30 days, the preliminary order is final and not subject to judicial review.

''(C) A hearing shall be conducted expeditiously. Not later than 120 days after the end of the hearing, the Secretary of Labor shall issue a final order. Before the final order is issued, the proceeding may be ended by a settlement agreement made by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

''(3)(A) If the Secretary of Labor decides, on the basis of a complaint, a person violated subsection (a) of this section, the Secretary of Labor shall order the person to—

''(i) take affirmative action to abate the violation;

''(ii) reinstate the complainant to the former position with the same pay and terms and privileges of employment; and

''(iii) pay compensatory damages, including backpay with interest and compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

''(B) If the Secretary of Labor issues an order under subparagraph (A) of this paragraph and the complainant requests, the Secretary of Labor may assess against the person against whom the order is issued the costs (including attorney fees) reasonably incurred by the complainant in bringing the complaint. The Secretary of Labor shall determine the costs that reasonably were incurred.

''(C) Relief in any action under subsection (b) may include punitive damages in an amount not to exceed $250,000.

''(c) DE NOVO REVIEW.—With respect to a complaint under paragraph (1), if the Secretary of Labor has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

''(d) JUDICIAL REVIEW AND VENUE.—A person adversely affected by an order issued after a hearing under subsection (b) of this section may file a petition for review, not later than 60 days after the order is issued, in the court of appeals of the United States for the circuit in which the violation occurred or the person resided on the date of the violation. Review shall conform to chapter 7 of title 5. The review shall be heard and decided expeditiously. An order of the Secretary of Labor subject to review under this subsection is not subject to judicial review in a criminal or other civil proceeding.

''(e) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order issued under subsection (b) of this section, the Secretary of Labor shall bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred.

''(f) NO PREEMPTION.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

''(g) RIGHTS RETAINED BY EMPLOYEE.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

''(h) DISCLOSURE OF IDENTITY.—

''(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation or the Secretary of Homeland Security may not disclose the name of an employee who has provided information about an alleged violation of this part, or a regulation prescribed or order issued under any of those provisions.

''(2) The Secretary of Transportation or the Secretary of Homeland Security shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement. The Secretary making such disclosure shall provide reasonable advance notice to the affected employee if disclosure of that person's identity or identifying information is to occur.

''(i) PROCESS FOR REPORTING SECURITY PROBLEMS TO THE DEPARTMENT OF HOMELAND SECURITY.—

''(1) ESTABLISHMENT OF PROCESS.—The Secretary of Homeland Security shall establish through regulations, after an opportunity for notice and comment, a process by which any person may report to the Secretary of Homeland Security regarding motor carrier vehicle security problems, deficiencies, or vulnerabilities.

''(2) ACKNOWLEDGMENT OF RECEIPT.—If a report submitted under paragraph (1) identifies the person making the report, the Secretary of Homeland Security shall respond promptly to such person and acknowledge receipt of the report.

''(3) STEPS TO ADDRESS PROBLEM.—The Secretary of Homeland Security shall review and consider the information provided in any report submitted under paragraph (1) and shall take appropriate steps to address any problems or deficiencies identified.

''(j) DEFINITION.—In this section, 'employee' means a driver of a commercial motor vehicle (including an independent contractor when personally operating a commercial motor vehicle), a mechanic, a freight handler, or an individual not an employer, who—

''(1) directly affects commercial motor vehicle safety or security in the course of employment by a commercial motor carrier; and

''(2) is not an employee of the United States Government, a State, or a political subdivision of a State acting in the course of employment.''.

**SEC. 1537. UNIFIED CARRIER REGISTRATION SYSTEM AGREEMENT.**

(a) REENACTMENT OF SSRS.—Section 14504 of title 49, United States Code, as that section was in effect on December 31, 2006, shall be in effect as a law of the United States for the period beginning on January 1, 2007, ending on the earlier of January 1, 2008, or the effective date of the final regulations issued pursuant to subsection (b).

(b) DEADLINE FOR FINAL REGULATIONS.—Not later than October 1, 2007, the Federal Motor Carrier Safety Administration shall issue final regulations to establish the Unified Carrier Registration System, as required by section 13908 of title 49, United States Code, and set fees for the unified carrier registration agreement for calendar year 2007 or subsequent calendar years to be charged to motor carriers, motor private carriers, and freight forwarders under such agreement, as required by 14504a of title 49, United States Code.

(c) REPEAL OF SSRS.—Section 4305(a) of the Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1764) is amended by striking ''the first January'' and all that follows through ''this Act'' and inserting ''January 1, 2008''.

**SEC. 1538. SCHOOL BUS TRANSPORTATION SECURITY.**

(a) SCHOOL BUS SECURITY RISK ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the appropriate congressional committees a report, including a classified report, as appropriate, containing a comprehensive assessment of the risk of a terrorist attack on the Nation's school bus transportation system in accordance with the requirements of this section.

(b) CONTENTS OF RISK ASSESSMENT.—The assessment shall include—

(1) an assessment of security risks to the Nation's school bus transportation system, including publicly and privately operated systems;

(2) an assessment of actions already taken by operators or others to address identified security risks; and

*(3) an assessment of whether additional actions and investments are necessary to improve the security of passengers traveling on school buses and a list of such actions or investments, if appropriate.*

*(c) CONSULTATION.—In conducting the risk assessment, the Secretary shall consult with administrators and officials of school systems, representatives of the school bus industry, including both publicly and privately operated systems, public safety and law enforcement officials, and nonprofit employee labor organizations representing school bus drivers.*

***SEC. 1539. TECHNICAL AMENDMENT.***

*Section 1992(d)(7) of title 18, United States Code, is amended by inserting ''intercity bus transportation'' after ''includes''.*

***SEC. 1540. TRUCK SECURITY ASSESSMENT.***

*(a) DEFINITION.—For the purposes of this section, the term ''truck'' means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport property when the vehicle—*

*(1) has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or*

*(2) is used in transporting material found by the Secretary of Transportation to be hazardous under section 5103 of title 49, United States Code, and transported in a quantity requiring placarding under regulations prescribed by the Secretary under subtitle B, chapter I, subchapter C of title 49, Code of Federal Regulations.*

*(b) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Secretary of Transportation, shall transmit a report to the appropriate congressional committees on truck security issues that includes—*

*(1) a security risk assessment of the trucking industry;*

*(2) an assessment of actions already taken by both public and private entities to address identified security risks;*

*(3) an assessment of the economic impact that security upgrades of trucks, truck equipment, or truck facilities may have on the trucking industry and its employees, including independent owner-operators;*

*(4) an assessment of ongoing research by public and private entities and the need for additional research on truck security;*

*(5) an assessment of industry best practices to enhance security; and*

*(6) an assessment of the current status of secure truck parking.*

*(c) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.*

***SEC. 1541. MEMORANDUM OF UNDERSTANDING ANNEX.***

*Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation and the Secretary shall execute and develop an annex to the Memorandum of Understanding between the two departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources, and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing motor carrier transportation security matters, including over-the-road bus security matters, and shall cover the processes the Departments will follow to promote communications, efficiency, and nonduplication of effort.*

***SEC. 1542. DHS INSPECTOR GENERAL REPORT ON TRUCKING SECURITY GRANT PROGRAM.***

*(a) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report to the appropriate congressional committees on the Federal trucking industry security grant program, for fiscal years 2004 and 2005 that—*

*(1) addresses the grant announcement, application, receipt, review, award, monitoring, and closeout processes; and*

*(2) states the amount obligated or expended under the program for fiscal years 2004 and 2005 for—*

*(A) infrastructure protection;*

*(B) training;*

*(C) equipment;*

*(D) educational materials;*

*(E) program administration;*

*(F) marketing; and*

*(G) other functions.*

*(b) SUBSEQUENT REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report to the appropriate congressional committees that—*

*(1) analyzes the performance, efficiency, and effectiveness of the Federal trucking industry security grant program, and the need for the program using all years of available data; and*

*(2) makes recommendations regarding the future of the program, including options to improve the effectiveness and utility of the program and motor carrier security.*

***Subtitle D—Hazardous Material and Pipeline Security***

***SEC. 1551. RAILROAD ROUTING OF SECURITY-SENSITIVE MATERIALS.***

*(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary, shall publish a final rule based on the Pipeline and Hazardous Materials Safety Administration's Notice of Proposed Rulemaking published on December 21, 2006, entitled ''Hazardous Materials: Enhancing Railroad Transportation Safety and Security for Hazardous Materials Shipments''. The final rule shall incorporate the requirements of this section and, as appropriate, public comments received during the comment period of the rulemaking.*

*(b) SECURITY-SENSITIVE MATERIALS COMMODITY DATA.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to, no later than 90 days after the end of each calendar year, compile security-sensitive materials commodity data. Such data must be collected by route, line segment, or series of line segments, as aggregated by the railroad carrier. Within the railroad carrier selected route, the commodity data must identify the geographic location of the route and the total number of shipments by the United Nations identification number for the security-sensitive materials.*

*(c) RAILROAD TRANSPORTATION ROUTE ANALYSIS FOR SECURITY-SENSITIVE MATERIALS.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to, for each calendar year, provide a written analysis of the safety and security risks for the transportation routes identified in the security-sensitive materials commodity data collected as required by subsection (b). The safety and security risks present shall be analyzed for the route, railroad facilities, railroad storage facilities, and high-consequence targets along or in proximity to the route.*

*(d) ALTERNATIVE ROUTE ANALYSIS FOR SECURITY-SENSITIVE MATERIALS.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to—*

*(1) for each calendar year—*

*(A) identify practicable alternative routes over which the railroad carrier has authority to operate as compared to the current route for such a shipment analyzed under subsection (c); and*

*(B) perform a safety and security risk assessment of the alternative route for comparison to the route analysis specified in subsection (c);*

*(2) ensure that the analysis under paragraph (1) includes—*

*(A) identification of safety and security risks for an alternative route;*

*(B) comparison of those risks identified under subparagraph (A) to the primary railroad transportation route, including the risk of a catastrophic release from a shipment traveling along the alternate route compared to the primary route;*

*(C) any remediation or mitigation measures implemented on the primary or alternative route; and*

*(D) potential economic effects of using an alternative route; and*

*(3) consider when determining the practicable alternative routes under paragraph (1)(A) the use of interchange agreements with other railroad carriers.*

*(e) ALTERNATIVE ROUTE SELECTION FOR SECURITY-SENSITIVE MATERIALS.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to use the analysis required by subsections (c) and (d) to select the safest and most secure route to be used in transporting security-sensitive materials.*

*(f) REVIEW.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to annually review and select the practicable route posing the least overall safety and security risk in accordance with this section. The railroad carrier must retain in writing all route review and selection decision documentation and restrict the distribution, disclosure, and availability of information contained in the route analysis to appropriate persons. This documentation should include, but is not limited to, comparative analyses, charts, graphics, or railroad system maps.*

*(g) RETROSPECTIVE ANALYSIS.—The Secretary of Transportation shall ensure that the final rule requires each railroad carrier transporting security-sensitive materials in commerce to, not less than once every 3 years, analyze the route selection determinations required under this section. Such an analysis shall include a comprehensive, systemwide review of all operational changes, infrastructure modifications, traffic adjustments, changes in the nature of high-consequence targets located along or in proximity to the route, or other changes affecting the safety and security of the movements of security-sensitive materials that were implemented since the previous analysis was completed.*

*(h) CONSULTATION.—In carrying out subsection (c), railroad carriers transporting security-sensitive materials in commerce shall seek relevant information from State, local, and tribal officials, as appropriate, regarding security risks to high-consequence targets along or in proximity to a route used by a railroad carrier to transport security-sensitive materials.*

*(i) DEFINITIONS.—In this section:*

*(1) The term ''route'' includes storage facilities and trackage used by railroad cars in transportation in commerce.*

*(2) The term ''high-consequence target'' means a property, natural resource, location, area, or other target designated by the Secretary that is a viable terrorist target of national significance, which may include a facility or specific critical infrastructure, the attack of which by railroad could result in—*

*(A) catastrophic loss of life;*

*(B) significant damage to national security or defense capabilities; or*

*(C) national economic harm.*

***SEC. 1552. RAILROAD SECURITY-SENSITIVE MATERIAL TRACKING.***

*(a) COMMUNICATIONS.—*

*(1) IN GENERAL.—In conjunction with the research and development program established under section 1518 and consistent with the results of research relating to wireless and other*

*tracking technologies, the Secretary, in consultation with the Administrator of the Transportation Security Administration, shall develop a program that will encourage the equipping of railroad cars transporting security-sensitive materials, as defined in section 1501, with technology that provides—*

*(A) car position location and tracking capabilities; and*

*(B) notification of railroad car depressurization, breach, unsafe temperature, or release of hazardous materials, as appropriate.*

*(2) COORDINATION.—In developing the program required by paragraph (1), the Secretary shall—*

*(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for railroad car tracking at the Department of Transportation; and*

*(B) ensure that the program is consistent with recommendations and findings of the Department of Homeland Security's hazardous material railroad tank car tracking pilot programs.*

*(b) FUNDING.—From the amounts appropriated pursuant to 114(w) of title 49, United States Code, as amended by section 1503 of this title, there shall be made available to the Secretary to carry out this section—*

*(1) $3,000,000 for fiscal year 2008;*

*(2) $3,000,000 for fiscal year 2009; and*

*(3) $3,000,000 for fiscal year 2010.*

***SEC. 1553. HAZARDOUS MATERIALS HIGHWAY ROUTING.***

*(a) ROUTE PLAN GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary, shall—*

*(1) document existing and proposed routes for the transportation of radioactive and nonradioactive hazardous materials by motor carrier, and develop a framework for using a geographic information system-based approach to characterize routes in the national hazardous materials route registry;*

*(2) assess and characterize existing and proposed routes for the transportation of radioactive and nonradioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns;*

*(3) analyze current route-related hazardous materials regulations in the United States, Canada, and Mexico to identify cross-border differences and conflicting regulations;*

*(4) document the safety and security concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials;*

*(5) prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security risks when designating highway routes for hazardous materials consistent with the 13 safety-based nonradioactive materials routing criteria and radioactive materials routing criteria in subpart C part 397 of title 49, Code of Federal Regulations;*

*(6) develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous materials, assess specific security risks associated with each route, and explore alternative mitigation measures; and*

*(7) transmit to the appropriate congressional committees a report on the actions taken to fulfill paragraphs (1) through (6) and any recommended changes to the routing requirements for the highway transportation of hazardous materials in part 397 of title 49, Code of Federal Regulations.*

*(b) ROUTE PLANS.—*

*(1) ASSESSMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall complete an assessment of the safety and national security benefits achieved under existing requirements for route plans, in written or electronic format, for explosives and radioactive materials. The assessment shall, at a minimum—*

*(A) compare the percentage of Department of Transportation recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials for which such route plans are required with the percentage of recordable incidents and the severity of such incidents for shipments of explosives and radioactive materials not subject to such route plans; and*

*(B) quantify the security and safety benefits, feasibility, and costs of requiring each motor carrier that is required to have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry such a route plan that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403, taking into account the various segments of the motor carrier industry, including tank truck, truckload and less than truckload carriers.*

*(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the appropriate congressional committees containing the findings and conclusions of the assessment.*

*(c) REQUIREMENT.—The Secretary shall require motor carriers that have a hazardous material safety permit under part 385 of title 49, Code of Federal Regulations, to maintain, follow, and carry a route plan, in written or electronic format, that meets the requirements of section 397.101 of that title when transporting the type and quantity of hazardous materials described in section 385.403 if the Secretary determines, under the assessment required in subsection (b), that such a requirement would enhance security and safety without imposing unreasonable costs or burdens upon motor carriers.*

***SEC. 1554. MOTOR CARRIER SECURITY-SENSITIVE MATERIAL TRACKING.***

*(a) COMMUNICATIONS.—*

*(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, consistent with the findings of the Transportation Security Administration's hazardous materials truck security pilot program, the Secretary, through the Administrator of the Transportation Security Administration and in consultation with the Secretary of Transportation, shall develop a program to facilitate the tracking of motor carrier shipments of security-sensitive materials and to equip vehicles used in such shipments with technology that provides—*

*(A) frequent or continuous communications;*

*(B) vehicle position location and tracking capabilities; and*

*(C) a feature that allows a driver of such vehicles to broadcast an emergency distress signal.*

*(2) CONSIDERATIONS.—In developing the program required by paragraph (1), the Secretary shall—*

*(A) consult with the Secretary of Transportation to coordinate the program with any ongoing or planned efforts for motor carrier or security-sensitive materials tracking at the Department of Transportation;*

*(B) take into consideration the recommendations and findings of the report on the hazardous material safety and security operational field test released by the Federal Motor Carrier Safety Administration on November 11, 2004; and*

*(C) evaluate—*

*(i) any new information related to the costs and benefits of deploying, equipping, and utilizing tracking technology, including portable tracking technology, for motor carriers transporting security-sensitive materials not included in the hazardous material safety and security operational field test report released by the Federal Motor Carrier Safety Administration on November 11, 2004;*

*(ii) the ability of tracking technology to resist tampering and disabling;*

*(iii) the capability of tracking technology to collect, display, and store information regarding the movement of shipments of security-sensitive materials by commercial motor vehicles;*

*(iv) the appropriate range of contact intervals between the tracking technology and a commercial motor vehicle transporting security-sensitive materials;*

*(v) technology that allows the installation by a motor carrier of concealed electronic devices on commercial motor vehicles that can be activated by law enforcement authorities to disable the vehicle or alert emergency response resources to locate and recover security-sensitive materials in the event of loss or theft of such materials;*

*(vi) whether installation of the technology described in clause (v) should be incorporated into the program under paragraph (1);*

*(vii) the costs, benefits, and practicality of such technology described in clause (v) in the context of the overall benefit to national security, including commerce in transportation; and*

*(viii) other systems and information the Secretary determines appropriate.*

*(b) FUNDING.—From the amounts appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this Act, there shall be made available to the Secretary to carry out this section—*

*(1) $7,000,000 for fiscal year 2008 of which $3,000,000 may be used for equipment;*

*(2) $7,000,000 for fiscal year 2009 of which $3,000,000 may be used for equipment; and*

*(3) $7,000,000 for fiscal year 2010 of which $3,000,000 may be used for equipment.*

*(c) REPORT.—Not later than 1 year after the issuance of regulations under subsection (a), the Secretary shall issue a report to the appropriate congressional committees on the program developed and evaluation carried out under this section.*

*(d) LIMITATION.—The Secretary may not mandate the installation or utilization of a technology described under this section without additional congressional authority provided after the date of enactment of this Act.*

***SEC. 1555. HAZARDOUS MATERIALS SECURITY INSPECTIONS AND STUDY.***

*(a) IN GENERAL.—The Secretary of Transportation shall consult with the Secretary to limit, to the extent practicable, duplicative reviews of the hazardous materials security plans required under part 172, title 49, Code of Federal Regulations.*

*(b) TRANSPORTATION COSTS STUDY.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in conjunction with the Secretary, shall study to what extent the insurance, security, and safety costs borne by railroad carriers, motor carriers, pipeline carriers, air carriers, and maritime carriers associated with the transportation of hazardous materials are reflected in the rates paid by offerors of such commodities as compared to the costs and rates, respectively, for the transportation of nonhazardous materials.*

***SEC. 1556. TECHNICAL CORRECTIONS.***

*(a) CORRECTION.—Section 5103a of title 49, United States Code, is amended—*

*(1) in subsection (a)(1) by striking ''Secretary'' and inserting ''Secretary of Homeland Security'';*

*(2) in subsection (b) by striking ''Secretary'' each place it appears and inserting ''Secretary of Transportation'';*

*(3) in subsection (d)(1)(B) by striking ''Secretary'' and inserting ''Secretary of Homeland Security''; and*

*(4) in subsection (e) by striking ''Secretary'' and inserting ''Secretary of Homeland Security'' each place it appears.*

*(b) RELATIONSHIP TO TRANSPORTATION SECURITY CARDS.—*

*(1) BACKGROUND CHECK.—An individual who has a valid transportation employee identification card issued by the Secretary under section 70105 of title 46, United States Code, shall be deemed to have met the background records check required under section 5103a of title 49, United States Code.*

*(2) STATE REVIEW.—Nothing in this subsection prevents or preempts a State from conducting a criminal records check of an individual that has applied for a license to operate a motor vehicle transporting in commerce a hazardous material.*

***SEC. 1557. PIPELINE SECURITY INSPECTIONS AND ENFORCEMENT.***

*(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, consistent with the Annex to the Memorandum of Understanding executed on August 9, 2006, between the Department of Transportation and the Department, the Secretary, in consultation with the Secretary of Transportation, shall establish a program for reviewing pipeline operator adoption of recommendations of the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular, including the review of pipeline security plans and critical facility inspections.*

*(b) REVIEW AND INSPECTION.—Not later than 12 months after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall develop and implement a plan for reviewing the pipeline security plans and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September 5, 2002, circular, where such facilities have not been inspected for security purposes since September 5, 2002, by either the Department or the Department of Transportation.*

*(c) COMPLIANCE REVIEW METHODOLOGY.—In reviewing pipeline operator compliance under subsections (a) and (b), risk assessment methodologies shall be used to prioritize risks and to target inspection and enforcement actions to the highest risk pipeline assets.*

*(d) REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall develop and transmit to pipeline operators security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary determines that regulations are appropriate, the Secretary shall consult with the Secretary of Transportation on the extent of risk and appropriate mitigation measures, and the Secretary or the Secretary of Transportation, consistent with the Annex to the Memorandum of Understanding executed on August 9, 2006, shall promulgate such regulations and carry out necessary inspection and enforcement actions. Any regulations shall incorporate the guidance provided to pipeline operators by the September 5, 2002, Department of Transportation Research and Special Programs Administration's Pipeline Security Information Circular and contain additional requirements as necessary based upon the results of the inspections performed under subsection (b). The regulations shall include the imposition of civil penalties for noncompliance.*

*(e) FUNDING.—From the amounts appropriated pursuant to section 114(w) of title 49, United States Code, as amended by section 1503 of this Act, there shall be made available to the Secretary to carry out this section—*

*(1) $2,000,000 for fiscal year 2008;*

*(2) $2,000,000 for fiscal year 2009; and*

*(3) $2,000,000 for fiscal year 2010.*

***SEC. 1558. PIPELINE SECURITY AND INCIDENT RECOVERY PLAN.***

*(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Pipeline and Hazardous Materials Safety Administration, and in accordance with the Annex to the Memorandum of Understanding executed on August 9, 2006, the National Strategy for Transportation Security, and Homeland Security Presidential Directive 7, shall develop a pipeline security and incident recovery protocols plan. The plan shall include—*

*(1) for the Government to provide increased security support to the most critical interstate and intrastate natural gas and hazardous liquid transmission pipeline infrastructure and operations as determined under section 1557 when—*

*(A) under severe security threat levels of alert; or*

*(B) under specific security threat information relating to such pipeline infrastructure or operations exists; and*

*(2) an incident recovery protocol plan, developed in conjunction with interstate and intrastate transmission and distribution pipeline operators and terminals and facilities operators connected to pipelines, to develop protocols to ensure the continued transportation of natural gas and hazardous liquids to essential markets and for essential public health or national defense uses in the event of an incident affecting the interstate and intrastate natural gas and hazardous liquid transmission and distribution pipeline system, which shall include protocols for restoring essential services supporting pipelines and granting access to pipeline operators for pipeline infrastructure repair, replacement, or bypass following an incident.*

*(b) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The plan shall take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions.*

*(c) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Transportation, interstate and intrastate transmission and distribution pipeline operators, nonprofit employee organizations representing pipeline employees, emergency responders, offerors, State pipeline safety agencies, public safety officials, and other relevant parties.*

*(d) REPORT.—*

*(1) CONTENTS.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the appropriate congressional committees a report containing the plan required by subsection (a), including an estimate of the private and public sector costs to implement any recommendations.*

*(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.*

***TITLE XVI—AVIATION***

***SEC. 1601. AIRPORT CHECKPOINT SCREENING FUND.***

*Section 44940 of title 49, United States Code, is amended—*

*(1) in subsection (d)(4) by inserting '', other than subsection (i),'' before ''except to''; and*

*(2) by adding at the end the following:*

*''(i) CHECKPOINT SCREENING SECURITY FUND.—*

*''(1) ESTABLISHMENT.—There is established in the Department of Homeland Security a fund to be known as the 'Checkpoint Screening Security Fund'.*

*''(2) DEPOSITS.—In fiscal year 2008, after amounts are made available under section 44923(h), the next $250,000,000 derived from fees received under subsection (a)(1) shall be available to be deposited in the Fund.*

*''(3) FEES.—The Secretary of Homeland Security shall impose the fee authorized by subsection (a)(1) so as to collect at least $250,000,000 in fiscal year 2008 for deposit into the Fund.*

*''(4) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall be available until expended by the Administrator of the Transportation Security Administration for the purchase, deployment, installation, research, and development of equipment to improve the ability of security screening personnel at screening checkpoints to detect explosives.''.*

***SEC. 1602. SCREENING OF CARGO CARRIED ABOARD PASSENGER AIRCRAFT.***

*(a) IN GENERAL.—Section 44901 of title 49, United States Code, is amended—*

*(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and*

*(2) by inserting after subsection (f) the following:*

*''(g) AIR CARGO ON PASSENGER AIRCRAFT.—*

*''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary of Homeland Security shall establish a system to screen 100 percent of cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo.*

*''(2) MINIMUM STANDARDS.—The system referred to in paragraph (1) shall require, at a minimum, that equipment, technology, procedures, personnel, or other methods approved by the Administrator of the Transportation Security Administration, are used to screen cargo carried on passenger aircraft described in paragraph (1) to provide a level of security commensurate with the level of security for the screening of passenger checked baggage as follows:*

*''(A) 50 percent of such cargo is so screened not later than 18 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007.*

*''(B) 100 percent of such cargo is so screened not later than 3 years after such date of enactment.*

*''(3) REGULATIONS.—*

*''(A) INTERIM FINAL RULE.—The Secretary of Homeland Security may issue an interim final rule as a temporary regulation to implement this subsection without regard to the provisions of chapter 5 of title 5.*

*''(B) FINAL RULE.—*

*''(i) IN GENERAL.—If the Secretary issues an interim final rule under subparagraph (A), the Secretary shall issue, not later than one year after the effective date of the interim final rule, a final rule as a permanent regulation to implement this subsection in accordance with the provisions of chapter 5 of title 5.*

*''(ii) FAILURE TO ACT.—If the Secretary does not issue a final rule in accordance with clause (i) on or before the last day of the one-year period referred to in clause (i), the Secretary shall submit to the Committee on Homeland Security of the House of Representatives, Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate a report explaining why the final rule was not timely issued and providing an estimate of the earliest date on which the final rule will be issued. The Secretary shall submit the first such report within 10 days after such last day and submit a report to the Committees containing updated information every 30 days thereafter until the final rule is issued.*

*''(iii) SUPERCEDING OF INTERIM FINAL RULE.—The final rule issued in accordance with this subparagraph shall supersede the interim final rule issued under subparagraph (A).*

*''(4) REPORT.—Not later than 1 year after the date of establishment of the system under paragraph (1), the Secretary shall submit to the Committees referred to in paragraph (3)(B)(ii) a report that describes the system.*

*''(5) SCREENING DEFINED.—In this subsection the term 'screening' means a physical examination or non-intrusive methods of assessing whether cargo poses a threat to transportation security. Methods of screening include x-ray systems, explosives detection systems, explosives trace detection, explosives detection canine teams certified by the Transportation Security Administration, or a physical search together with manifest verification. The Administrator may approve additional methods to ensure that the cargo does not pose a threat to transportation security and to assist in meeting the requirements of this subsection. Such additional cargo screening methods shall not include solely performing a review of information about the contents of cargo or verifying the identity of a shipper of the cargo that is not performed in*

*conjunction with other security methods authorized under this subsection, including whether a known shipper is registered in the known shipper database. Such additional cargo screening methods may include a program to certify the security methods used by shippers pursuant to paragraphs (1) and (2) and alternative screening methods pursuant to exemptions referred to in subsection (b) of section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007.''.*

*(b) ASSESSMENT OF EXEMPTIONS.—*

*(1) TSA ASSESSMENT.—*

*(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate committees of Congress and to the Comptroller General a report containing an assessment of each exemption granted under section 44901(i)(1) of title 49, United States Code, for the screening required by such section for cargo transported on passenger aircraft and an analysis to assess the risk of maintaining such exemption.*

*(B) CONTENTS.—The report under subparagraph (A) shall include—*

*(i) the rationale for each exemption;*

*(ii) what percentage of cargo is not screened in accordance with section 44901(g) of title 49, United States Code;*

*(iii) the impact of each exemption on aviation security;*

*(iv) the projected impact on the flow of commerce of eliminating each exemption, respectively, should the Secretary choose to take such action; and*

*(v) plans and rationale for maintaining, changing, or eliminating each exemption.*

*(C) FORMAT.—The Secretary may submit the report under subparagraph (A) in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.*

*(2) GAO ASSESSMENT.—Not later than 120 days after the date on which the report under paragraph (1) is submitted, the Comptroller General shall review the report and submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the methodology of determinations made by the Secretary for maintaining, changing, or eliminating an exemption under section 44901(i)(1) of title 49, United States Code.*

***SEC. 1603. IN-LINE BAGGAGE SCREENING.***

*(a) EXTENSION OF AUTHORIZATION.—Section 44923(i)(1) of title 49, United States Code, is amended by striking ''2007.'' and inserting ''2007, and $450,000,000 for each of fiscal years 2008 through 2011''.*

*(b) SUBMISSION OF COST-SHARING STUDY AND PLAN.—Not later than 60 days after the date of enactment of this Act, the Secretary for Homeland Security shall submit to the appropriate congressional committees the cost sharing study described in section 4019(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3722), together with the Secretary's analysis of the study, a list of provisions of the study the Secretary intends to implement, and a plan and schedule for implementation of such listed provisions.*

***SEC. 1604. IN-LINE BAGGAGE SYSTEM DEPLOYMENT.***

*(a) IN GENERAL.—Section 44923 of title 49, United States Code, is amended—*

*(1) in subsection (a) by striking ''may make'' and inserting ''shall make'';*

*(2) in subsection (d)(1) by striking ''may'' and inserting ''shall'';*

*(3) in subsection (h)(1) by striking ''2007'' and inserting ''2028'';*

*(4) in subsection (h) by striking paragraphs (2) and (3) and inserting the following:*

*''(2) ALLOCATION.—Of the amount made available under paragraph (1) for a fiscal year, not less than $200,000,000 shall be allocated to fulfill letters of intent issued under subsection (d).*

*''(3) DISCRETIONARY GRANTS.—Of the amount made available under paragraph (1) for a fiscal year, up to $50,000,000 shall be used to make discretionary grants, including other transaction agreements for airport security improvement projects, with priority given to small hub airports and nonhub airports.'';*

*(5) by redesignating subsection (i) as subsection (j); and*

*(6) by inserting after subsection (h) the following:*

*''(i) LEVERAGED FUNDING.—For purposes of this section, a grant under subsection (a) to an airport sponsor to service an obligation issued by or on behalf of that sponsor to fund a project described in subsection (a) shall be considered to be a grant for that project.''.*

*(b) PRIORITIZATION OF PROJECTS.—*

*(1) IN GENERAL.—The Administrator of the Transportation Security Administration shall establish a prioritization schedule for airport security improvement projects described in section 44923 of title 49, United States Code, based on risk and other relevant factors, to be funded under that section. The schedule shall include both hub airports referred to in paragraphs (29), (31), and (42) of section 40102 of such title and nonhub airports (as defined in section 47102(13) of such title).*

*(2) AIRPORTS THAT HAVE INCURRED ELIGIBLE COSTS.—The schedule shall include airports that have incurred eligible costs associated with development of partial or completed in-line baggage systems before the date of enactment of this Act in reasonable anticipation of receiving a grant under section 44923 of title 49, United States Code, in reimbursement of those costs but that have not received such a grant.*

*(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall provide a copy of the prioritization schedule, a corresponding timeline, and a description of the funding allocation under section 44923 of title 49, United States Code, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives.*

***SEC. 1605. STRATEGIC PLAN TO TEST AND IMPLEMENT ADVANCED PASSENGER PRESCREENING SYSTEM.***

*(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate a plan that—*

*(1) describes the system to be utilized by the Department of Homeland Security to assume the performance of comparing passenger information, as defined by the Administrator, to the automatic selectee and no-fly lists, utilizing appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government;*

*(2) provides a projected timeline for each phase of testing and implementation of the system;*

*(3) explains how the system will be integrated with the prescreening system for passengers on international flights; and*

*(4) describes how the system complies with section 552a of title 5, United States Code.*

*(b) GAO ASSESSMENT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives that—*

*(1) describes the progress made by the Transportation Security Administration in implementing the secure flight passenger pre-screening program;*

*(2) describes the effectiveness of the current appeals process for passengers wrongly assigned to the no-fly and terrorist watch lists;*

*(3) describes the Transportation Security Administration's plan to protect private passenger information and progress made in integrating the system with the pre-screening program for international flights operated by United States Customs and Border Protection;*

*(4) provides a realistic determination of when the system will be completed; and*

*(5) includes any other relevant observations or recommendations the Comptroller General deems appropriate.*

***SEC. 1606. APPEAL AND REDRESS PROCESS FOR PASSENGERS WRONGLY DELAYED OR PROHIBITED FROM BOARDING A FLIGHT.***

*(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code is amended by adding at the end the following:*

***''§ 44926. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight***

*''(a) IN GENERAL.—The Secretary of Homeland Security shall establish a timely and fair process for individuals who believe they have been delayed or prohibited from boarding a commercial aircraft because they were wrongly identified as a threat under the regimes utilized by the Transportation Security Administration, United States Customs and Border Protection, or any other office or component of the Department of Homeland Security.*

*''(b) OFFICE OF APPEALS AND REDRESS.—*

*''(1) ESTABLISHMENT.—The Secretary shall establish in the Department an Office of Appeals and Redress to implement, coordinate, and execute the process established by the Secretary pursuant to subsection (a). The Office shall include representatives from the Transportation Security Administration, United States Customs and Border Protection, and such other offices and components of the Department as the Secretary determines appropriate.*

*''(2) RECORDS.—The process established by the Secretary pursuant to subsection (a) shall include the establishment of a method by which the Office, under the direction of the Secretary, will be able to maintain a record of air carrier passengers and other individuals who have been misidentified and have corrected erroneous information.*

*''(3) INFORMATION.—To prevent repeated delays of an misidentified passenger or other individual, the Office shall—*

*''(A) ensure that the records maintained under this subsection contain information determined by the Secretary to authenticate the identity of such a passenger or individual;*

*''(B) furnish to the Transportation Security Administration, United States Customs and Border Protection, or any other appropriate office or component of the Department, upon request, such information as may be necessary to allow such office or component to assist air carriers in improving their administration of the advanced passenger prescreening system and reduce the number of false positives; and*

*''(C) require air carriers and foreign air carriers take action to identify passengers determined, under the process established under subsection (a), to have been wrongly identified.*

*''(4) HANDLING OF PERSONALLY IDENTIFIABLE INFORMATION.—The Secretary, in conjunction with the Chief Privacy Officer of the Department shall—*

*''(A) require that Federal employees of the Department handling personally identifiable information of passengers (in this paragraph referred to as 'PII') complete mandatory privacy and security training prior to being authorized to handle PII;*

*''(B) ensure that the records maintained under this subsection are secured by encryption, one-way hashing, other data anonymization techniques, or such other equivalent security*

*technical protections as the Secretary determines necessary;*

*''(C) limit the information collected from misidentified passengers or other individuals to the minimum amount necessary to resolve a redress request;*

*''(D) require that the data generated under this subsection shall be shared or transferred via a secure data network, that has been audited to ensure that the anti-hacking and other security related software functions properly and is updated as necessary;*

*''(E) ensure that any employee of the Department receiving the data contained within the records handles the information in accordance with the section 552a of title 5, United States Code, and the Federal Information Security Management Act of 2002 (Public Law 107–296);*

*''(F) only retain the data for as long as needed to assist the individual traveler in the redress process; and*

*''(G) conduct and publish a privacy impact assessment of the process described within this subsection and transmit the assessment to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Homeland Security and Governmental Affairs of the Senate.*

*''(5) INITIATION OF REDRESS PROCESS AT AIRPORTS.—The Office shall establish at each airport at which the Department has a significant presence a process to provide information to air carrier passengers to begin the redress process established pursuant to subsection (a).''.*

*(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 44925 the following:*

*''44926. Appeal and redress process for passengers wrongly delayed or prohibited from boarding a flight.''.*

***SEC. 1607. STRENGTHENING EXPLOSIVES DETECTION AT PASSENGER SCREENING CHECKPOINTS.***

*(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall issue the strategic plan the Secretary was required by section 44925(b) of title 49, United States Code, to have issued within 90 days after the date of enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).*

*(b) DEPLOYMENT.—Section 44925(b) of title 49, United States Code, is amended by adding at the end the following:*

*''(3) IMPLEMENTATION.—The Secretary shall begin implementation of the strategic plan within one year after the date of enactment of this paragraph.''.*

***SEC. 1608. RESEARCH AND DEVELOPMENT OF AVIATION TRANSPORTATION SECURITY TECHNOLOGY.***

*Section 137(a) of the Aviation and Transportation Security Act (49 U.S.C. 44912 note; 115 Stat. 637) is amended—*

*(1) by striking ''2002 through 2006'' and inserting ''2006 through 2011'';*

*(2) by striking ''aviation'' and inserting ''transportation''; and*

*(3) by striking ''2002 and 2003'' and inserting ''2006 through 2011''.*

***SEC. 1609. BLAST-RESISTANT CARGO CONTAINERS.***

*Section 44901 of title 49, United States Code, as amended by section 1602, is further amended by adding at the end the following:*

*''(j) BLAST-RESISTANT CARGO CONTAINERS.—*

*''(1) IN GENERAL.—Before January 1, 2008, the Administrator of the Transportation Security Administration shall—*

*''(A) evaluate the results of the blast-resistant cargo container pilot program that was initiated before the date of enactment of this subsection; and*

*''(B) prepare and distribute through the Aviation Security Advisory Committee to the appropriate Committees of Congress and air carriers a report on that evaluation which may contain nonclassified and classified sections.*

*''(2) ACQUISITION, MAINTENANCE, AND REPLACEMENT.—Upon completion and consistent with the results of the evaluation that paragraph (1)(A) requires, the Administrator shall—*

*''(A) develop and implement a program, as the Administrator determines appropriate, to acquire, maintain, and replace blast-resistant cargo containers;*

*''(B) pay for the program; and*

*''(C) make available blast-resistant cargo containers to air carriers pursuant to paragraph (3).*

*''(3) DISTRIBUTION TO AIR CARRIERS.—The Administrator shall make available, beginning not later than July 1, 2008, blast-resistant cargo containers to air carriers for use on a risk managed basis as determined by the Administrator.''.*

***SEC. 1610. PROTECTION OF PASSENGER PLANES FROM EXPLOSIVES.***

*(a) TECHNOLOGY RESEARCH AND PILOT PROJECTS.—*

*(1) RESEARCH AND DEVELOPMENT.—The Secretary of Homeland Security, in consultation with the Administrator of the Transportation Security Administration, shall expedite research and development programs for technologies that can disrupt or prevent an explosive device from being introduced onto a passenger plane or from damaging a passenger plane while in flight or on the ground. The research shall be used in support of implementation of section 44901 of title 49, United States Code.*

*(2) PILOT PROJECTS.—The Secretary, in conjunction with the Secretary of Transportation, shall establish a grant program to fund pilot projects—*

*(A) to deploy technologies described in paragraph (1); and*

*(B) to test technologies to expedite the recovery, development, and analysis of information from aircraft accidents to determine the cause of the accident, including deployable flight deck and voice recorders and remote location recording devices.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2008 such sums as may be necessary to carry out this section. Such sums shall remain available until expended.*

***SEC. 1611. SPECIALIZED TRAINING.***

*The Administrator of the Transportation Security Administration shall provide advanced training to transportation security officers for the development of specialized security skills, including behavior observation and analysis, explosives detection, and document examination, in order to enhance the effectiveness of layered transportation security measures.*

***SEC. 1612. CERTAIN TSA PERSONNEL LIMITATIONS NOT TO APPLY.***

*(a) IN GENERAL.—Notwithstanding any provision of law, any statutory limitation on the number of employees in the Transportation Security Administration, before or after its transfer to the Department of Homeland Security from the Department of Transportation, does not apply after fiscal year 2007.*

*(b) AVIATION SECURITY.—Notwithstanding any provision of law imposing a limitation on the recruiting or hiring of personnel into the Transportation Security Administration to a maximum number of permanent positions, the Secretary of Homeland Security shall recruit and hire such personnel into the Administration as may be necessary—*

*(1) to provide appropriate levels of aviation security; and*

*(2) to accomplish that goal in such a manner that the average aviation security-related delay experienced by airline passengers is reduced to a level of less than 10 minutes.*

***SEC. 1613. PILOT PROJECT TO TEST DIFFERENT TECHNOLOGIES AT AIRPORT EXIT LANES.***

*(a) IN GENERAL.—The Administrator of the Transportation Security Administration shall conduct a pilot program at not more than 2 airports to identify technologies to improve security at airport exit lanes.*

*(b) PROGRAM COMPONENTS.—In conducting the pilot program under this section, the Administrator shall—*

*(1) utilize different technologies that protect the integrity of the airport exit lanes from unauthorized entry;*

*(2) work with airport officials to deploy such technologies in multiple configurations at a selected airport or airports at which some of the exits are not colocated with a screening checkpoint; and*

*(3) ensure the level of security is at or above the level of existing security at the airport or airports where the pilot program is conducted.*

*(c) REPORTS.—*

*(1) INITIAL BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall conduct a briefing to the congressional committees set forth in paragraph (3) that describes—*

*(A) the airport or airports selected to participate in the pilot program;*

*(B) the technologies to be tested;*

*(C) the potential savings from implementing the technologies at selected airport exits;*

*(D) the types of configurations expected to be deployed at such airports; and*

*(E) the expected financial contribution from each airport.*

*(2) FINAL REPORT.—Not later than 18 months after the technologies are deployed at the airports participating in the pilot program, the Administrator shall submit a final report to the congressional committees set forth in paragraph (3) that describes—*

*(A) the changes in security procedures and technologies deployed;*

*(B) the estimated cost savings at the airport or airports that participated in the pilot program; and*

*(C) the efficacy and staffing benefits of the pilot program and its applicability to other airports in the United States.*

*(3) CONGRESSIONAL COMMITTEES.—The reports required under this subsection shall be submitted to—*

*(A) the Committee on Commerce, Science, and Transportation of the Senate;*

*(B) the Committee on Appropriations of the Senate;*

*(C) the Committee on Homeland Security and Governmental Affairs of the Senate;*

*(D) the Committee on Homeland Security of the House of Representatives; and*

*(E) the Committee on Appropriations of the House of Representatives.*

*(d) USE OF EXISTING FUNDS.—This section shall be executed using existing funds.*

***SEC. 1614. SECURITY CREDENTIALS FOR AIRLINE CREWS.***

*(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration, after consultation with airline, airport, and flight crew representatives, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the Administration's efforts to institute a sterile area access system or method that will enhance security by properly identifying authorized airline flight deck and cabin crew members at screening checkpoints and granting them expedited access through screening checkpoints. The Administrator shall include in the report*

*recommendations on the feasibility of implementing the system for the domestic aviation industry beginning one year after the date on which the report is submitted.*

*(b) BEGINNING IMPLEMENTATION.—The Administrator shall begin implementation of the system or method referred to in subsection (a) not later than one year after the date on which the Administrator submits the report under subsection (a).*

***SEC. 1615. LAW ENFORCEMENT OFFICER BIOMETRIC CREDENTIAL.***

*(a) IN GENERAL.—Section 44903(h)(6) of title 49, United States Code, is amended to read as follows:*

*''(6) USE OF BIOMETRIC TECHNOLOGY FOR ARMED LAW ENFORCEMENT TRAVEL.—*

*''(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Secretary of Homeland Security, in consultation with the Attorney General, shall—*

*''(i) implement this section by publication in the Federal Register; and*

*''(ii) establish a national registered armed law enforcement program, that shall be federally managed, for law enforcement officers needing to be armed when traveling by commercial aircraft.*

*''(B) PROGRAM REQUIREMENTS.—The program shall—*

*''(i) establish a credential or a system that incorporates biometric technology and other applicable technologies;*

*''(ii) establish a system for law enforcement officers who need to be armed when traveling by commercial aircraft on a regular basis and for those who need to be armed during temporary travel assignments;*

*''(iii) comply with other uniform credentialing initiatives, including the Homeland Security Presidential Directive 12;*

*''(iv) apply to all Federal, State, local, tribal, and territorial government law enforcement agencies; and*

*''(v) establish a process by which the travel credential or system may be used to verify the identity, using biometric technology, of a Federal, State, local, tribal, or territorial law enforcement officer seeking to carry a weapon on board a commercial aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer.*

*''(C) PROCEDURES.—In establishing the program, the Secretary shall develop procedures—*

*''(i) to ensure that a law enforcement officer of a Federal, State, local, tribal, or territorial government flying armed has a specific reason for flying armed and the reason is within the scope of the duties of such officer;*

*''(ii) to preserve the anonymity of the armed law enforcement officer;*

*''(iii) to resolve failures to enroll, false matches, and false nonmatches relating to the use of the law enforcement travel credential or system;*

*''(iv) to determine the method of issuance of the biometric credential to law enforcement officers needing to be armed when traveling by commercial aircraft;*

*''(v) to invalidate any law enforcement travel credential or system that is lost, stolen, or no longer authorized for use;*

*''(vi) to coordinate the program with the Federal Air Marshal Service, including the force multiplier program of the Service; and*

*''(vii) to implement a phased approach to launching the program, addressing the immediate needs of the relevant Federal agent population before expanding to other law enforcement populations.''.*

*(b) REPORT.—*

*(1) IN GENERAL.—Not later than 180 days after implementing the national registered armed law enforcement program required by section 44903(h)(6) of title 49, United States Code, the Secretary of Homeland Security shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security of the House of Representatives a report. If the Secretary has not implemented the program within 180 days after the date of enactment of this Act, the Secretary shall submit a report to the Committees within 180 days explaining the reasons for the failure to implement the program within the time required by that section and a further report within each successive 90-day period until the program is implemented explaining the reasons for such further delays in implementation until the program is functioning.*

*(2) CLASSIFIED FORMAT.—The Secretary may submit each report required by this subsection in classified format.*

***SEC. 1616. REPAIR STATION SECURITY.***

*(a) CERTIFICATION OF FOREIGN REPAIR STATIONS SUSPENSION.—If the regulations required by section 44924(f) of title 49, United States Code, are not issued within one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration may not certify any foreign repair station under part 145 of title 14, Code of Federal Regulations, after such date unless the station was previously certified, or is in the process of certification by the Administration under that part.*

*(b) 6-MONTH DEADLINE FOR SECURITY REVIEW AND AUDIT.—Subsections (a) and (d) of section 44924 of title 49, United States Code, is amended—*

*(1) in each of subsections (a) and (b) by striking ''18 months'' and inserting ''6 months''; and*

*(2) in subsection (d) by inserting ''(other than a station that was previously certified, or is in the process of certification, by the Administration under this part)'' before ''until''.*

***SEC. 1617. GENERAL AVIATION SECURITY.***

*Section 44901 of title 49, United States Code, as amended by sections 1602 and 1609, is further amended by adding at the end the following:*

*''(k) GENERAL AVIATION AIRPORT SECURITY PROGRAM.—*

*''(1) IN GENERAL.—Not later than one year after the date of enactment of this subsection, the Administrator of the Transportation Security Administration shall—*

*''(A) develop a standardized threat and vulnerability assessment program for general aviation airports (as defined in section 47134(m)); and*

*''(B) implement a program to perform such assessments on a risk-managed basis at general aviation airports.*

*''(2) GRANT PROGRAM.—Not later than 6 months after the date of enactment of this subsection, the Administrator shall initiate and complete a study of the feasibility of a program, based on a risk-managed approach, to provide grants to operators of general aviation airports (as defined in section 47134(m)) for projects to upgrade security at such airports. If the Administrator determines that such a program is feasible, the Administrator shall establish such a program.*

*''(3) APPLICATION TO GENERAL AVIATION AIRCRAFT.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall develop a risk-based system under which—*

*''(A) general aviation aircraft, as identified by the Administrator, in coordination with the Administrator of the Federal Aviation Administration, are required to submit passenger information and advance notification requirements for United States Customs and Border Protection before entering United States airspace; and*

*''(B) such information is checked against appropriate databases.*

*''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Transportation Security Administration such sums as may be necessary to carry out paragraphs (2) and (3).''.*

***SEC. 1618. EXTENSION OF AUTHORIZATION OF AVIATION SECURITY FUNDING.***

*Section 48301(a) of title 49, United States Code, is amended by striking ''and 2006'' and inserting ''2007, 2008, 2009, 2010, and 2011''.*

## *TITLE XVII—MARITIME CARGO*

***SEC. 1701. CONTAINER SCANNING AND SEALS.***

*(a) CONTAINER SCANNING.—Section 232(b) of the SAFE Ports Act (6 U.S.C. 982(b)) is amended to read as follows:*

*''(b) FULL-SCALE IMPLEMENTATION.—*

*''(1) IN GENERAL.—A container that was loaded on a vessel in a foreign port shall not enter the United States (either directly or via a foreign port) unless the container was scanned by nonintrusive imaging equipment and radiation detection equipment at a foreign port before it was loaded on a vessel.*

*''(2) APPLICATION.—Paragraph (1) shall apply with respect to containers loaded on a vessel in a foreign country on or after the earlier of—*

*''(A) July 1, 2012; or*

*''(B) such other date as may be established by the Secretary under paragraph (3).*

*''(3) ESTABLISHMENT OF EARLIER DEADLINE.—The Secretary shall establish a date under (2)(B) pursuant to the lessons learned through the pilot integrated scanning systems established under section 231.*

*''(4) EXTENSIONS.—The Secretary may extend the date specified in paragraph (2)(A) or (2)(B) for 2 years, and may renew the extension in additional 2-year increments, for containers loaded in a port or ports, if the Secretary certifies to Congress that at least two of the following conditions exist:*

*''(A) Systems to scan containers in accordance with paragraph (1) are not available for purchase and installation.*

*''(B) Systems to scan containers in accordance with paragraph (1) do not have a sufficiently low false alarm rate for use in the supply chain.*

*''(C) Systems to scan containers in accordance with paragraph (1) cannot be purchased, deployed, or operated at ports overseas, including, if applicable, because a port does not have the physical characteristics to install such a system.*

*''(D) Systems to scan containers in accordance with paragraph (1) cannot be integrated, as necessary, with existing systems.*

*''(E) Use of systems that are available to scan containers in accordance with paragraph (1) will significantly impact trade capacity and the flow of cargo.*

*''(F) Systems to scan containers in accordance with paragraph (1) do not adequately provide an automated notification of questionable or high-risk cargo as a trigger for further inspection by appropriately trained personnel.*

*''(5) EXEMPTION FOR MILITARY CARGO.—Notwithstanding any other provision in the section, supplies bought by the Secretary of Defense and transported in compliance section 2631 of title 10, United States Code, and military cargo of foreign countries are exempt from the requirements of this section.*

*''(6) REPORT ON EXTENSIONS.—An extension under paragraph (4) for a port or ports shall take effect upon the expiration of the 60-day period beginning on the date the Secretary provides a report to Congress that—*

*''(A) states what container traffic will be affected by the extension;*

*''(B) provides supporting evidence to support the Secretary's certification of the basis for the extension; and*

*''(C) explains what measures the Secretary is taking to ensure that scanning can be implemented as early as possible at the port or ports that are the subject of the report.*

*''(7) REPORT ON RENEWAL OF EXTENSION.—If an extension under paragraph (4) takes effect, the Secretary shall, after one year, submit a report to Congress on whether the Secretary expects to seek to renew the extension.*

*''(8) SCANNING TECHNOLOGY STANDARDS.—In implementing paragraph (1), the Secretary shall—*

''(A) establish technological and operational standards for systems to scan containers;

''(B) ensure that the standards are consistent with the global nuclear detection architecture developed under the Homeland Security Act of 2002; and

''(C) coordinate with other Federal agencies that administer scanning or detection programs at foreign ports.

''(9) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out this subsection, the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders, and ensure that actions under this section do not violate international trade obligations, and are consistent with the World Customs Organization framework, or other international obligations of the United States.''.

(b) DEADLINE FOR CONTAINER SECURITY STANDARDS AND PROCEDURES.—Section 204(a)(4) of the SAFE Port Act (6 U.S.C. 944(a)(4)) is amended by—

(1) striking ''(1) DEADLINE FOR ENFORCEMENT.—'' and inserting the following:

''(1) DEADLINE FOR ENFORCEMENT.—

''(A) ENFORCEMENT OF RULE.—''; and

(2) adding at the end the following:

''(B) INTERIM REQUIREMENT.—If the interim final rule described in paragraph (2) is not issued by April 1, 2008, then—

''(i) effective not later than October 15, 2008, all containers in transit to the United States shall be required to meet the requirements of International Organization for Standardization Publicly Available Specification 17712 standard for sealing containers; and

''(ii) the requirements of this subparagraph shall cease to be effective upon the effective date of the interim final rule issued pursuant to this subsection.''.

## TITLE XVIII—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

### SEC. 1801. FINDINGS.

The 9/11 Commission has made the following recommendations:

(1) STRENGTHEN ''COUNTER-PROLIFERATION'' EFFORTS.—The United States should work with the international community to develop laws and an international legal regime with universal jurisdiction to enable any state in the world to capture, interdict, and prosecute smugglers of nuclear material.

(2) EXPAND THE PROLIFERATION SECURITY INITIATIVE.—In carrying out the Proliferation Security Initiative, the United States should—

(A) use intelligence and planning resources of the North Atlantic Treaty Organization (NATO) alliance;

(B) make participation open to non-NATO countries; and

(C) encourage Russia and the People's Republic of China to participate.

(3) SUPPORT THE COOPERATIVE THREAT REDUCTION PROGRAM.—The United States should expand, improve, increase resources for, and otherwise fully support the Cooperative Threat Reduction program.

### SEC. 1802. DEFINITIONS.

In this title:

(1) The terms ''prevention of weapons of mass destruction proliferation and terrorism'' and ''prevention of WMD proliferation and terrorism'' include activities under—

(A) the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note);

(B) the programs for which appropriations are authorized by section 3101(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2729);

(C) programs authorized by section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (the FREEDOM Support Act) (22 U.S.C. 5854) and programs authorized by section 1412 of the Former Soviet Union Demilitarization Act of 1992 (22 U.S.C. 5902); and

(D) a program of any agency of the Federal Government having a purpose similar to that of any of the programs identified in subparagraphs (A) through (C), as designated by the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism and the head of the agency.

(2) The terms ''weapons of mass destruction'' and ''WMD'' mean chemical, biological, and nuclear weapons, and chemical, biological, and nuclear materials used in the manufacture of such weapons.

(3) The term ''items of proliferation concern'' means—

(A) equipment, materials, or technology listed in—

(i) the Trigger List of the Guidelines for Nuclear Transfers of the Nuclear Suppliers Group;

(ii) the Annex of the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology of the Nuclear Suppliers Group; or

(iii) any of the Common Control Lists of the Australia Group; and

(B) any other sensitive items.

## Subtitle A—Repeal and Modification of Limitations on Assistance for Prevention of WMD Proliferation and Terrorism

### SEC. 1811. REPEAL AND MODIFICATION OF LIMITATIONS ON ASSISTANCE FOR PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.

Consistent with the recommendations of the 9/11 Commission, Congress repeals or modifies the limitations on assistance for prevention of weapons of mass destruction proliferation and terrorism as follows:

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Subsections (b) and (c) of section 211 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) are repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(4) AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION—MODIFICATION OF CERTIFICATION REQUIREMENT; CONGRESSIONAL NOTICE REQUIREMENT.—Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 22 U.S.C. 5963) is amended—

(A) in subsection (a)—

(i) by striking ''the President may'' and inserting ''the Secretary of Defense may''; and

(ii) by striking ''if the President'' and inserting ''if the Secretary of Defense, with the concurrence of the Secretary of State,'';

(B) in subsection (d)(1)—

(i) by striking ''The President may not'' and inserting ''The Secretary of Defense may not''; and

(ii) by striking ''until the President'' and inserting ''until the Secretary of Defense, with the concurrence of the Secretary of State,'';

(C) in subsection (d)(2)—

(i) by striking ''Not later than 10 days after'' and inserting ''Not later than 15 days prior to'';

(ii) by striking ''the President shall'' and inserting ''the Secretary of Defense shall''; and

(iii) by striking ''Congress'' and inserting ''the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate''; and

(D) in subsection (d) by adding at the end the following:

''(3) In the case of a situation that threatens human life or safety or where a delay would severely undermine the national security of the United States, notification under paragraph (2) shall be made not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity.''.

## Subtitle B—Proliferation Security Initiative

### SEC. 1821. PROLIFERATION SECURITY INITIATIVE IMPROVEMENTS AND AUTHORITIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress, consistent with the 9/11 Commission's recommendations, that the President should strive to expand and strengthen the Proliferation Security Initiative (in this subtitle referred to as ''PSI'') announced by the President on May 31, 2003, with a particular emphasis on the following:

(1) Issuing a presidential directive to the relevant United States Government agencies and departments that directs such agencies and departments to—

(A) establish clear PSI authorities, responsibilities, and structures;

(B) include in the budget request for each such agency or department for each fiscal year, a request for funds necessary for United States PSI-related activities; and

(C) provide other necessary resources to achieve more efficient and effective performance of United States PSI-related activities.

(2) Increasing PSI cooperation with all countries.

(3) Implementing the recommendations of the Government Accountability Office (GAO) in the September 2006 report titled ''Better Controls Needed to Plan and Manage Proliferation Security Initiative Activities'' (GAO–06–937C) regarding the following:

(A) The Department of Defense and the Department of State should establish clear PSI roles and responsibilities, policies and procedures, interagency communication mechanisms, documentation requirements, and indicators to measure program results.

(B) The Department of Defense and the Department of State should develop a strategy to work with PSI-participating countries to resolve issues that are impediments to conducting successful PSI interdictions.

(4) Establishing a multilateral mechanism to increase coordination, cooperation, and compliance among PSI-participating countries.

(b) BUDGET SUBMISSION.—

(1) IN GENERAL.—Each fiscal year in which activities are planned to be carried out under the PSI, the President shall include in the budget request for each participating United States Government agency or department for that fiscal year, a description of the funding and the activities for which the funding is requested for each such agency or department.

(2) REPORT.—Not later than the first Monday in February of each year in which the President submits a budget request described in paragraph (1), the Secretary of Defense and the Secretary of State shall submit to Congress a comprehensive joint report setting forth the following:

(A) A three-year plan, beginning with the fiscal year for the budget request, that specifies the amount of funding and other resources to be provided by the United States for PSI-related activities over the term of the plan, including the purposes for which such funding and resources will be used.

(B) For the report submitted in 2008, a description of the PSI-related activities carried out during the three fiscal years preceding the year of the report, and for the report submitted in 2009 and each year thereafter, a description of the PSI-related activities carried out during the fiscal year preceding the year of the report. The description shall include, for each fiscal year covered by the report—

(i) the amounts obligated and expended for such activities and the purposes for which such amounts were obligated and expended;

*(ii) a description of the participation of each department or agency of the United States Government in such activities;*

*(iii) a description of the participation of each foreign country or entity in such activities;*

*(iv) a description of any assistance provided to a foreign country or entity participating in such activities in order to secure such participation, in response to such participation, or in order to improve the quality of such participation; and*

*(v) such other information as the Secretary of Defense and the Secretary of State determine should be included to keep Congress fully informed of the operation and activities of the PSI.*

*(3) CLASSIFICATION.—The report required by paragraph (2) shall be in an unclassified form but may include a classified annex as necessary.*

*(c) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the implementation of this section. The report shall include—*

*(1) the steps taken to implement the recommendations described in paragraph (3) of subsection (a); and*

*(2) the progress made toward implementing the matters described in paragraphs (1), (2), and (4) of subsection (a).*

*(d) GAO REPORTS.—The Government Accountability Office shall submit to Congress, for each of fiscal years 2007, 2009, and 2011, a report with its assessment of the progress and effectiveness of the PSI, which shall include an assessment of the measures referred to in subsection (a).*

***SEC. 1822. AUTHORITY TO PROVIDE ASSISTANCE TO COOPERATIVE COUNTRIES.***

*(a) IN GENERAL.—The President is authorized to provide assistance under subsection (b) to any country that cooperates with the United States and with other countries allied with the United States to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace or in vessels under its control or registry.*

*(b) TYPES OF ASSISTANCE.—The assistance authorized under subsection (a) consists of the following:*

*(1) Assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763).*

*(2) Assistance under chapters 4 (22 U.S.C. 2346 et seq.) and 5 (22 U.S.C. 2347 et seq.) of part II of the Foreign Assistance Act of 1961.*

*(3) Drawdown of defense excess defense articles and services under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).*

*(c) CONGRESSIONAL NOTIFICATION.—Assistance authorized under this section may not be provided until at least 30 days after the date on which the President has provided notice thereof to the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate, in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)), and has certified to such committees that such assistance will be used in accordance with the requirement of subsection (e) of this section.*

*(d) LIMITATION.—Assistance may be provided to a country under section (a) in no more than three fiscal years.*

*(e) USE OF ASSISTANCE.—Assistance provided under this section shall be used to enhance the capability of the recipient country to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace, or in vessels under its control or registry, including through the development of a legal framework in that country to enhance such capability by criminalizing proliferation, enacting strict export controls, and securing sensitive materials within its borders, and to enhance the ability of the recipient country to cooperate in PSI operations.*

*(f) LIMITATION ON SHIP OR AIRCRAFT TRANSFERS.—*

*(1) LIMITATION.—Except as provided in paragraph (2), the President may not transfer any excess defense article that is a vessel or an aircraft to a country that has not agreed, in connection with such transfer, that it will support and assist efforts by the United States, consistent with international law, to interdict items of proliferation concern until thirty days after the date on which the President has provided notice of the proposed transfer to the committees described in subsection (c) in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)), in addition to any other requirement of law.*

*(2) EXCEPTION.—The limitation in paragraph (1) shall not apply to any transfer, not involving significant military equipment, in which the primary use of the aircraft or vessel will be for counternarcotics, counterterrorism, or counterproliferation purposes.*

***Subtitle C—Assistance to Accelerate Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism***

***SEC. 1831. STATEMENT OF POLICY.***

*It shall be the policy of the United States, consistent with the 9/11 Commission's recommendations, to eliminate any obstacles to timely obligating and executing the full amount of any appropriated funds for threat reduction and nonproliferation programs in order to accelerate and strengthen progress on preventing weapons of mass destruction (WMD) proliferation and terrorism. Such policy shall be implemented with concrete measures, such as those described in this title, including the removal and modification of statutory limits to executing funds, the expansion and strengthening of the Proliferation Security Initiative, the establishment of the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism under subtitle D, and the establishment of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism under subtitle E. As a result, Congress intends that any funds authorized to be appropriated to programs for preventing WMD proliferation and terrorism under this subtitle will be executed in a timely manner.*

***SEC. 1832. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM.***

*(a) FISCAL YEAR 2008.—*

*(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to the Department of Defense Cooperative Threat Reduction Program such sums as may be necessary for fiscal year 2008 for the following purposes:*

*(A) Chemical weapons destruction at Shchuch'ye, Russia.*

*(B) Biological weapons proliferation prevention.*

*(C) Acceleration, expansion, and strengthening of Cooperative Threat Reduction Program activities.*

*(2) LIMITATION.—The sums appropriated pursuant to paragraph (1) may not exceed the amounts authorized to be appropriated by any national defense authorization Act for fiscal year 2008 (whether enacted before or after the date of the enactment of this Act) to the Department of Defense Cooperative Threat Reduction Program for such purposes.*

*(b) FUTURE YEARS.—It is the sense of Congress that in fiscal year 2008 and future fiscal years, the President should accelerate and expand funding for Cooperative Threat Reduction programs administered by the Department of Defense and such efforts should include, beginning upon enactment of this Act, encouraging additional commitments by the Russian Federation and other partner nations, as recommended by the 9/11 Commission.*

***SEC. 1833. AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF ENERGY PROGRAMS TO PREVENT WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.***

*(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to Department of Energy National Nuclear Security Administration Defense Nuclear Nonproliferation such sums as may be necessary for fiscal year 2008 to accelerate, expand, and strengthen the following programs to prevent weapons of mass destruction (WMD) proliferation and terrorism:*

*(1) The Global Threat Reduction Initiative.*

*(2) The Nonproliferation and International Security program.*

*(3) The International Materials Protection, Control and Accounting program.*

*(4) The Nonproliferation and Verification Research and Development program.*

*(b) LIMITATION.—The sums appropriated pursuant to subsection (a) may not exceed the amounts authorized to be appropriated by any national defense authorization Act for fiscal year 2008 (whether enacted before or after the date of the enactment of this Act) to Department of Energy National Nuclear Security Administration Defense Nuclear Nonproliferation for such purposes.*

***Subtitle D—Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism***

***SEC. 1841. OFFICE OF THE UNITED STATES COORDINATOR FOR THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.***

*(a) ESTABLISHMENT.—There is established within the Executive Office of the President an office to be known as the ''Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism'' (in this section referred to as the ''Office'').*

*(b) OFFICERS.—*

*(1) UNITED STATES COORDINATOR.—The head of the Office shall be the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this section referred to as the ''Coordinator'').*

*(2) DEPUTY UNITED STATES COORDINATOR.—There shall be a Deputy United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this section referred to as the ''Deputy Coordinator''), who shall—*

*(A) assist the Coordinator in carrying out the responsibilities of the Coordinator under this subtitle; and*

*(B) serve as Acting Coordinator in the absence of the Coordinator and during any vacancy in the office of Coordinator.*

*(3) APPOINTMENT.—The Coordinator and Deputy Coordinator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be responsible on a full-time basis for the duties and responsibilities described in this section.*

*(4) LIMITATION.—No person shall serve as Coordinator or Deputy Coordinator while serving in any other position in the Federal Government.*

*(5) ACCESS BY CONGRESS.—The establishment of the Office of the Coordinator within the Executive Office of the President shall not be construed as affecting access by the Congress or committees of either House to—*

*(A) information, documents, and studies in the possession of, or conducted by or at the direction of, the Coordinator; or*

*(B) personnel of the Office of the Coordinator.*

*(c) DUTIES.—The responsibilities of the Coordinator shall include the following:*

*(1) Serving as the principal advisor to the President on all matters relating to the prevention of weapons of mass destruction (WMD) proliferation and terrorism.*

*(2) Formulating a comprehensive and well-coordinated United States strategy and policies for preventing WMD proliferation and terrorism, including—*

*(A) measurable milestones and targets to which departments and agencies can be held accountable;*

*(B) identification of gaps, duplication, and other inefficiencies in existing activities, initiatives, and programs and the steps necessary to overcome these obstacles;*

*(C) plans for preserving the nuclear security investment the United States has made in Russia, the former Soviet Union, and other countries;*

*(D) prioritized plans to accelerate, strengthen, and expand the scope of existing initiatives and programs, which include identification of vulnerable sites and material and the corresponding actions necessary to eliminate such vulnerabilities;*

*(E) new and innovative initiatives and programs to address emerging challenges and strengthen United States capabilities, including programs to attract and retain top scientists and engineers and strengthen the capabilities of United States national laboratories;*

*(F) plans to coordinate United States activities, initiatives, and programs relating to the prevention of WMD proliferation and terrorism, including those of the Department of Energy, the Department of Defense, the Department of State, and the Department of Homeland Security, and including the Proliferation Security Initiative, the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, United Nations Security Council Resolution 1540, and the Global Initiative to Combat Nuclear Terrorism;*

*(G) plans to strengthen United States commitments to international regimes and significantly improve cooperation with other countries relating to the prevention of WMD proliferation and terrorism, with particular emphasis on work with the international community to develop laws and an international legal regime with universal jurisdiction to enable any state in the world to interdict and prosecute smugglers of WMD material, as recommended by the 9/11 Commission; and*

*(H) identification of actions necessary to implement the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established under subtitle E of this title.*

*(3) Leading inter-agency coordination of United States efforts to implement the strategy and policies described in this section.*

*(4) Conducting oversight and evaluation of accelerated and strengthened implementation of initiatives and programs to prevent WMD proliferation and terrorism by relevant government departments and agencies.*

*(5) Overseeing the development of a comprehensive and coordinated budget for programs and initiatives to prevent WMD proliferation and terrorism, ensuring that such budget adequately reflects the priority of the challenges and is effectively executed, and carrying out other appropriate budgetary authorities.*

*(d) STAFF.—The Coordinator may—*

*(1) appoint, employ, fix compensation, and terminate such personnel as may be necessary to enable the Coordinator to perform his or her duties under this title;*

*(2) direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency, in order to implement United States policy with regard to the prevention of WMD proliferation and terrorism;*

*(3) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;*

*(4) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code; and*

*(5) use the mails in the same manner as any other department or agency of the executive branch.*

*(e) CONSULTATION WITH COMMISSION.—The Office and the Coordinator shall regularly consult with and strive to implement the recommendations of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, established under subtitle E of this title.*

*(f) ANNUAL REPORT ON STRATEGIC PLAN.—For fiscal year 2009 and each fiscal year thereafter, the Coordinator shall submit to Congress, at the same time as the submission of the budget for that fiscal year under title 31, United States Code, a report on the strategy and policies developed pursuant to subsection (c)(2), together with any recommendations of the Coordinator for legislative changes that the Coordinator considers appropriate with respect to such strategy and policies and their implementation or the Office of the Coordinator.*

*(g) PARTICIPATION IN NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—*

*(1) by redesignating the last subsection (added as ''(i)'' by section 301 of Public Law 105–292) as subsection (k); and*

*(2) by adding at the end the following:*

*''(l) PARTICIPATION OF COORDINATOR FOR THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.—The United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (or, in the Coordinator's absence, the Deputy United States Coordinator) may, in the performance of the Coordinator's duty as principal advisor to the President on all matters relating to the prevention of weapons of mass destruction proliferation and terrorism, and, subject to the direction of the President, attend and participate in meetings of the National Security Council and the Homeland Security Council.''.*

***SEC. 1842. SENSE OF CONGRESS ON UNITED STATES-RUSSIA COOPERATION AND COORDINATION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.***

*It is the sense of the Congress that, as soon as practical, the President should engage the President of the Russian Federation in a discussion of the purposes and goals for the establishment of the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this section referred to as the ''Office''), the authorities and responsibilities of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this section referred to as the ''United States Coordinator''), and the importance of strong cooperation between the United States Coordinator and a senior official of the Russian Federation having authorities and responsibilities for preventing weapons of mass destruction proliferation and terrorism commensurate with those of the United States Coordinator, and with whom the United States Coordinator should coordinate planning and implementation of activities within and outside of the Russian Federation having the purpose of preventing weapons of mass destruction proliferation and terrorism.*

***Subtitle E—Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism***

***SEC. 1851. ESTABLISHMENT OF COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.***

*There is established the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this subtitle referred to as the ''Commission'').*

***SEC. 1852. PURPOSES OF COMMISSION.***

*(a) IN GENERAL.—The purposes of the Commission are to—*

*(1) assess current activities, initiatives, and programs to prevent weapons of mass destruction proliferation and terrorism; and*

*(2) provide a clear and comprehensive strategy and concrete recommendations for such activities, initiatives, and programs.*

*(b) IN PARTICULAR.—The Commission shall give particular attention to activities, initiatives, and programs to secure all nuclear weapons-usable material around the world and to significantly accelerate, expand, and strengthen, on an urgent basis, United States and international efforts to prevent, stop, and counter the spread of nuclear weapons capabilities and related equipment, material, and technology to terrorists and states of concern.*

***SEC. 1853. COMPOSITION OF COMMISSION.***

*(a) MEMBERS.—The Commission shall be composed of 9 members, of whom—*

*(1) 1 member shall be appointed by the leader of the Senate of the Democratic Party (majority or minority leader, as the case may be), with the concurrence of the leader of the House of Representatives of the Democratic party (majority or minority leader as the case may be), who shall serve as chairman of the Commission;*

*(2) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic party;*

*(3) 2 members shall be appointed by the senior member of the Senate leadership of the Republican party;*

*(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic party; and*

*(5) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican party.*

*(b) QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with significant depth of experience in the nonproliferation or arms control fields.*

*(c) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed within 90 days of the date of the enactment of this Act.*

*(d) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.*

*(e) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.*

***SEC. 1854. RESPONSIBILITIES OF COMMISSION.***

*(a) IN GENERAL.—The Commission shall address—*

*(1) the roles, missions, and structure of all relevant government departments, agencies, and other actors, including the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established under subtitle D of this title;*

*(2) inter-agency coordination;*

*(3) United States commitments to international regimes and cooperation with other countries; and*

*(4) the threat of weapons of mass destruction proliferation and terrorism to the United States*

*and its interests and allies, including the threat posed by black-market networks, and the effectiveness of the responses by the United States and the international community to such threats.*

*(b) FOLLOW-ON BAKER-CUTLER REPORT.—The Commission shall also reassess, and where necessary update and expand on, the conclusions and recommendations of the report titled ''A Report Card on the Department of Energy's Nonproliferation Programs with Russia'' of January 2001 (also known as the ''Baker-Cutler Report'') and implementation of such recommendations.*

***SEC. 1855. POWERS OF COMMISSION.***

*(a) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle, hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such designate subcommittee or designated member may determine advisable.*

*(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.*

*(c) STAFF OF COMMISSION.—*

*(1) APPOINTMENT AND COMPENSATION.—The chairman of the Commission, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.*

*(2) PERSONNEL AS FEDERAL EMPLOYEES.—*

*(A) IN GENERAL.—The executive director and any employees of the Commission shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.*

*(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.*

*(3) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.*

*(4) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.*

*(5) EMPHASIS ON SECURITY CLEARANCES.—Emphasis shall be made to hire employees and retain contractors and detailees with active security clearances.*

*(d) INFORMATION FROM FEDERAL AGENCIES.—*

*(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.*

*(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.*

*(e) ASSISTANCE FROM FEDERAL AGENCIES.—*

*(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.*

*(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.*

*(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.*

*(g) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.*

***SEC. 1856. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.***

*(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.*

*(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—*

*(1) hold public hearings and meetings to the extent appropriate; and*

*(2) release public versions of the report required under section 1857.*

*(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.*

***SEC. 1857. REPORT.***

*Not later than 180 days after the appointment of the Commission, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.*

***SEC. 1858. TERMINATION.***

*(a) IN GENERAL.—The Commission, and all the authorities of this subtitle, shall terminate 60 days after the date on which the final report is submitted under section 1857.*

*(b) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in subsection (a) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.*

***SEC. 1859. FUNDING.***

*(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for the purposes of the activities of the Commission under this title.*

*(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.*

***TITLE XIX—INTERNATIONAL COOPERATION ON ANTITERRORISM TECHNOLOGIES***

***SEC. 1901. PROMOTING ANTITERRORISM CAPABILITIES THROUGH INTERNATIONAL COOPERATION.***

*(a) FINDINGS.—Congress finds the following:*

*(1) The development and implementation of technology is critical to combating terrorism and other high consequence events and implementing a comprehensive homeland security strategy.*

*(2) The United States and its allies in the global war on terrorism share a common interest in facilitating research, development, testing, and evaluation of equipment, capabilities, technologies, and services that will aid in detecting, preventing, responding to, recovering from, and mitigating against acts of terrorism.*

*(3) Certain United States allies in the global war on terrorism, including Israel, the United Kingdom, Canada, Australia, and Singapore have extensive experience with, and technological expertise in, homeland security.*

*(4) The United States and certain of its allies in the global war on terrorism have a history of successful collaboration in developing mutually beneficial equipment, capabilities, technologies, and services in the areas of defense, agriculture, and telecommunications.*

*(5) The United States and its allies in the global war on terrorism will mutually benefit from the sharing of technological expertise to combat domestic and international terrorism.*

*(6) The establishment of an office to facilitate and support cooperative endeavors between and among government agencies, for-profit business entities, academic institutions, and nonprofit entities of the United States and its allies will safeguard lives and property worldwide against acts of terrorism and other high consequence events.*

*(b) PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION ACT.—*

*(1) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding after section 316, as added by section 1101 of this Act, the following:*

***''SEC. 317. PROMOTING ANTITERRORISM THROUGH INTERNATIONAL COOPERATION PROGRAM.***

*''(a) DEFINITIONS.—In this section:*

*''(1) DIRECTOR.—The term 'Director' means the Director selected under subsection (b)(2).*

*''(2) INTERNATIONAL COOPERATIVE ACTIVITY.—The term 'international cooperative activity' includes—*

*''(A) coordinated research projects, joint research projects, or joint ventures;*

*''(B) joint studies or technical demonstrations;*

*''(C) coordinated field exercises, scientific seminars, conferences, symposia, and workshops;*

*''(D) training of scientists and engineers;*

*''(E) visits and exchanges of scientists, engineers, or other appropriate personnel;*

*''(F) exchanges or sharing of scientific and technological information; and*

*''(G) joint use of laboratory facilities and equipment.*

*''(b) SCIENCE AND TECHNOLOGY HOMELAND SECURITY INTERNATIONAL COOPERATIVE PROGRAMS OFFICE.—*

*''(1) ESTABLISHMENT.—The Under Secretary shall establish the Science and Technology Homeland Security International Cooperative Programs Office.*

*''(2) DIRECTOR.—The Office shall be headed by a Director, who—*

*''(A) shall be selected, in consultation with the Assistant Secretary for International Affairs, by and shall report to the Under Secretary; and*

*''(B) may be an officer of the Department serving in another position.*

*''(3) RESPONSIBILITIES.—*

*''(A) DEVELOPMENT OF MECHANISMS.—The Director shall be responsible for developing, in coordination with the Department of State and, as appropriate, the Department of Defense, the Department of Energy, and other Federal agencies, understandings and agreements to allow and to support international cooperative activity in support of homeland security.*

*''(B) PRIORITIES.—The Director shall be responsible for developing, in coordination with the Office of International Affairs and other Federal agencies, strategic priorities for international cooperative activity for the Department in support of homeland security.*

*''(C) ACTIVITIES.—The Director shall facilitate the planning, development, and implementation*

*of international cooperative activity to address the strategic priorities developed under subparagraph (B) through mechanisms the Under Secretary considers appropriate, including grants, cooperative agreements, or contracts to or with foreign public or private entities, governmental organizations, businesses (including small businesses and socially and economically disadvantaged small businesses (as those terms are defined in sections 3 and 8 of the Small Business Act (15 U.S.C. 632 and 637), respectively)), federally funded research and development centers, and universities.*

*''(D) IDENTIFICATION OF PARTNERS.—The Director shall facilitate the matching of United States entities engaged in homeland security research with non-United States entities engaged in homeland security research so that they may partner in homeland security research activities.*

*''(4) COORDINATION.—The Director shall ensure that the activities under this subsection are coordinated with the Office of International Affairs and the Department of State and, as appropriate, the Department of Defense, the Department of Energy, and other relevant Federal agencies or interagency bodies. The Director may enter into joint activities with other Federal agencies.*

*''(c) MATCHING FUNDING.—*

*''(1) IN GENERAL.—*

*''(A) EQUITABILITY.—The Director shall ensure that funding and resources expended in international cooperative activity will be equitably matched by the foreign partner government or other entity through direct funding, funding of complementary activities, or the provision of staff, facilities, material, or equipment.*

*''(B) GRANT MATCHING AND REPAYMENT.—*

*''(i) IN GENERAL.—The Secretary may require a recipient of a grant under this section—*

*''(I) to make a matching contribution of not more than 50 percent of the total cost of the proposed project for which the grant is awarded; and*

*''(II) to repay to the Secretary the amount of the grant (or a portion thereof), interest on such amount at an appropriate rate, and such charges for administration of the grant as the Secretary determines appropriate.*

*''(ii) MAXIMUM AMOUNT.—The Secretary may not require that repayment under clause (i)(II) be more than 150 percent of the amount of the grant, adjusted for inflation on the basis of the Consumer Price Index.*

*''(2) FOREIGN PARTNERS.—Partners may include Israel, the United Kingdom, Canada, Australia, Singapore, and other allies in the global war on terrorism as determined to be appropriate by the Secretary of Homeland Security and the Secretary of State.*

*''(3) LOANS OF EQUIPMENT.—The Director may make or accept loans of equipment for research and development and comparative testing purposes.*

*''(d) FOREIGN REIMBURSEMENTS.—If the Science and Technology Homeland Security International Cooperative Programs Office participates in an international cooperative activity with a foreign partner on a cost-sharing basis, any reimbursements or contributions received from that foreign partner to meet its share of the project may be credited to appropriate current appropriations accounts of the Directorate of Science and Technology.*

*''(e) REPORT TO CONGRESS ON INTERNATIONAL COOPERATIVE ACTIVITIES.—Not later than one year after the date of enactment of this section, and every 5 years thereafter, the Under Secretary, acting through the Director, shall submit to Congress a report containing—*

*''(1) a brief description of each grant, cooperative agreement, or contract made or entered into under subsection (b)(3)(C), including the participants, goals, and amount and sources of funding; and*

*''(2) a list of international cooperative activities underway, including the participants, goals, expected duration, and amount and sources of funding, including resources provided to support the activities in lieu of direct funding.*

*''(f) ANIMAL AND ZOONOTIC DISEASES.—As part of the international cooperative activities authorized in this section, the Under Secretary, in coordination with the Chief Medical Officer, the Department of State, and appropriate officials of the Department of Agriculture, the Department of Defense, and the Department of Health and Human Services, may enter into cooperative activities with foreign countries, including African nations, to strengthen American preparedness against foreign animal and zoonotic diseases overseas that could harm the Nation's agricultural and public health sectors if they were to reach the United States.*

*''(g) CONSTRUCTION; AUTHORITIES OF THE SECRETARY OF STATE.—Nothing in this section shall be construed to alter or affect the following provisions of law:*

*''(1) Title V of the Foreign Relations Authorization Act, Fiscal Year 1979 (22 U.S.C. 2656a et seq.).*

*''(2) Section 112b(c) of title 1, United States Code.*

*''(3) Section 1(e)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)(2)).*

*''(4) Sections 2 and 27 of the Arms Export Control Act (22 U.S.C. 2752 and 22 U.S.C. 2767).*

*''(5) Section 622(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2382(c)).*

*''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary.''.*

*(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 316, as added by section 1101 of this Act, the following:*

*''Sec. 317. Promoting antiterrorism through international cooperation program.''.*

***SEC. 1902. TRANSPARENCY OF FUNDS.***

*For each Federal award (as that term is defined in section 2 of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note)) under this title or an amendment made by this title, the Director of the Office of Management and Budget shall ensure full and timely compliance with the requirements of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note).*

## *TITLE XX—9/11 COMMISSION INTERNATIONAL IMPLEMENTATION*

***SEC. 2001. SHORT TITLE.***

*This title may be cited as the ''9/11 Commission International Implementation Act of 2007''.*

***SEC. 2002. DEFINITION.***

*In this title, except as otherwise provided, the term ''appropriate congressional committees''—*

*(1) means—*

*(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and*

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

*(2) includes, for purposes of subtitle D, the Committees on Armed Services of the House of Representatives and of the Senate.*

### *Subtitle A—Quality Educational Opportunities in Predominantly Muslim Countries.*

***SEC. 2011. FINDINGS; POLICY.***

*(a) FINDINGS.—Congress makes the following findings:*

*(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that ''[e]ducation that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamist terrorism''.*

*(2) The report of the National Commission on Terrorist Attacks Upon the United States concluded that ensuring educational opportunity is essential to the efforts of the United States to defeat global terrorism and recommended that the United States Government ''should offer to join with other nations in generously supporting [spending funds] . . . directly for building and operating primary and secondary schools in those Muslim states that commit to sensibly investing their own money in public education''.*

*(3) While Congress endorsed such a program in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), such a program has not been established.*

*(b) POLICY.—It is the policy of the United States—*

*(1) to work toward the goal of dramatically increasing the availability of modern basic education through public schools in predominantly Muslim countries, which will reduce the influence of radical madrassas and other institutions that promote religious extremism;*

*(2) to join with other countries in generously supporting the International Muslim Youth Opportunity Fund authorized under section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by section 2012 of this Act, with the goal of building and supporting public primary and secondary schools in predominantly Muslim countries that commit to sensibly investing the resources of such countries in modern public education;*

*(3) to offer additional incentives to increase the availability of modern basic education in predominantly Muslim countries; and*

*(4) to work to prevent financing of educational institutions that support radical Islamic fundamentalism.*

***SEC. 2012. INTERNATIONAL MUSLIM YOUTH OPPORTUNITY FUND.***

*Section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 (22 U.S.C. 2228) is amended to read as follows:*

***''SEC. 7114. INTERNATIONAL MUSLIM YOUTH OPPORTUNITY FUND.***

*''(a) PURPOSE.—The purpose of this section is to strengthen the public educational systems in predominantly Muslim countries by—*

*''(1) authorizing the establishment of an International Muslim Youth Educational Fund through which the United States dedicates resources, either through a separate fund or through an international organization, to assist those countries that commit to education reform; and*

*''(2) providing resources for the Fund and to the President to help strengthen the public educational systems in those countries.*

*''(b) ESTABLISHMENT OF FUND.—*

*''(1) AUTHORITY.—The President is authorized to establish an International Muslim Youth Opportunity Fund and to carry out programs consistent with paragraph (4) under existing authorities, including the Mutual Educational and Cultural Exchange Act of 1961 (commonly referred to as the 'Fulbright-Hays Act').*

*''(2) LOCATION.—The Fund may be established—*

*''(A) as a separate fund in the Treasury; or*

*''(B) through an international organization or international financial institution, such as the United Nations Educational, Science and Cultural Organization, the United Nations Development Program, or the International Bank for Reconstruction and Development.*

*''(3) TRANSFERS AND RECEIPTS.—The head of any department, agency, or instrumentality of the United States Government may transfer any amount to the Fund, and the Fund may receive funds from private enterprises, foreign countries, or other entities.*

*''(4) ACTIVITIES OF THE FUND.—The Fund shall support programs described in this paragraph to improve the education environment in predominantly Muslim countries.*

*''(A) ASSISTANCE TO ENHANCE MODERN EDUCATIONAL PROGRAMS.—*

*''(i) The establishment in predominantly Muslim countries of a program of reform to create a*

*modern education curriculum in the public educational systems in such countries.*

*''(ii) The establishment or modernization of educational materials to advance a modern educational curriculum in such systems.*

*''(iii) Teaching English to adults and children.*

*''(iv) The enhancement in predominantly Muslim countries of community, family, and student participation in the formulation and implementation of education strategies and programs in such countries.*

*''(B) ASSISTANCE FOR TRAINING AND EXCHANGE PROGRAMS FOR TEACHERS, ADMINISTRATORS, AND STUDENTS.—*

*''(i) The establishment of training programs for teachers and educational administrators to enhance skills, including the establishment of regional centers to train individuals who can transfer such skills upon return to their countries.*

*''(ii) The establishment of exchange programs for teachers and administrators in predominantly Muslim countries and with other countries to stimulate additional ideas and reform throughout the world, including teacher training exchange programs focused on primary school teachers in such countries.*

*''(iii) The establishment of exchange programs for primary and secondary students in predominantly Muslim countries and with other countries to foster understanding and tolerance and to stimulate long-standing relationships.*

*''(C) ASSISTANCE TARGETING PRIMARY AND SECONDARY STUDENTS.—*

*''(i) The establishment in predominantly Muslim countries of after-school programs, civic education programs, and education programs focusing on life skills, such as inter-personal skills and social relations and skills for healthy living, such as nutrition and physical fitness.*

*''(ii) The establishment in predominantly Muslim countries of programs to improve the proficiency of primary and secondary students in information technology skills.*

*''(D) ASSISTANCE FOR DEVELOPMENT OF YOUTH PROFESSIONALS.—*

*''(i) The establishment of programs in predominantly Muslim countries to improve vocational training in trades to help strengthen participation of Muslims and Arabs in the economic development of their countries.*

*''(ii) The establishment of programs in predominantly Muslim countries that target older Muslim youths not in school in such areas as entrepreneurial skills, accounting, micro-finance activities, work training, financial literacy, and information technology.*

*''(E) OTHER TYPES OF ASSISTANCE.—*

*''(i) The translation of foreign books, newspapers, reference guides, and other reading materials into local languages.*

*''(ii) The construction and equipping of modern community and university libraries.*

*''(5) AUTHORIZATION OF APPROPRIATIONS.—*

*''(A) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for fiscal years 2008, 2009, and 2010.*

*''(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.*

*''(C) ADDITIONAL FUNDS.—Amounts authorized to be appropriated under subsection (a) shall be in addition to amounts otherwise available for such purposes.*

*''(6) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this section and annually thereafter until January 30, 2010, the President shall submit to the appropriate congressional committees a report on United States efforts to assist in the improvement of educational opportunities for predominantly Muslim children and youths, including the progress made toward establishing the International Muslim Youth Opportunity Fund.*

*''(7) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.''.*

***SEC. 2013. ANNUAL REPORT TO CONGRESS.***

*(a) IN GENERAL.—Not later than June 1 of each year until December 31, 2009, the Secretary of State shall submit to the appropriate congressional committees a report on the efforts of predominantly Muslim countries to increase the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism.*

*(b) CONTENTS.—Each report shall include—*

*(1) a list of predominantly Muslim countries that are making serious and sustained efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism;*

*(2) a list of such countries that are making efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism, but such efforts are not serious and sustained;*

*(3) a list of such countries that are not making efforts to improve the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism; and*

*(4) an assessment for each country specified in each of paragraphs (1), (2), and (3) of the role of United States assistance with respect to the efforts made or not made to improve the availability of modern basic education and close educational institutions that promote religious extremism and terrorism.*

***SEC. 2014. EXTENSION OF PROGRAM TO PROVIDE GRANTS TO AMERICAN-SPONSORED SCHOOLS IN PREDOMINANTLY MUSLIM COUNTRIES TO PROVIDE SCHOLARSHIPS.***

*(a) FINDINGS.—Congress finds the following:*

*(1) Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2452 note) authorized the establishment of a pilot program to provide grants to American-sponsored schools in predominantly Muslim countries so that such schools could provide scholarships to young people from lower-income and middle-income families in such countries to attend such schools, where they could improve their English and be exposed to a modern education.*

*(2) Since the date of the enactment of that section, the Middle East Partnership Initiative has pursued implementation of that program.*

*(b) EXTENSION OF PROGRAM.—*

*(1) IN GENERAL.—Section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 is amended—*

*(A) in the section heading by striking ''PILOT''; and*

*(B) in subsection (c)—*

*(i) in the subsection heading, by striking ''PILOT''; and*

*(ii) by striking ''pilot'';*

*(C) in subsection (d), by striking ''pilot'' each place it appears;*

*(D) in subsection (f) by striking ''pilot'';*

*(E) in subsection (g), in the first sentence—*

*(i) by inserting ''and April 15, 2008,'' after ''April 15, 2006,''; and*

*(ii) by striking ''pilot''; and*

*(F) in subsection (h)—*

*(i) by striking ''2005 and 2006'' and inserting ''2007 and 2008''; and*

*(ii) by striking ''pilot''.*

*(2) CONFORMING AMENDMENT.—Section 1(b) of such Act is amended, in the table of contents, by striking the item relating to section 7113 and inserting after section 7112 the following new item:*

*''7113. Program to provide grants to American-sponsored schools in predominantly Muslim countries to provide scholarships.''.*

***Subtitle B—Democracy and Development in the Broader Middle East Region***

***SEC. 2021. MIDDLE EAST FOUNDATION.***

*(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the broader Middle East region, the expansion of—*

*(1) civil society;*

*(2) opportunities for political participation for all citizens;*

*(3) protections for internationally recognized human rights, including the rights of women;*

*(4) educational system reforms;*

*(5) independent media;*

*(6) policies that promote economic opportunities for citizens;*

*(7) the rule of law; and*

*(8) democratic processes of government.*

*(b) MIDDLE EAST FOUNDATION.—*

*(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the ''Foundation'').*

*(2) FUNDING.—*

*(A) AUTHORITY.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. Notwithstanding any other provision of law, the Foundation shall use amounts provided under this paragraph to carry out the purposes specified in subsection (a), including through making grants, using such funds as an endowment, and providing other assistance to entities to carry out programs for such purposes.*

*(B) FUNDING FROM OTHER SOURCES.—In determining the amount of funding to provide to the Foundation, the Secretary of State shall take into consideration the amount of funds that the Foundation has received from sources other than the United States Government.*

*(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary of State shall notify the appropriate congressional committees of the designation of an appropriate organization as the Foundation.*

*(c) GRANTS FOR PROJECTS.—*

*(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons or entities (other than governments or government entities) located in the broader Middle East region or working with local partners based in the broader Middle East region to carry out projects that support the purposes specified in subsection (a).*

*(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the broader Middle East region to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the broader Middle East region and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the broader Middle East region and to promote broad economic, social, and political reform for the people of the broader Middle East region.*

*(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and containing such information as the head of the Foundation may reasonably require.*

*(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—*

*(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or*

*(2) impose any restriction on the Foundation's acceptance of funds from private and public sources in support of its activities consistent with the purposes specified in subsection (a).*

*(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.*

*(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes specified in subsection (a), and may retain for such purposes any interest earned without returning such interest to the Treasury of the United States. The Foundation may retain and use such funds as an endowment to carry out the purposes specified in subsection (a).*

*(g) FINANCIAL ACCOUNTABILITY.—*

*(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).*

*(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.*

*(3) AUDITS OF GRANT RECIPIENTS.—*

*(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.*

*(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to in subparagraph (A), including—*

*(i) separate accounts with respect to the grant funds;*

*(ii) records that fully disclose the use of the grant funds;*

*(iii) records describing the total cost of any project carried out using grant funds; and*

*(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.*

*(h) ANNUAL REPORTS.—Not later than January 31, 2008, and annually thereafter, the Foundation shall submit to the appropriate congressional committees and make available to the public a report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—*

*(1) the operations and activities of the Foundation that were carried out using funds provided under this section;*

*(2) grants made by the Foundation to other entities with funds provided under this section;*

*(3) other activities of the Foundation to further the purposes specified in subsection (a); and*

*(4) the financial condition of the Foundation.*

*(i) BROADER MIDDLE EAST REGION DEFINED.—In this section, the term ''broader Middle East region'' means Afghanistan, Algeria, Bahrain, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, West Bank and Gaza, and Yemen.*

*(j) REPEAL.—Section 534(k) of Public Law 109–102 is repealed.*

### *Subtitle C—Reaffirming United States Moral Leadership*

**SEC. 2031. ADVANCING UNITED STATES INTERESTS THROUGH PUBLIC DIPLOMACY.**

*(a) FINDING.—Congress finds that the report of the National Commission on Terrorist Attacks Upon the United States stated that, ''Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.''.*

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

*(1) the United States needs to improve its communication of information and ideas to people in foreign countries, particularly in countries with significant Muslim populations; and*

*(2) public diplomacy should reaffirm the paramount commitment of the United States to democratic principles, including preserving the civil liberties of all the people of the United States, including Muslim-Americans.*

*(c) SPECIAL AUTHORITY FOR SURGE CAPACITY.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding at the end the following new section:*

**''SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.**

*''(a) EMERGENCY AUTHORITY.—*

*''(1) IN GENERAL.—Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other entity of the United States to furnish the Broadcasting Board of Governors with such assistance outside the United States as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.*

*''(2) SUPERSEDES EXISTING LAW.—The authority of paragraph (1) shall supersede any other provision of law.*

*''(3) SURGE CAPACITY DEFINED.—In this subsection, the term 'surge capacity' means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis abroad.*

*''(4) DURATION.—The President is authorized to exercise the authority provided in subsection (a)(1) for a period of up to six months, which may be renewed for one additional six month period.*

*''(b) AUTHORIZATION OF APPROPRIATIONS.—*

*''(1) IN GENERAL.—There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed $25,000,000.*

*''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.*

*''(3) DESIGNATION OF APPROPRIATIONS.—Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the 'United States International Broadcasting Surge Capacity Fund'.*

*''(c) REPORT.—The annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 305(a)(9) shall provide a detailed description of any activities carried out under this section.''.*

**SEC. 2032. OVERSIGHT OF INTERNATIONAL BROADCASTING.**

*(a) TRANSCRIPTION OF PERSIAN AND ARABIC LANGUAGE BROADCASTS.—Not later than 90 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall initiate a pilot project to transcribe into the English language news and information programming broadcast by Radio Farda, Radio Sawa, the Persian Service of the Voice of America, and Alhurra.*

*(b) RANDOM SAMPLING; PUBLIC AVAILABILITY.—The transcription required under subsection (a) shall consist of a random sampling of such programming. The transcripts shall be available to Congress and the public on the Internet site of the Board.*

*(c) REPORT.—Not later than May 1, 2008, the Chairman of the Broadcasting Board of Governors shall submit to the Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate a report on the feasibility and utility of continuing the pilot project required under subsection (a).*

*(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the ''International Broadcasting Operations'' account of the Broadcasting Board of Governors $2,000,000 for fiscal year 2008 to carry out the pilot project required under subsection (a).*

**SEC. 2033. EXPANSION OF UNITED STATES SCHOLARSHIP, EXCHANGE, AND LIBRARY PROGRAMS IN PREDOMINANTLY MUSLIM COUNTRIES.**

*(a) REPORT; CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act and every 180 days thereafter until December 31, 2009, the Secretary of State shall submit to the appropriate congressional committees a report on the recommendations of the National Commission on Terrorist Attacks Upon the United States and the policy goals described in section 7112 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) for expanding United States scholarship, exchange, and library programs in predominantly Muslim countries. Such report shall include—*

*(1) a certification by the Secretary of State that such recommendations have been implemented; or*

*(2) if the Secretary of State is unable to make the certification described in paragraph (1), a description of—*

*(A) the steps taken to implement such recommendations and achieve such policy goals;*

*(B) when the Secretary of State expects such recommendations to be implemented and such policy goals to be achieved; and*

*(C) any allocation of resources or other actions by Congress the Secretary of State considers necessary to implement such recommendations and achieve such policy goals.*

*(b) TERMINATION OF DUTY TO REPORT.—The duty to submit a report under subsection (a) shall terminate when the Secretary of State submits a certification pursuant to paragraph (1) of such subsection.*

**SEC. 2034. UNITED STATES POLICY TOWARD DETAINEES.**

*(a) FINDINGS.—Congress finds the following:*

*(1) The National Commission on Terrorist Attacks Upon the United States (commonly referred to as the ''9/11 Commission'') declared that the United States ''should work with friends to develop mutually agreed-on principles for the detention and humane treatment of captured international terrorists who are not being held under a particular country's criminal laws'' and recommended that the United States engage its allies ''to develop a common coalition approach toward the detention and humane treatment of captured terrorists''.*

*(2) A number of investigations remain ongoing by countries that are close United States allies in the war on terrorism regarding the conduct of officials, employees, and agents of the United States and of other countries related to conduct regarding detainees.*

*(3) The Secretary of State has launched an initiative to try to address the differences between the United States and many of its allies regarding the treatment of detainees.*

*(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary, acting through the Legal Adviser of the Department of State,*

*should continue to build on the Secretary's efforts to engage United States allies to develop a common coalition approach, in compliance with Common Article 3 of the Geneva Conventions and other applicable legal principles, toward the detention and humane treatment of individuals detained during Operation Iraqi Freedom, Operation Enduring Freedom, or in connection with United States counterterrorist operations.*

*(c) REPORTING TO CONGRESS.—*

*(1) BRIEFINGS.—The Secretary of State shall keep the appropriate congressional committees fully and currently informed of the progress of any discussions between the United States and its allies regarding the development of the common coalition approach described in subsection (b).*

*(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General and the Secretary of Defense, shall submit to the appropriate congressional committees a report on any progress towards developing the common coalition approach described in subsection (b).*

*(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—*

*(1) with respect to the House of Representatives, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence; and*

*(2) with respect to the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence.*

***Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia***

***SEC. 2041. AFGHANISTAN.***

*(a) CONGRESSIONAL FINDINGS.—Congress finds the following:*

*(1) A democratic, stable, and prosperous Afghanistan is vital to the national security of the United States and to combating international terrorism.*

*(2) Following the ouster of the Taliban regime in 2001, the Government of Afghanistan, with assistance from the United States and the international community, has achieved some notable successes, including—*

*(A) adopting a constitution;*

*(B) holding presidential, parliamentary, and provincial council elections;*

*(C) improving the protection of human rights, including women's rights; and*

*(D) expanding educational opportunities.*

*(3) The following factors pose a serious and immediate threat to the stability of Afghanistan:*

*(A) Taliban and anti-government forces, al Qaeda, and criminal networks.*

*(B) Drug trafficking and corruption.*

*(C) Weak institutions of administration, security, and justice, including pervasive lack of the rule of law.*

*(D) Poverty, unemployment, and lack of provision of basic services.*

*(4) The United States and the international community must significantly increase political, economic, and military support to Afghanistan to ensure its long-term stability and prosperity, and to deny violent extremist groups such as al Qaeda sanctuary in Afghanistan.*

*(b) STATEMENTS OF POLICY.—The following shall be the policies of the United States:*

*(1) The United States shall vigorously support the people and Government of Afghanistan as they continue to commit to the path toward a government representing and protecting the rights of all Afghans, and shall maintain its long-term commitment to the people of Afghanistan by increased assistance and the continued deployment of United States troops in Afghanistan as long as the Government of Afghanistan supports such United States involvement.*

*(2) In order to reduce the ability of the Taliban and al Qaeda to finance their operations through the opium trade, the President shall engage aggressively with the Government of Afghanistan, countries in the region or otherwise influenced by the trade and transit of narcotics, as well as North Atlantic Treaty Organization (NATO) partners of the United States, and in consultation with Congress, to assess the success of the current Afghan counter-narcotics strategy and to explore additional options for addressing the narcotics crisis in Afghanistan, including possible changes in rules of engagement for NATO and Coalition forces for participation in actions against narcotics trafficking and kingpins, and the provision of comprehensive assistance to farmers who rely on opium for their livelihood, including through the promotion of alternative crops and livelihoods.*

*(3) The United States shall continue to work with and provide assistance to the Government of Afghanistan to strengthen local and national government institutions and the rule of law, including the training of judges and prosecutors, and to train and equip the Afghan National Security Forces.*

*(4) The United States shall continue to call on NATO members participating in operations in Afghanistan to meet their commitments to provide forces and equipment, and to lift restrictions on how such forces can be deployed.*

*(5) The United States shall continue to foster greater understanding and cooperation between the Governments of Afghanistan and Pakistan by taking the following actions:*

*(A) Facilitating greater communication, including through official mechanisms such as the Tripartite Commission and the Joint Intelligence Operations Center, and by promoting other forms of exchange between the parliaments and civil society of the two countries.*

*(B) Urging the Government of Afghanistan to enter into a political dialogue with Pakistan with respect to all issues relating to the border between the two countries, with the aim of establishing a mutually-recognized and monitored border, open to human and economic exchange, and with both countries fully responsible for border security.*

*(c) STATEMENT OF CONGRESS.—Congress strongly urges that the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) be reauthorized and updated to take into account new developments in Afghanistan and in the region so as to demonstrate the continued support by the United States for the people and Government of Afghanistan.*

*(d) EMERGENCY INCREASE IN EFFECTIVE POLICE TRAINING AND POLICING OPERATIONS.—*

*(1) CONGRESSIONAL FINDING.—Congress finds that police training programs in Afghanistan have achieved far less return on substantial investment to date and require a substantive review and justification of the means and purposes of such assistance, consequent to any provision of additional resources.*

*(2) ASSISTANCE AUTHORIZED.—The President shall make increased efforts, on an urgent basis, to—*

*(A) dramatically improve the capability and effectiveness of United States and international police trainers, mentors, and police personnel for police training programs in Afghanistan, as well as develop a pretraining screening program;*

*(B) increase the numbers of such trainers, mentors, and personnel only if such increase is determined to improve the performance and capabilities of the Afghanistan civil security forces; and*

*(C) assist the Government of Afghanistan, in conjunction with the Afghanistan civil security forces and their leadership, in addressing the corruption crisis that is threatening to undermine Afghanistan's future.*

*(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every six months thereafter until September 30, 2010, the President shall transmit to the appropriate congressional committees a report on United States efforts to fulfill the requirements of this subsection. The report required by this paragraph may be transmitted concurrently with any similar report required by the Afghanistan Freedom Support Act of 2002.*

***SEC. 2042. PAKISTAN.***

*(a) CONGRESSIONAL FINDINGS.—Congress finds the following:*

*(1) A democratic, stable, and prosperous Pakistan that is a full and reliable partner in the struggle against the Taliban, al Qaeda, and other terrorist groups, and is a responsible steward of its nuclear weapons and technology, is vital to the national security of the United States.*

*(2) Since September 11, 2001, the Government of Pakistan has been a critical ally and an important partner in removing the Taliban regime in Afghanistan and combating al Qaeda.*

*(3) Pakistan has made great sacrifices in the shared struggle against al Qaeda-affiliated terrorist groups, engaging in military operations that have led to the deaths of hundreds of Pakistani security personnel and enduring acts of terrorism that have killed hundreds of Pakistani civilians.*

*(4) Publicly-stated goals of the Government of Pakistan and the national interests of the United States are in close agreement in many areas, including—*

*(A) curbing the proliferation of nuclear weapons technology;*

*(B) combating poverty and corruption;*

*(C) enabling effective government institutions, including public education;*

*(D) promoting democracy and the rule of law, particularly at the national level;*

*(E) addressing the continued presence of Taliban and other violent extremist forces throughout the country;*

*(F) maintaining the authority of the Government of Pakistan in all parts of its national territory;*

*(G) securing the borders of Pakistan to prevent the movement of militants and terrorists into other countries and territories; and*

*(H) effectively dealing with violent extremism.*

*(5) The opportunity exists for shared effort in helping to achieve correlative goals with the Government of Pakistan, particularly—*

*(A) increased United States assistance to Pakistan, as appropriate, to achieve progress in meeting the goals of subparagraphs (A) through (C) of paragraph (4);*

*(B) increased commitment on the part of the Government of Pakistan to achieve the goals of paragraph (4)(D), particularly given continued concerns, based on the conduct of previous elections, regarding whether parliamentary elections scheduled for 2007 will be free, fair, and inclusive of all political parties and carried out in full accordance with internationally-recognized democratic norms; and*

*(C) increased commitment on the part of the Government of Pakistan to take actions described in paragraph (4)(E), particularly given—*

*(i) the continued operation of the Taliban's Quetta shura, as noted by then-North Atlantic Treaty Organization Supreme Allied Commander General James Jones in testimony before the Senate Foreign Relations Committee on September 21, 2006; and*

*(ii) the continued operation of al Qaeda affiliates Lashkar-e Taiba and Jaish-e Muhammad, sometimes under different names, as demonstrated by the lack of meaningful action taken against Hafiz Muhammad Saeed, Maulana Masood Azhar, and other known leaders and members of such terrorist organizations; and*

*(D) increased commitment on the part of the Government of the United States in regard to working with all elements of Pakistan society in helping to achieve the correlative goals described in subparagraphs (A) through (H) of paragraph (4).*

*(b) STATEMENTS OF POLICY.—The following shall be the policy of the United States:*

*(1) To maintain and deepen its friendship and long-term strategic relationship with Pakistan.*

*(2) To work with the Government of Pakistan to combat international terrorism, especially in the frontier provinces of Pakistan, and to end the use of Pakistan as a safe haven for terrorist groups, including those associated with al Qaeda or the Taliban.*

*(3) To support robust funding for programs of the United States Agency for International Development and the Department of State that assist the Government of Pakistan in working toward the goals described in subsection (a)(4), as the Government of Pakistan demonstrates a clear commitment to building a moderate, democratic state.*

*(4) To work with the international community to secure additional financial and political support to effectively implement the policies set forth in this subsection.*

*(5) To facilitate a just resolution of the dispute over the territory of Kashmir, to the extent that such facilitation is invited and welcomed by the Governments of Pakistan and India and by the people of Kashmir.*

*(6) To facilitate greater communication and cooperation between the Governments of Afghanistan and Pakistan for the improvement of bilateral relations and cooperation in combating terrorism in both countries.*

*(7) To work with the Government of Pakistan to dismantle existing proliferation networks and prevent the proliferation of nuclear technology.*

*(c) STRATEGY RELATING TO PAKISTAN.—*

*(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that describes the long-term strategy of the United States to engage with the Government of Pakistan to achieve the goals described in subparagraphs (A) through (H) of subsection (a)(4) and to carry out the policies described in subsection (b).*

*(2) FORM.—The report required by paragraph (1) shall be transmitted in unclassified form, but may include a classified annex, if necessary.*

*(d) LIMITATION ON UNITED STATES SECURITY ASSISTANCE TO PAKISTAN.—*

*(1) LIMITATION.—For fiscal year 2008, United States assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) or section 23 of the Arms Export Control Act (22 U.S.C. 2763) may not be provided to, and a license for any item controlled under the Arms Export Control Act (22 U.S.C. 2751 et seq.) may not be approved for, Pakistan until the President transmits to the appropriate congressional committees a report that contains a determination of the President that the Government of Pakistan—*

*(A) is committed to eliminating from Pakistani territory any organization such as the Taliban, al Qaeda, or any successor, engaged in military, insurgent, or terrorist activities in Afghanistan;*

*(B) is undertaking a comprehensive military, legal, economic, and political campaign to achieving the goal described in subparagraph (A); and*

*(C) is currently making demonstrated, significant, and sustained progress toward eliminating support or safe haven for terrorists.*

*(2) MEMORANDUM OF JUSTIFICATION.—The President shall include in the report required by paragraph (1) a memorandum of justification setting forth the basis for the President's determination under paragraph (1).*

*(3) FORM.—The report required by paragraph (1) and the memorandum of justification required by paragraph (2) shall be transmitted in unclassified form, but may include a classified annex, if necessary.*

*(e) NUCLEAR PROLIFERATION.—*

*(1) CONGRESSIONAL FINDING.—Congress finds that the maintenance by any country of a procurement or supply network for the illicit proliferation of nuclear and missile technologies would be inconsistent with that country being considered an ally of the United States.*

*(2) SENSE OF CONGRESS.—It is the sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a long-term strategy to improve the United States relationship with Pakistan and works with the Government of Pakistan to stop nuclear proliferation.*

*(f) AUTHORIZATION OF APPROPRIATIONS.—*

*(1) IN GENERAL.—There is authorized to be appropriated to the President such sums as may be necessary to provide assistance described in subsection (d)(1) for Pakistan for fiscal year 2008 in accordance with the requirements of subsection (d)(1).*

*(2) OTHER FUNDS.—Amounts authorized to be appropriated under this subsection are in addition to amounts otherwise available for such purposes.*

*(3) DECLARATION OF POLICY.—Congress declares that the amount of funds appropriated pursuant to the authorization of appropriations under paragraph (1) and for subsequent fiscal years shall be determined by the extent to which the Government of Pakistan displays demonstrable progress in—*

*(A) preventing al Qaeda and other terrorist organizations from operating in the territory of Pakistan, including eliminating terrorist training camps or facilities, arresting members and leaders of terrorist organizations, and countering recruitment efforts;*

*(B) preventing the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan, including by arresting Taliban leaders, stopping cross-border incursions, and countering recruitment efforts; and*

*(C) implementing democratic reforms, including allowing free, fair, and inclusive elections at all levels of government in accordance with internationally-recognized democratic norms, and respecting the independence of the press and judiciary.*

*(4) BIANNUAL REPORTS TO CONGRESS.—*

*(A) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a biannual report describing in detail the extent to which the Government of Pakistan has displayed demonstrable progress in meeting the goals described in subparagraphs (A) through (C) of paragraph (3).*

*(B) SCHEDULE FOR SUBMISSION.—The report required by subparagraph (A) shall be submitted not later than April 15 and October 15 of each year until October 15, 2009.*

*(C) FORM.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex, if necessary.*

*(g) EXTENSION OF WAIVERS.—*

*(1) AMENDMENTS.—The Act entitled ''An Act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes'', approved October 27, 2001 (Public Law 107–57; 115 Stat. 403), is amended—*

*(A) in section 1(b)—*

*(i) in the heading, to read as follows:*

*''(b) FISCAL YEARS 2007 AND 2008—''; and*

*(ii) in paragraph (1), by striking ''any provision'' and all that follows through ''that prohibits'' and inserting ''any provision of an Act making appropriations for foreign operations, export financing, and related programs appropriations for fiscal year 2007 or 2008 (or any other appropriations Act) that prohibits'';*

*(B) in section 3(2), by striking ''Such provision'' and all that follows through ''as are'' and inserting ''Such provision of an Act making appropriations for foreign operations, export financing, and related programs appropriations for fiscal years 2002 through 2008 (or any other appropriations Act) as are''; and*

*(C) in section 6, by striking ''the provisions'' and all that follows and inserting ''the provisions of this Act shall terminate on October 1, 2008.''.*

*(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on October 1, 2006.*

*(3) SENSE OF CONGRESS.—It is the sense of Congress that determinations to provide extensions of waivers of foreign assistance prohibitions with respect to Pakistan pursuant to Public Law 107–57 for fiscal years after the fiscal years specified in the amendments made by paragraph (1) to Public Law 107–57 should be informed by demonstrable progress in achieving the goals described in subparagraphs (A) through (C) of subsection (f)(3).*

***SEC. 2043. SAUDI ARABIA.***

*(a) CONGRESSIONAL FINDINGS.—Congress finds that:*

*(1) The National Commission on Terrorist Attacks Upon the United States concluded that the Kingdom of Saudi Arabia has ''been a problematic ally in combating Islamic extremism. At the level of high policy, Saudi Arabia's leaders cooperated with American diplomatic initiatives aimed at the Taliban or Pakistan before 9/11. At the same time, Saudi Arabia's society was a place where al Qaeda raised money directly from individuals and through charities. It was the society that produced 15 of the 19 hijackers.''.*

*(2) Saudi Arabia has an uneven record in the fight against terrorism, especially with respect to terrorist financing, support for radical madrassas, a lack of political outlets for its citizens, and restrictions on religious pluralism, that poses a threat to the security of the United States, the international community, and Saudi Arabia itself.*

*(3) The National Commission on Terrorist Attacks Upon the United States concluded that the ''problems in the U.S.-Saudi relationship must be confronted, openly''. It recommended that the two countries build a relationship that includes a ''shared commitment to political and economic reform . . . and a shared interest in greater tolerance and cultural respect, translating into a commitment to fight the violent extremists who foment hatred''.*

*(4) The United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists that operate within that country or that operate outside Saudi Arabia with the support of citizens of Saudi Arabia.*

*(5) The United States and Saudi Arabia established a Strategic Dialogue in 2005, which provides a framework for the two countries to discuss a range of bilateral issues at high levels, including counterterrorism policy and political and economic reforms.*

*(6) It is in the national security interest of the United States to support the Government of Saudi Arabia in undertaking a number of political and economic reforms, including increasing anti-terrorism operations conducted by law enforcement agencies, providing more political and religious rights to its citizens, increasing the rights of women, engaging in comprehensive educational reform, enhancing monitoring of charitable organizations, and promulgating and enforcing domestic laws and regulation on terrorist financing.*

*(b) STATEMENT OF POLICY.—It is the policy of the United States—*

*(1) to engage with the Government of Saudi Arabia to openly confront the issue of terrorism, as well as other problematic issues such as the lack of political freedoms;*

*(2) to enhance counterterrorism cooperation with the Government of Saudi Arabia; and*

*(3) to support the efforts of the Government of Saudi Arabia to make political, economic, and social reforms, including greater religious freedom, throughout the country.*

*(c) PROGRESS IN COUNTERTERRORISM AND OTHER COOPERATION.—*

*(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that—*

*(A) describes the long-term strategy of the United States—*

*(i) to engage with the Government of Saudi Arabia to facilitate political, economic, and social reforms, including greater religious freedom, that will enhance the ability of the Government of Saudi Arabia to combat international terrorism; and*

*(ii) to work with the Government of Saudi Arabia to combat terrorism, including through effective measures to prevent and prohibit the financing of terrorists by Saudi institutions and citizens; and*

*(B) provides an assessment of the progress made by Saudi Arabia since 2001 on the matters described in subparagraph (A), including—*

*(i) whether Saudi Arabia has become a party to the International Convention for the Suppression of the Financing of Terrorism; and*

*(ii) the activities and authority of the Saudi Nongovernmental National Commission for Relief and Charity Work Abroad.*

*(2) FORM.—The report required by paragraph (1) shall be transmitted in unclassified form, but may include a classified annex, if necessary.*

## *TITLE XXI—ADVANCING DEMOCRATIC VALUES*

***SEC. 2101. SHORT TITLE.***

*This title may be cited as the ''Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2007'' or the ''ADVANCE Democracy Act of 2007''.*

***SEC. 2102. FINDINGS.***

*Congress finds the following:*

*(1) The United States Declaration of Independence, the United States Constitution, and the United Nations Universal Declaration of Human Rights declare that all human beings are created equal and possess certain rights and freedoms, including the fundamental right to participate in the political life and government of their respective countries.*

*(2) The development of democracy constitutes a long-term challenge that goes through unique phases and paces in individual countries as such countries develop democratic institutions such as a thriving civil society, a free media, and an independent judiciary, and must be led from within such countries, including by nongovernmental and governmental reformers.*

*(3) Individuals, nongovernmental organizations, and movements that support democratic principles, practices, and values are under increasing pressure from some governments of nondemocratic countries (as well as, in some cases, from governments of democratic transition countries), including by using administrative and regulatory mechanisms to undermine the activities of such individuals, organizations, and movements.*

*(4) Democratic countries have a number of instruments available for supporting democratic reformers who are committed to promoting effective, nonviolent change in nondemocratic countries and who are committed to keeping their countries on the path to democracy.*

*(5) United States efforts to promote democracy and protect human rights can be strengthened to improve assistance for such reformers, including through an enhanced role for United States diplomats when properly trained and given the right incentives.*

*(6) The promotion of democracy requires a broad-based effort with cooperation between all democratic countries, including through the Community of Democracies.*

***SEC. 2103. STATEMENT OF POLICY.***

*It is the policy of the United States—*

*(1) to promote freedom and democracy in foreign countries as a fundamental component of United States foreign policy, along with other key foreign policy goals;*

*(2) to affirm fundamental freedoms and internationally recognized human rights in foreign countries, as reflected in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and to condemn offenses against those freedoms and rights as a fundamental component of United States foreign policy, along with other key foreign policy goals;*

*(3) to protect and promote such fundamental freedoms and rights, including the freedoms of association, of expression, of the press, and of religion, and the right to own private property;*

*(4) to commit to the long-term challenge of promoting universal democracy by promoting democratic institutions, including institutions that support the rule of law (such as an independent judiciary), an independent and professional media, strong legislatures, a thriving civil society, transparent and professional independent governmental auditing agencies, civilian control of the military, and institutions that promote the rights of minorities and women;*

*(5) to use instruments of United States influence to support, promote, and strengthen democratic principles, practices, and values, including the right to free, fair, and open elections, secret balloting, and universal suffrage, including by—*

*(A) providing appropriate support to individuals, nongovernmental organizations, and movements located in nondemocratic countries that aspire to live in freedom and establish full democracy in such countries; and*

*(B) providing political, economic, and other support to foreign countries and individuals, nongovernmental organizations, and movements that are willingly undertaking a transition to democracy; and*

*(6) to strengthen cooperation with other democratic countries in order to better promote and defend shared values and ideals.*

***SEC. 2104. DEFINITIONS.***

*In this title:*

*(1) ANNUAL REPORT ON ADVANCING FREEDOM AND DEMOCRACY.—The term ''Annual Report on Advancing Freedom and Democracy'' refers to the annual report submitted to Congress by the Department of State pursuant to section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note), in which the Department reports on actions taken by the United States Government to encourage respect for human rights and democracy.*

*(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.*

*(3) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of State for Democracy, Human Rights, and Labor.*

*(4) COMMUNITY OF DEMOCRACIES AND COMMUNITY.—The terms ''Community of Democracies'' and ''Community'' mean the association of democratic countries committed to the global promotion of democratic principles, practices, and values, which held its First Ministerial Conference in Warsaw, Poland, in June 2000.*

*(5) DEPARTMENT.—The term ''Department'' means the Department of State.*

*(6) NONDEMOCRATIC COUNTRY OR DEMOCRATIC TRANSITION COUNTRY.—The term ''nondemocratic country'' or ''democratic transition country'' shall include any country which is not governed by a fully functioning democratic form of government, as determined by the Secretary, taking into account the general consensus regarding the status of civil and political rights in a country by major nongovernmental organizations that conduct assessments of such conditions in countries and whether the country exhibits the following characteristics:*

*(A) All citizens of such country have the right to, and are not restricted in practice from, fully and freely participating in the political life of such country.*

*(B) The national legislative body of such country and, if directly elected, the head of government of such country, are chosen by free, fair, open, and periodic elections, by universal and equal suffrage, and by secret ballot.*

*(C) More than one political party in such country has candidates who seek elected office at the national level and such parties are not restricted in their political activities or their process for selecting such candidates, except for reasonable administrative requirements commonly applied in countries categorized as fully democratic.*

*(D) All citizens in such country have a right to, and are not restricted in practice from, fully exercising such fundamental freedoms as the freedom of expression, conscience, and peaceful assembly and association, and such country has a free, independent, and pluralistic media.*

*(E) The current government of such country did not come to power in a manner contrary to the rule of law.*

*(F) Such country possesses an independent judiciary and the government of such country generally respects the rule of law.*

*(G) Such country does not violate other core principles enshrined in the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, United Nations Commission on Human Rights Resolution 1499/57 (entitled ''Promotion of the Right to Democracy''), and the United Nations General Assembly Resolution 55/96 (entitled ''Promoting and consolidating democracy'').*

*(H) As applicable, whether the country has scored favorably on the political, civil liberties, corruption, and rule of law indicators used to determine eligibility for financial assistance disbursed from the Millennium Challenge Account.*

*(7) SECRETARY.—The term ''Secretary'' means the Secretary of State.*

### *Subtitle A—Activities to Enhance the Promotion of Democracy*

***SEC. 2111. DEMOCRACY PROMOTION AT THE DEPARTMENT OF STATE.***

*(a) DEMOCRACY LIAISON OFFICERS.—*

*(1) IN GENERAL.—The Secretary of State shall establish and staff Democracy Liaison Officer positions. Democracy Liaison Officers shall serve under the supervision of the Assistant Secretary. Democracy Liaison Officers may be assigned to the following posts:*

*(A) United States missions to, or liaisons with, regional and multilateral organizations, including the United States missions to the European Union, African Union, Organization of American States, and any other appropriate regional organization, the Organization for Security and Cooperation in Europe, the United Nations and its relevant specialized agencies, and the North Atlantic Treaty Organization.*

*(B) Regional public diplomacy centers of the Department of State.*

*(C) United States combatant commands.*

*(D) Other posts as designated by the Secretary.*

*(2) RESPONSIBILITIES.—Each Democracy Liaison Officer should—*

*(A) provide expertise on effective approaches to promote and build democracy;*

*(B) assist in formulating and implementing strategies for transitions to democracy; and*

*(C) carry out such other responsibilities as the Secretary or the Assistant Secretary may assign.*

*(3) NEW POSITIONS.—To the fullest extent practicable, taking into consideration amounts appropriated to carry out this subsection and personnel available for assignment to the positions described in paragraph (1), the Democracy Liaison Officer positions established under subsection (a) shall be new positions that are in addition to existing positions with responsibility for other human rights and democracy related issues and programs, including positions with responsibility for labor issues.*

*(4) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this subsection may be construed as altering any authority or responsibility of a chief of mission or other employee of a diplomatic mission of the United States provided under any other provision of law, including any*

*authority or responsibility for the development or implementation of strategies to promote democracy.*

*(b) OFFICE RELATED TO DEMOCRATIC MOVEMENTS AND TRANSITIONS.—*

*(1) ESTABLISHMENT.—There shall be identified within the Bureau of Democracy, Human Rights, and Labor of the Department at least one office that shall be responsible for working with democratic movements and facilitating the transition to full democracy of nondemocratic countries and democratic transition countries.*

*(2) RESPONSIBILITIES.—The Assistant Secretary shall, including by acting through the office or offices identified pursuant to paragraph (1)—*

*(A) provide support for Democratic Liaison Officers established under subsection (a);*

*(B) develop relations with, consult with, and provide assistance to nongovernmental organizations, individuals, and movements that are committed to the peaceful promotion of democracy and fundamental rights and freedoms, including fostering relationships with the United States Government and the governments of other democratic countries; and*

*(C) assist officers and employees of regional bureaus of the Department to develop strategies and programs to promote peaceful change in nondemocratic countries and democratic transition countries.*

*(3) LIAISON.—Within the Bureau of Democracy, Human Rights, and Labor, the Assistant Secretary shall identify officers or employees who have expertise in and shall be responsible for working with nongovernmental organizations, individuals, and movements that develop relations with, consult with, and provide assistance to nongovernmental organizations, individuals, and movements in foreign countries that are committed to the peaceful promotion of democracy and fundamental rights and freedoms.*

*(c) ACTIONS BY CHIEFS OF MISSION.—Each chief of mission in each nondemocratic country or democratic transition country should—*

*(1) develop, as part of annual program planning, a strategy to promote democratic principles, practices, and values in each such foreign country and to provide support, as appropriate, to nongovernmental organizations, individuals, and movements in each such country that are committed to democratic principles, practices, and values, such as by—*

*(A) consulting and coordinating with and providing support to such nongovernmental organizations, individuals, and movements regarding the promotion of democracy;*

*(B) issuing public condemnations of violations of internationally recognized human rights, including violations of religious freedom, and visiting local landmarks and other local sites associated with nonviolent protest in support of democracy and freedom from oppression; and*

*(C) holding periodic meetings with such nongovernmental organizations, individuals, and movements to discuss democracy and political, social, and economic freedoms;*

*(2) hold ongoing discussions with the leaders of each such nondemocratic country or democratic transition country regarding progress toward a democratic system of governance and the development of political, social, and economic freedoms and respect for human rights, including freedom of religion or belief, in such country; and*

*(3) conduct meetings with civil society, interviews with media that can directly reach citizens of each such country, and discussions with students and young people of each such country regarding progress toward a democratic system of governance and the development of political, social, and economic freedoms in each such country.*

*(d) RECRUITMENT.—The Secretary should seek to increase the proportion of members of the Foreign Service who serve in the Bureau of Democracy, Human Rights, and Labor.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.*

***SEC. 2112. DEMOCRACY FELLOWSHIP PROGRAM.***

*(a) REQUIREMENT FOR PROGRAM.—The Secretary shall establish a Democracy Fellowship Program to enable officers of the Department to gain an additional perspective on democracy promotion in foreign countries by working on democracy issues in appropriate congressional offices or congressional committees with oversight over the subject matter of this title, including the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and international or nongovernmental organizations involved in democracy promotion.*

*(b) SELECTION AND PLACEMENT.—The Assistant Secretary shall play a central role in the selection of Democracy Fellows and facilitate their placement in appropriate congressional offices, congressional committees, international organizations, and nongovernmental organizations.*

***SEC. 2113. INVESTIGATIONS OF VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW.***

*(a) IN GENERAL.—The President, with the assistance of the Secretary, the Under Secretary of State for Democracy and Global Affairs, and the Ambassador-at-Large for War Crimes Issues, shall collect information regarding incidents that may constitute crimes against humanity, genocide, slavery, or other violations of international humanitarian law.*

*(b) ACCOUNTABILITY.—The President shall consider what actions can be taken to ensure that any government of a country or the leaders or senior officials of such government who are responsible for crimes against humanity, genocide, slavery, or other violations of international humanitarian law identified under subsection (a) are brought to account for such crimes in an appropriately constituted tribunal.*

***Subtitle B—Strategies and Reports on Human Rights and the Promotion of Democracy***

***SEC. 2121. STRATEGIES, PRIORITIES, AND ANNUAL REPORT.***

*(a) EXPANSION OF COUNTRY-SPECIFIC STRATEGIES TO PROMOTE DEMOCRACY.—*

*(1) COMMENDATION.—Congress commends the Secretary for the ongoing work by the Department to develop country-specific strategies for promoting democracy.*

*(2) EXPANSION.—The Secretary shall expand the development of such strategies to all nondemocratic countries and democratic transition countries.*

*(3) BRIEFINGS.—The Secretary shall keep the appropriate congressional committees fully and currently informed as such strategies are developed.*

*(b) REPORT TITLE.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note) is amended, in the first sentence, by inserting ''entitled the Annual Report on Advancing Freedom and Democracy'' before the period at the end.*

*(c) ENHANCED REPORT.—The Annual Report on Advancing Freedom and Democracy shall include, as appropriate—*

*(1) United States priorities for the promotion of democracy and the protection of human rights for each nondemocratic country and democratic transition country, developed in consultation with relevant parties in such countries; and*

*(2) specific actions and activities of chiefs of missions and other United States officials to promote democracy and protect human rights in each such country.*

*(d) SCHEDULE OF SUBMISSION.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note) is amended, in the second sentence, by striking ''30 days'' and inserting ''90 days''.*

***SEC. 2122. TRANSLATION OF HUMAN RIGHTS REPORTS.***

*(a) IN GENERAL.—The Secretary shall continue to expand the timely translation of the applicable parts of the Country Reports on Human Rights Practices required under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)), the Annual Report on International Religious Freedom required under section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)), the Trafficking in Persons Report required under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)), and any separate report on democracy and human rights policy submitted in accordance with section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note) into the principal languages of as many countries as possible, with particular emphasis on nondemocratic countries, democratic transition countries, and countries in which extrajudicial killings, torture, or other serious violations of human rights have occurred.*

*(b) REPORT.—*

*(1) REQUIREMENT.—Not later than April 1, 2008, and annually thereafter through 2010, the Secretary shall submit to the appropriate congressional committees a report describing any translations of the reports specified in subsection (a) for the preceding year, including which of such reports have been translated into which principal languages and the countries in which such translations have been distributed by posting on a relevant website or elsewhere.*

*(2) FORM.—The report required under paragraph (1) may be included in any separate report on democracy and human rights policy submitted in accordance with section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003.*

***Subtitle C—Advisory Committee on Democracy Promotion and the Internet Website of the Department of State***

***SEC. 2131. ADVISORY COMMITTEE ON DEMOCRACY PROMOTION.***

*Congress commends the Secretary for creating an Advisory Committee on Democracy Promotion, and it is the sense of Congress that the Committee should play a significant role in the Department's transformational diplomacy by advising the Secretary regarding United States efforts to promote democracy and democratic transition in connection with the formulation and implementation of United States foreign policy and foreign assistance, including reviewing and making recommendations on—*

*(1) how to improve the capacity of the Department to promote democracy and human rights; and*

*(2) how to improve foreign assistance programs related to the promotion of democracy.*

***SEC. 2132. SENSE OF CONGRESS REGARDING THE INTERNET WEBSITE OF THE DEPARTMENT OF STATE.***

*It is the sense of Congress that in order to facilitate access by individuals, nongovernmental organizations, and movements in foreign countries to documents, streaming video and audio, and other media regarding democratic principles, practices, and values, and the promotion and strengthening of democracy, the Secretary should take additional steps to enhance the Internet site for global democracy and human rights of the Department, which should include, where practicable, the following:*

*(1) Narratives and histories, published by the United States Government, of significant democratic movements in foreign countries, particularly regarding successful nonviolent campaigns to promote democracy in non-democratic countries and democratic transition countries.*

*(2) Narratives, published by the United States Government, relating to the importance of the establishment of and respect for internationally recognized human rights, democratic principles,*

*practices, and values, and other fundamental freedoms.*

*(3) Major human rights reports by the United States Government, including translations of such materials, as appropriate.*

*(4) Any other documents, references, or links to appropriate external Internet websites (such as websites of international or nongovernmental organizations), including references or links to training materials, narratives, and histories regarding successful democratic movements.*

***Subtitle D—Training in Democracy and Human Rights; Incentives***

***SEC. 2141. TRAINING IN DEMOCRACY PROMOTION AND THE PROTECTION OF HUMAN RIGHTS.***

*(a) IN GENERAL.—The Secretary shall continue to enhance training for members of the Foreign Service and civil service responsible for the promotion of democracy and the protection of human rights. Such training shall include appropriate instruction and training materials regarding:*

*(1) International documents and United States policy regarding the promotion of democracy and respect for human rights.*

*(2) United States policy regarding the promotion and strengthening of democracy around the world, with particular emphasis on the transition to democracy in nondemocratic countries and democratic transition countries.*

*(3) For any member, chief of mission, or deputy chief of mission who is to be assigned to a nondemocratic country or democratic transition country, ways to promote democracy in such country and to assist individuals, nongovernmental organizations, and movements in such country that support democratic principles, practices, and values.*

*(4) The protection of internationally recognized human rights (including the protection of religious freedom) and standards related to such rights, provisions of United States law related to such rights, diplomatic tools to promote respect for such rights, and the protection of individuals who have fled their countries due to violations of such rights.*

*(b) CONSULTATION.—The Secretary, acting through the Director of the National Foreign Affairs Training Center of the Foreign Service Institute of the Department, shall consult, as appropriate, with nongovernmental organizations involved in the protection and promotion of such rights and the United States Commission on International Religious Freedom with respect to the training required by this subsection.*

*(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing a description of the current and planned training provided to Foreign Service officers in human rights and democracy promotion, including such training provided to chiefs of mission serving or preparing to serve in nondemocratic countries or democratic transition countries.*

***SEC. 2142. SENSE OF CONGRESS REGARDING ADVANCE DEMOCRACY AWARD.***

*It is the sense of Congress that—*

*(1) the Secretary should further strengthen the capacity of the Department to carry out results-based democracy promotion efforts through the establishment of an annual award to be known as the ''Outstanding Achievements in Advancing Democracy Award'', or the ''ADVANCE Democracy Award'', that would be awarded to officers or employees of the Department; and*

*(2) the Secretary should establish procedures for selecting recipients of such award, including any financial terms associated with such award.*

***SEC. 2143. PERSONNEL POLICIES AT THE DEPARTMENT OF STATE.***

*In addition to the awards and other incentives already implemented, the Secretary should increase incentives for members of the Foreign Service and other employees of the Department who take assignments relating to the promotion of democracy and the protection of human rights, including the following:*

*(1) Providing performance pay under section 405 of the Foreign Service Act of 1980 (22 U.S.C. 3965) to such members and employees who carry out their assignment in an outstanding manner.*

*(2) Considering such an assignment as a basis for promotion into the Senior Foreign Service.*

*(3) Providing Foreign Service Awards under section 614 of the Foreign Service Act of 1980 (22 U.S.C. 4013) to such members and employees who provide distinguished or meritorious service in the promotion of democracy or the protection of human rights.*

***Subtitle E—Cooperation With Democratic Countries***

***SEC. 2151. COOPERATION WITH DEMOCRATIC COUNTRIES.***

*(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should cooperate with other democratic countries to—*

*(1) promote and protect democratic principles, practices, and values;*

*(2) promote and protect shared political, social, and economic freedoms, including the freedoms of association, of expression, of the press, of religion, and to own private property;*

*(3) promote and protect respect for the rule of law;*

*(4) develop, adopt, and pursue strategies to advance common interests in international organizations and multilateral institutions to which members of cooperating democratic countries belong; and*

*(5) provide political, economic, and other necessary support to countries that are undergoing a transition to democracy.*

*(b) COMMUNITY OF DEMOCRACIES.—*

*(1) SENSE OF CONGRESS.—It is the sense of Congress that—*

*(A) the Community of Democracies should develop a more formal mechanism for carrying out work between ministerial meetings, such as through the creation of a permanent secretariat with appropriate staff to carry out such work, and should establish a headquarters; and*

*(B) nondemocratic countries should not participate in any association or group of democratic countries aimed at working together to promote democracy.*

*(2) DETAIL OF PERSONNEL.—The Secretary is authorized to detail on a nonreimbursable basis any employee of the Department to any permanent secretariat of the Community of Democracies or to the government of any country that is a member of the Convening Group of the Community of Democracies.*

*(c) ESTABLISHMENT OF AN OFFICE FOR MULTILATERAL DEMOCRACY PROMOTION.—The Secretary should establish an office of multilateral democracy promotion with the mission to further develop and strengthen the institutional structure of the Community of Democracies, develop interministerial projects, enhance the United Nations Democracy Caucus, manage policy development of the United Nations Democracy Fund, and enhance coordination with other regional and multilateral bodies with jurisdiction over democracy issues.*

*(d) INTERNATIONAL CENTER FOR DEMOCRATIC TRANSITION.—*

*(1) SENSE OF CONGRESS.—It is the sense of Congress that the International Center for Democratic Transition, an initiative of the Government of Hungary, serves to promote practical projects and the sharing of best practices in the area of democracy promotion and should be supported by, in particular, the United States, other European countries with experiences in democratic transitions, and private individuals.*

*(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for each of fiscal years 2008, 2009, and 2010 to the Secretary for a grant to the International Center for Democratic Transition. Amounts appropriated under this paragraph are authorized to remain available until expended.*

***Subtitle F—Funding for Promotion of Democracy***

***SEC. 2161. THE UNITED NATIONS DEMOCRACY FUND.***

*(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should work with other countries to enhance the goals and work of the United Nations Democracy Fund, an essential tool to promote democracy, and in particular support civil society in foreign countries in their efforts to help consolidate democracy and bring about transformational change.*

*(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $14,000,000 for each of fiscal years 2008 and 2009 to the Secretary for a United States contribution to the United Nations Democracy Fund.*

***SEC. 2162. UNITED STATES DEMOCRACY ASSISTANCE PROGRAMS.***

*(a) SENSE OF CONGRESS REGARDING USE OF INSTRUMENTS OF DEMOCRACY PROMOTION.—It is the sense of Congress that—*

*(1) United States support for democracy is strengthened by using a variety of different instrumentalities, such as the National Endowment for Democracy, the United States Agency for International Development, and the Department; and*

*(2) the purpose of the Department's Human Rights and Democracy Fund should be to support innovative programming, media, and materials designed to uphold democratic principles, practices, and values, support and strengthen democratic institutions, promote human rights and the rule of law, and build civil societies in countries around the world.*

*(b) SENSE OF CONGRESS REGARDING MECHANISMS FOR DELIVERING ASSISTANCE.—*

*(1) FINDINGS.—Congress finds the following:*

*(A) Democracy assistance has many different forms, including assistance to promote the rule of law, build the capacity of civil society, political parties, and legislatures, improve the independence of the media and the judiciary, enhance independent auditing functions, and advance security sector reform.*

*(B) There is a need for greater clarity on the coordination and delivery mechanisms for United States democracy assistance.*

*(2) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary and the Administrator of the United States Agency for International Development should develop guidelines, in consultation with the appropriate congressional committees, building on the existing framework for grants, cooperative agreements, contracts, and other acquisition mechanisms to guide United States missions in foreign countries in coordinating United States democracy assistance and selecting the appropriate combination of such mechanisms for such assistance.*

***TITLE XXII—INTEROPERABLE EMERGENCY COMMUNICATIONS***

***SEC. 2201. INTEROPERABLE EMERGENCY COMMUNICATIONS.***

*(a) IN GENERAL.—Section 3006 of Public Law 109–171 (47 U.S.C. 309 note) is amended—*

*(1) by striking paragraphs (1) and (2) of subsection (a) and inserting the following:*

*''(1) may take such administrative action as is necessary to establish and implement—*

*''(A) a grant program to assist public safety agencies in the planning and coordination associated with, the acquisition of, deployment of, or training for the use of interoperable communications equipment, software and systems that—*

*''(i) utilize reallocated public safety spectrum for radio communication;*

*''(ii) enable interoperability with communications systems that can utilize reallocated public safety spectrum for radio communication; or*

*''(iii) otherwise improve or advance the interoperability of public safety communications systems that utilize other public safety spectrum bands; and*

''(B) are used to establish and implement a strategic technology reserve to pre-position or secure interoperable communications in advance for immediate deployment in an emergency or major disaster;

''(2) shall make payments of not to exceed $1,000,000,000, in the aggregate, through fiscal year 2010 from the Digital Television Transition and Public Safety Fund established under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) to carry out the grant program established under paragraph (1), of which at least $75,000,000, in the aggregate, shall be used for purposes described in paragraph (1)(B); and

''(3) shall permit any funds allocated for use under paragraph (1)(B) to be used for purposes identified under paragraph (1)(A), if the public safety agency demonstrates that it has already implemented such a strategic technology reserve or demonstrates higher priority public safety communications needs.'';

(2) by redesignating subsections (b), (c), and (d) as subsections (h), (i), and (j), respectively, and inserting after subsection (a) the following:

''(b) ELIGIBILITY.—To be eligible for assistance under the grant program established under subsection (a)(1)(A), an applicant shall submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require, including a detailed explanation of how assistance received under the program would be used to improve communications interoperability and ensure interoperability with other public safety agencies in an emergency or a major disaster.

''(c) CRITERIA FOR STRATEGIC TECHNOLOGY RESERVES.—

''(1) IN GENERAL.—In evaluating permitted uses under subsection (a)(1)(B), the Assistant Secretary shall consider the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and shall ensure, to the maximum extent feasible, that a substantial part of the reserve involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems (and communications service related to such equipment, supplies, and systems), rather than the warehousing or storage of equipment and supplies currently available at the time the reserve is established.

''(2) REQUIREMENTS AND CHARACTERISTICS.—Funds provided to meet uses described in paragraph (1) shall be used in support of reserves that—

''(A) are capable of re-establishing communications when existing critical infrastructure is damaged or destroyed in an emergency or a major disaster;

''(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones and satellite- enabled equipment (and related communications service), Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

''(C) include equipment on hand for the Governor of each State, key emergency response officials, and appropriate State or local personnel;

''(D) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources; and

''(E) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts.

''(3) ADDITIONAL CHARACTERISTICS.—Portions of the reserve may be virtual and may include items donated on an in-kind contribution basis.

''(4) ALLOCATION OF FUNDS.—In evaluating permitted uses under section (a)(1)(B), the Assistant Secretary shall take into account barriers to immediate deployment, including time and distance, that may slow the rapid deployment of equipment, supplies, and systems (and communications service related to such equipment, supplies, and systems) in the event of an emergency in any State.

''(d) VOLUNTARY CONSENSUS STANDARDS.—In carrying out this section, the Assistant Secretary, in cooperation with the Secretary of Homeland Security, shall identify and, if necessary, encourage the development and implementation of, voluntary consensus standards for interoperable communications systems to the greatest extent practicable, but shall not require any such standard.

''(e) INSPECTOR GENERAL REPORT AND AUDITS.—

''(1) REPORT.—Beginning with the first fiscal year beginning after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Inspector General of the Department of Commerce shall conduct an annual assessment of the management of the grant program implemented under subsection (a)(1) and transmit a report containing the findings of that assessment and any recommendations related thereto to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

''(2) AUDITS.—Beginning with the first fiscal year beginning after the date of enactment of the Implementing Recommendations of the 9/11 Commission Act of 2007, the Inspector General of the Department of Commerce shall conduct financial audits of entities receiving grants from the program implemented under subsection (a)(1), and shall ensure that, over the course of 4 years, such audits cover recipients in a representative sample of not fewer than 25 States or territories. The results of any such audits shall be made publicly available via web site, subject to redaction as the Inspector General determines necessary to protect classified and other sensitive information.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by any public safety agency for interim or long-term Internet Protocol-based interoperable solutions.''; and

(3) by striking paragraph (3) of subsection (j), as so redesignated.

(b) FCC VULNERABILITY ASSESSMENT AND REPORT ON EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Federal Communications Commission shall conduct a vulnerability assessment of the Nation's critical communications and information systems infrastructure and shall evaluate the technical feasibility of creating a back-up emergency communications system that complements existing communications resources and takes into account next generation and advanced communications technologies. The overriding objective for the evaluation shall be providing a framework for the development of a resilient interoperable communications system for emergency responders in an emergency. The Commission shall consult with the National Communications System and shall evaluate all reasonable options, including satellites, wireless, and terrestrial-based communications systems and other alternative transport mechanisms that can be used in tandem with existing technologies.

(2) FACTORS TO BE EVALUATED.—The evaluation under paragraph (1) shall include—

(A) a survey of all Federal agencies that use terrestrial or satellite technology for communications security and an evaluation of the feasibility of using existing systems for the purpose of creating such an emergency back-up public safety communications system;

(B) the feasibility of using private satellite, wireless, or terrestrial networks for emergency communications;

(C) the technical options, cost, and deployment methods of software, equipment, handsets or desktop communications devices for public safety entities in major urban areas, and nationwide; and

(D) the feasibility and cost of necessary changes to the network operations center of terrestrial-based or satellite systems to enable the centers to serve as emergency back-up communications systems.

(3) REPORT.—

(A) IN GENERAL.—Upon the completion of the evaluation under subsection (a), the Commission shall submit a report to Congress that details the findings of the evaluation, including a full inventory of existing public and private resources most efficiently capable of providing emergency communications.

(B) CLASSIFIED INDEX.—The report on critical infrastructure under this subsection may contain a classified annex.

(C) RETENTION OF CLASSIFICATION.—The classification of information required to be provided to Congress or any other department or agency under this section by the Federal Communications Commission, including the assignment of a level of classification of such information, shall be binding on Congress and any other department or agency.

(c) JOINT ADVISORY COMMITTEE ON COMMUNICATIONS CAPABILITIES OF EMERGENCY MEDICAL AND PUBLIC HEALTH CARE FACILITIES.—

(1) ESTABLISHMENT.—The Assistant Secretary of Commerce for Communications and Information and the Chairman of Federal Communications Commission, in consultation with the Secretary of Homeland Security and the Secretary of Health and Human Services, shall establish a joint advisory committee to examine the communications capabilities and needs of emergency medical and public health care facilities. The joint advisory committee shall be composed of individuals with expertise in communications technologies and emergency medical and public health care, including representatives of Federal, State and local governments, industry and non-profit health organizations, and academia and educational institutions.

(2) DUTIES.—The joint advisory committee shall—

(A) assess specific communications capabilities and needs of emergency medical and public health care facilities, including the including improvement of basic voice, data, and broadband capabilities;

(B) assess options to accommodate growth of basic and emerging communications services used by emergency medical and public health care facilities;

(C) assess options to improve integration of communications systems used by emergency medical and public health care facilities with existing or future emergency communications networks; and

(D) report its findings to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, within 6 months after the date of enactment of this Act.

(d) AUTHORIZATION OF EMERGENCY MEDICAL AND PUBLIC HEALTH COMMUNICATIONS PILOT PROJECTS.—

(1) IN GENERAL.—The Assistant Secretary of Commerce for Communications and Information may establish not more than 10 geographically dispersed project grants to emergency medical and public health care facilities to improve the capabilities of emergency communications systems in emergency medical care facilities.

(2) MAXIMUM AMOUNT.—The Assistant Secretary may not provide more than $2,000,000 in Federal assistance under the pilot program to any applicant.

(3) COST SHARING.—The Assistant Secretary may not provide more than 20 percent of the cost, incurred during the period of the grant, of any project under the pilot program.

(4) MAXIMUM PERIOD OF GRANTS.—The Assistant Secretary may not fund any applicant under the pilot program for more than 3 years.

*(5) DEPLOYMENT AND DISTRIBUTION.—The Assistant Secretary shall seek to the maximum extent practicable to ensure a broad geographic distribution of project sites.*

*(6) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Assistant Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.*

**SEC. 2202. CLARIFICATION OF CONGRESSIONAL INTENT.**

*The Federal departments and agencies (including independent agencies) identified under the provisions of this title and title III of this Act and title VI of Public Law 109–295 shall carry out their respective duties and responsibilities in a manner that does not impede the implementation of requirements specified under this title and title III of this Act and title VI of Public Law 109–295. Notwithstanding the obligations under section 1806 of Public Law 109–295, the provisions of this title and title III of this Act and title VI of Public Law 109–295 shall not preclude or obstruct any such department or agency from exercising its other authorities related to emergency communications matters.*

**SEC. 2203. CROSS BORDER INTEROPERABILITY REPORTS.**

*(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Federal Communications Commission, in consultation with the Department of Homeland Security's Office of Emergency Communications, the Office of Management of Budget, and the Department of State shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on—*

*(1) the status of the mechanism established by the President under section 7303(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 194(c)) for coordinating cross border interoperability issues between—*

*(A) the United States and Canada; and*

*(B) the United States and Mexico;*

*(2) the status of treaty negotiations with Canada and Mexico regarding the coordination of the re-banding of 800 megahertz radios, as required under the final rule of the Federal Communication Commission in the ''Private Land Mobile Services; 800 MHz Public Safety Interface Proceeding'' (WT Docket No. 02–55; ET Docket No. 00–258; ET Docket No. 95–18, RM–9498; RM–10024; FCC 04–168,) including the status of any outstanding issues in the negotiations between—*

*(A) the United States and Canada; and*

*(B) the United States and Mexico;*

*(3) communications between the Commission and the Department of State over possible amendments to the bilateral legal agreements and protocols that govern the coordination process for license applications seeking to use channels and frequencies above Line A;*

*(4) the annual rejection rate for the last 5 years by the United States of applications for new channels and frequencies by Canadian private and public entities; and*

*(5) any additional procedures and mechanisms that can be taken by the Commission to decrease the rejection rate for applications by United States private and public entities seeking licenses to use channels and frequencies above Line A.*

*(b) UPDATED REPORTS TO BE FILED ON THE STATUS OF TREATY OF NEGOTIATIONS.—The Federal Communications Commission, in conjunction with the Department of Homeland Security, the Office of Management of Budget, and the Department of State shall continually provide updated reports to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the status of treaty negotiations under subsection (a)(2) until the appropriate United States treaty has been revised with each of—*

*(1) Canada; and*

*(2) Mexico.*

*(c) INTERNATIONAL NEGOTIATIONS TO REMEDY SITUATION.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Department of State shall report to Congress on—*

*(1) the current process for considering applications by Canada for frequencies and channels by United States communities above Line A;*

*(2) the status of current negotiations to reform and revise such process;*

*(3) the estimated date of conclusion for such negotiations;*

*(4) whether the current process allows for automatic denials or dismissals of initial applications by the Government of Canada, and whether such denials or dismissals are currently occurring; and*

*(5) communications between the Department of State and the Federal Communications Commission pursuant to subsection (a)(3).*

**SEC. 2204. EXTENSION OF SHORT QUORUM.**

*Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Consumer Product Safety Commission, if they are not affiliated with the same political party, shall constitute a quorum for the 6-month period beginning on the date of enactment of this Act.*

**SEC. 2205. REQUIRING REPORTS TO BE SUBMITTED TO CERTAIN COMMITTEES.**

*In addition to the committees specifically enumerated to receive reports under this title, any report transmitted under the provisions of this title shall also be transmitted to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))).*

## TITLE XXIII—EMERGENCY COMMUNICATIONS MODERNIZATION

**SEC. 2301. SHORT TITLE.**

*This title may be cited as the ''Improving Emergency Communications Act of 2007''.*

**SEC. 2302. FUNDING FOR PROGRAM.**

*Section 3011 of the Digital Television Transition and Public Safety Act of 2005 (Public Law 109–171; 47 U.S.C. 309 note) is amended—*

*(1) by striking ''The'' and inserting:*

*''(a) IN GENERAL.—The''; and*

*(2) by adding at the end the following:*

*''(b) CREDIT.—The Assistant Secretary may borrow from the Treasury, upon enactment of the 911 Modernization Act, such sums as necessary, but not to exceed $43,500,000, to implement this section. The Assistant Secretary shall reimburse the Treasury, without interest, as funds are deposited into the Digital Television Transition and Public Safety Fund.''.*

**SEC. 2303. NTIA COORDINATION OF E–911 IMPLEMENTATION.**

*Section 158(b)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 942(b)(4)) is amended by adding at the end thereof the following: ''Within 180 days after the date of enactment of the 911 Modernization Act, the Assistant Secretary and the Administrator shall jointly issue regulations updating the criteria to allow a portion of the funds to be used to give priority to grants that are requested by public safety answering points that were not capable of receiving 911 calls as of the date of enactment of that Act, for the incremental cost of upgrading from Phase I to Phase II compliance. Such grants shall be subject to all other requirements of this section.''.*

## TITLE XXIV—MISCELLANEOUS PROVISIONS

**SEC. 2401. QUADRENNIAL HOMELAND SECURITY REVIEW.**

*(a) REVIEW REQUIRED.—Title VII of the Homeland Security Act of 2002 is amended by adding at the end the following:*

**''SEC. 707. QUADRENNIAL HOMELAND SECURITY REVIEW.**

*''(a) REQUIREMENT.—*

*''(1) QUADRENNIAL REVIEWS REQUIRED.—In fiscal year 2009, and every 4 years thereafter, the Secretary shall conduct a review of the homeland security of the Nation (in this section referred to as a 'quadrennial homeland security review').*

*''(2) SCOPE OF REVIEWS.—Each quadrennial homeland security review shall be a comprehensive examination of the homeland security strategy of the Nation, including recommendations regarding the long-term strategy and priorities of the Nation for homeland security and guidance on the programs, assets, capabilities, budget, policies, and authorities of the Department.*

*''(3) CONSULTATION.—The Secretary shall conduct each quadrennial homeland security review under this subsection in consultation with—*

*''(A) the heads of other Federal agencies, including the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of the Treasury, the Secretary of Agriculture, and the Director of National Intelligence;*

*''(B) key officials of the Department; and*

*''(C) other relevant governmental and nongovernmental entities, including State, local, and tribal government officials, members of Congress, private sector representatives, academics, and other policy experts.*

*''(4) RELATIONSHIP WITH FUTURE YEARS HOMELAND SECURITY PROGRAM.—The Secretary shall ensure that each review conducted under this section is coordinated with the Future Years Homeland Security Program required under section 874.*

*''(b) CONTENTS OF REVIEW.—In each quadrennial homeland security review, the Secretary shall—*

*''(1) delineate and update, as appropriate, the national homeland security strategy, consistent with appropriate national and Department strategies, strategic plans, and Homeland Security Presidential Directives, including the National Strategy for Homeland Security, the National Response Plan, and the Department Security Strategic Plan;*

*''(2) outline and prioritize the full range of the critical homeland security mission areas of the Nation;*

*''(3) describe the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2);*

*''(4) identify the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2);*

*''(5) include an assessment of the organizational alignment of the Department with the national homeland security strategy referred to in paragraph (1) and the homeland security mission areas outlined under paragraph (2); and*

*''(6) review and assess the effectiveness of the mechanisms of the Department for executing the process of turning the requirements developed in the quadrennial homeland security review into an acquisition strategy and expenditure plan within the Department.*

*''(c) REPORTING.—*

*''(1) IN GENERAL.—Not later than December 31 of the year in which a quadrennial homeland security review is conducted, the Secretary shall submit to Congress a report regarding that quadrennial homeland security review.*

*''(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—*

*''(A) the results of the quadrennial homeland security review;*

''(B) a description of the threats to the assumed or defined national homeland security interests of the Nation that were examined for the purposes of that review;

''(C) the national homeland security strategy, including a prioritized list of the critical homeland security missions of the Nation;

''(D) a description of the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the applicable national homeland security strategy referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2);

''(E) an assessment of the organizational alignment of the Department with the applicable national homeland security strategy referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2), including the Department's organizational structure, management systems, budget and accounting systems, human resources systems, procurement systems, and physical and technical infrastructure;

''(F) a discussion of the status of cooperation among Federal agencies in the effort to promote national homeland security;

''(G) a discussion of the status of cooperation between the Federal Government and State, local, and tribal governments in preventing terrorist attacks and preparing for emergency response to threats to national homeland security;

''(H) an explanation of any underlying assumptions used in conducting the review; and

''(I) any other matter the Secretary considers appropriate.

''(3) PUBLIC AVAILABILITY.—The Secretary shall, consistent with the protection of national security and other sensitive matters, make each report submitted under paragraph (1) publicly available on the Internet website of the Department.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

(b) PREPARATION FOR QUADRENNIAL HOMELAND SECURITY REVIEW.—

(1) IN GENERAL.—During fiscal years 2007 and 2008, the Secretary of Homeland Security shall make preparations to conduct the first quadrennial homeland security review under section 707 of the Homeland Security Act of 2002, as added by subsection (a), in fiscal year 2009, including—

(A) determining the tasks to be performed;

(B) estimating the human, financial, and other resources required to perform each task;

(C) establishing the schedule for the execution of all project tasks;

(D) ensuring that these resources will be available as needed; and

(E) all other preparations considered necessary by the Secretary.

(2) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to Congress and make publicly available on the Internet website of the Department of Homeland Security a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the first quadrennial homeland security review.

(c) CLERICAL AMENDMENT.—The table of sections in section 1(b) of such Act is amended by inserting after the item relating to section 706 the following new item:

''Sec. 707. Quadrennial Homeland Security Review.''.

**SEC. 2402. SENSE OF THE CONGRESS REGARDING THE PREVENTION OF RADICALIZATION LEADING TO IDEOLOGICALLY-BASED VIOLENCE.**

(a) FINDINGS.—Congress finds the following:

(1) The United States is engaged in a struggle against a transnational terrorist movement of radical extremists that plans, prepares for, and engages in acts of ideologically-based violence worldwide.

(2) The threat of radicalization that leads to ideologically-based violence transcends borders and has been identified as a potential threat within the United States.

(3) Radicalization has been identified as a precursor to terrorism caused by ideologically-based groups.

(4) Countering the threat of violent extremists domestically, as well as internationally, is a critical element of the plan of the United States for success in the fight against terrorism.

(5) United States law enforcement agencies have identified radicalization that leads to ideologically-based violence as an emerging threat and have in recent years identified cases of extremists operating inside the United States, known as ''homegrown'' extremists, with the intent to provide support for, or directly commit, terrorist attacks.

(6) Alienation of Muslim populations in the Western world has been identified as a factor in the spread of radicalization that could lead to ideologically-based violence.

(7) Many other factors have been identified as contributing to the spread of radicalization and resulting acts of ideologically-based violence. Among these is the appeal of left-wing and right-wing hate groups, and other hate groups, including groups operating in prisons. Other such factors must be examined and countered as well in order to protect the homeland from violent extremists of every kind.

(8) Radicalization leading to ideologically-based violence cannot be prevented solely through law enforcement and intelligence measures.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security, in consultation with other relevant Federal agencies, should make a priority of countering domestic radicalization that leads to ideologically-based violence by—

(1) using intelligence analysts and other experts to better understand the process of radicalization from sympathizer to activist to terrorist;

(2) recruiting employees with diverse worldviews, skills, languages, and cultural backgrounds, and expertise;

(3) consulting with experts to ensure that the lexicon used within public statements is precise and appropriate and does not aid extremists by offending religious, ethnic, and minority communities;

(4) addressing prisoner radicalization and post-sentence reintegration, in concert with the Attorney General and State and local corrections officials;

(5) pursuing broader avenues of dialogue with minority communities, including the American Muslim community, to foster mutual respect, understanding, and trust; and

(6) working directly with State, local, and community leaders to—

(A) educate such leaders about the threat of radicalization that leads to ideologically-based violence and the necessity of taking preventative action at the local level; and

(B) facilitate the sharing of best practices from other countries and communities to encourage outreach to minority communities, including the American Muslim community, and develop partnerships among and between all religious faiths and ethnic groups.

**SEC. 2403. REQUIRING REPORTS TO BE SUBMITTED TO CERTAIN COMMITTEES.**

The Committee on Commerce, Science, and Transportation of the Senate shall receive the reports required by the following provisions of law in the same manner and to the same extent that the reports are to be received by the Committee on Homeland Security and Governmental Affairs of the Senate:

(1) Section 1016(j)(1) of the Intelligence Reform and Terrorist Prevention Act of 2004 (6 U.S.C. 485(j)(1)).

(2) Section 511(d) of this Act.

(3) Subsection (a)(3)(D) of section 2022 of the Homeland Security Act of 2002, as added by section 101 of this Act.

(4) Section 7215(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 123(d)).

(5) Section 7209(b)(1)(C) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note).

(6) Section 804(c) of this Act.

(7) Section 901(b) of this Act.

(8) Section 1002(a) of this Act.

(9) Title III of this Act.

**SEC. 2404. DEMONSTRATION PROJECT.**

(a) DEMONSTRATION PROJECT REQUIRED.—Not later than 120 days after the date of enactment of this Act, the Secretary of Homeland Security shall—

(1) establish a demonstration project to conduct demonstrations of security management systems that—

(A) shall use a management system standards approach; and

(B) may be integrated into quality, safety, environmental and other internationally adopted management systems; and

(2) enter into one or more agreements with a private sector entity to conduct such demonstrations of security management systems.

(b) SECURITY MANAGEMENT SYSTEM DEFINED.—In this section, the term 'security management system' means a set of guidelines that address the security assessment needs of critical infrastructure and key resources that are consistent with a set of generally accepted management standards ratified and adopted by a standards making body.

**SEC. 2405. UNDER SECRETARY FOR MANAGEMENT OF DEPARTMENT OF HOMELAND SECURITY.**

(a) RESPONSIBILITIES.—Section 701(a) of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) by inserting ''The Under Secretary for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs.'' before ''The Secretary'';

(2) by striking paragraph (7) and inserting the following:

''(7) Strategic management planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department.''; and

(3) by striking paragraph (9), and inserting the following:

''(9) The management integration and transformation process, as well as the transition process, to ensure an efficient and orderly consolidation of functions and personnel in the Department and transition, including—

''(A) the development of a management integration strategy for the Department, and

''(B) before December 1 of any year in which a Presidential election is held, the development of a transition and succession plan, to be made available to the incoming Secretary and Under Secretary for Management, to guide the transition of management functions to a new Administration.''.

(b) APPOINTMENT AND EVALUATION.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as amended by subsection (a), is further amended by adding at the end the following:

''(c) APPOINTMENT AND EVALUATION.—The Under Secretary for Management shall—

''(1) be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

*''(A) extensive executive level leadership and management experience in the public or private sector;*

*''(B) strong leadership skills;*

*''(C) a demonstrated ability to manage large and complex organizations; and*

*''(D) a proven record in achieving positive operational results;*

*''(2) enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and*

*''(3) be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Under Secretary for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (2).''.*

*(c) DEADLINE FOR APPOINTMENT; INCUMBENT.—*

*(1) DEADLINE FOR APPOINTMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall name an individual who meets the qualifications of section 701 of the Homeland Security Act (6 U.S.C. 341), as amended by subsections (a) and (b), to serve as the Under Secretary of Homeland Security for Management. The Secretary may submit the name of the individual who serves in the position of Under Secretary of Homeland Security for Management on the date of enactment of this Act together with a statement that informs the Congress that the individual meets the qualifications of such section as so amended.*

*(2) INCUMBENT.—The incumbent serving as Under Secretary of Homeland Security for Management on November 4, 2008, is authorized to continue serving in that position until a successor is confirmed, to ensure continuity in the management functions of the Department.*

*(d) SENSE OF CONGRESS WITH RESPECT TO SERVICE OF INCUMBENTS.—It is the sense of the Congress that the person serving as Under Secretary of Homeland Security for Management on the date on which a Presidential election is held should be encouraged by the newly-elected President to remain in office in a new Administration until such time as a successor is confirmed by Congress.*

*(e) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:*

*''Under Secretary of Homeland Security for Management.''.*

*And the Senate agree to the same.*

BENNIE G. THOMPSON,
LORETTA SANCHEZ,
NORMAN DICKS,
JANE HARMAN,
NITA M. LOWEY,
SHEILA JACKSON-LEE,
DONNA M. CHRISTENSEN,
BOB ETHERIDGE,
JAMES R. LANGEVIN,
HENRY CUELLAR,
AL GREEN,
ED PERLMUTTER,
PETER T. KING,
MARK SOUDER,
TOM DAVIS,
DANIEL E. LUNGREN,
MICHAEL T. MCCAUL,
CHARLES W. DENT,
IKE SKELTON,
JOHN M. SPRATT, Jr,
JIM SAXTON,
JOHN D. DINGELL,
EDWARD J. MARKEY,
TOM LANTOS,
GARY ACKERMAN,
ILEANA ROS-LEHTINEN,
JOHN CONYERS,
ZOE LOFGREN,
HENRY A. WAXMAN,
WM. LACY CLAY,
SILVESTRE REYES,
BUD CRAMER,
BART GORDON,
DAVID WU,
PETER A. DEFAZIO,
JOHN B. LARSON,
*Managers on the Part of the House,*

JOE LIEBERMAN,
CARL LEVIN,
DANIEL K. AKAKA,
TOM CARPER,
MARK PRYOR,
CHRIS DODD,
DANIEL K. INOUYE,
JOE BIDEN,
*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1), to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

## JOINT EXPLANATORY STATEMENT

## TITLE I—HOMELAND SECURITY GRANTS

*Section 101. Homeland Security Grant Program*

Section 101 of the Conference Report amends the Homeland Security Act to add a new Title XX, comprised of two subtitles and including the following sections:

### Subtitle A—Grants to States and High-Risk Urban Areas

*Section 2001. Definitions*

Section 2001 of the House bill defines several terms that are used in the title relevant to homeland security grants, including ''Covered grant,'' ''Directly Eligible Tribe,'' ''Elevations in the Threat Alert Level,'' ''First Responder,'' ''Indian Tribe,'' ''Region,'' ''Terrorism Preparedness,'' and ''Capabilities.''

Section 2001 of the Senate bill is a comparable provision, which defines ''Administrator,'' ''Combined Statistical Area,'' ''Directly Eligible Tribe,'' ''Eligible Metropolitan Area,'' ''Indian Tribe,'' ''Metropolitan Statistical Area,'' ''National Special Security Event,'' ''Population,'' ''Population Density,'' ''Target Capabilities,'' and ''Tribal Government.''

The Conference substitute adopts the Senate provision, as modified. The provision defines the terms ''Administrator,'' ''Appropriate Committees of Congress,'' ''Critical Infrastructure Sectors,'' ''Directly Eligible Tribe,'' ''Eligible Metropolitan Area,'' ''High-Risk Urban Area,'' ''Indian Tribe,'' ''Metropolitan Statistical Area,'' ''National Special Security Event,'' ''Population,'' ''Population Density,'' ''Qualified Intelligence Analyst,'' ''Target Capabilities,'' and ''Tribal Government.''

*Section 2002. Homeland Security Grant Programs*

Section 2002 of the House bill sets forth the first responder grant programs at the Department that are covered by the provisions in the title. These programs are the State Homeland Security Grant Program, the Urban Area Security Initiative, and the Law Enforcement Terrorism Prevention Program. It specifically excludes the Assistance to Firefighters Grant programs, the Emergency Management Performance Grant program, and the Urban Search and Rescue program.

Section 2002 of the Senate bill authorizes the Secretary of Homeland Security (the Secretary), acting through the Administrator of the Federal Emergency Management Agency (FEMA), to award grants to State, local, and tribal governments. It clarifies that other grant programs, such as the Assistance to Firefighters Grant programs, the Metropolitan Medical Response System, critical infrastructure grant programs, including transportation security grants programs, the port security grant program, and grants administered by agencies other than the Department of Homeland Security (the Department or DHS), are not covered under the title.

The Conference substitute adopts the Senate provision, as modified. It specifically authorizes the Secretary, acting through the Administrator of FEMA (the Administrator), to make grants under the State Homeland Security Grant Program and the Urban Area Security Initiative. It specifically provides that none of the provisions in subtitle A affect, or may be construed to affect, programs authorized under the Federal Fire Prevention and Control Act; grants authorized under the Stafford Act; Emergency Management Performance Grants under the amendments made by Title II of the Implementing the Recommendations of the 9/11 Commission Act of 2007; grants to protect critical infrastructure, including port security grants authorized under 46 U.S.C. 70107 and grants authorized under titles XIV, XV, and XVI of the Implementing the Recommendations of the 9/11 Commission Act of 2007; Metropolitan Medical Response System grants authorized under section 635 of the Post-Katrina Emergency Management Reform Act; the Interoperable Emergency Communications Grant Program authorized under title XVIII of the Homeland Security Act; and grants not administered by the Department.

Section 1014 of the USA Patriot Act (42 U.S.C. 3714), which authorized grants to States to ''enhance the capability of State and local jurisdictions to prepare for and respond to terrorist acts,'' has, up until now, served as the authority for grant programs such as the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program. Section 1014 further provided that each State receive a minimum of 0.75 percent of such authorized grants. The Conference substitute clarifies that the grants authorized under sections 2003 and 2004 of the Homeland Security Act are to supersede all grant programs authorized by section 1014 of the USA PATRIOT Act and that such grants shall be governed by the terms of this title and not any other provision of law, including with respect to the minimum guaranteed to each State under section 2004 and the fact that, where there is such a minimum, it is to be allocated as a ''true minimum,'' in the manner explained below.

The Conferees remain concerned about the implementation of the provisions in the Post-Katrina Emergency Management Reform Act (PL 109–295), which placed the authority to conduct training and exercises and administer grants within FEMA, thus restoring the nexus between emergency preparedness and response. The Conferees continue to believe that the Administrator, in

consultation with other relevant Departmental components with issue-area expertise, should have responsibility for administering all grant programs administered by the Department, which will ensure the coordination among those programs and consistency in the guidance issued to grant recipients.

*Section 2003. Urban Area Security Initiative*

Section 2003 of the House bill provides that areas determined by the Secretary to be high-threat urban areas may apply for Urban Area Security Initiative grants.

Section 2003 of the Senate bill specifically establishes the Urban Area Security Initiative grant program, to assist high-risk urban areas in preventing, preparing for, and responding to acts of terrorism. It allows eligible metropolitan areas, defined primarily as self-defined areas within the 100 largest metropolitan statistical areas, to apply for the grants. This section requires that the grants be allocated based on the threat, vulnerability, and consequences of a terrorist attack, as well as the effectiveness of each urban area's proposed spending plan in increasing the area's preparedness for terrorism and reducing risk. The section further describes the allowable uses of the grant funding by urban areas.

The Conference substitute adopts the Senate provision, as modified. The Conference substitute provides for a two-stage process for designating high-risk urban areas eligible to apply for Urban Area Security Initiative grants. First, the Department is to conduct an initial assessment of the risks, threats, and vulnerabilities from acts of terrorism faced by eligible metropolitan areas, defined as the 100 most populous metropolitan statistical areas in the United States. During this initial assessment, these areas may submit relevant information to the Department for consideration. Second, once this initial assessment process is complete, the Department will designate which jurisdictions may apply for Urban Area Security Initiative grants based solely on the assessment of risk from acts of terrorism.

*Section 2004. State Homeland Security Grant Program*

Section 2003 of the House bill provides that States, regions, and directly eligible tribes shall be eligible to apply for grant funds under the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program. Section 2004 of the House Bill sets forth minimum amounts each State shall receive (0.25 percent), providing for larger grant awards to applicants that have a significant international land border and/or adjoin a body of water within North America that contains an international boundary line (0.45 percent). Under the House bill territories and directly eligible tribes would receive not less than 0.08 percent of the funds.

Section 2004 of the Senate bill establishes the State Homeland Security Grant Program to assist State, local, and tribal governments in preventing, preparing for, protecting against, responding to, and recovering from acts of terrorism. The section requires that the grants be allocated to States based on the threat, vulnerability, and consequences of terrorism faced by a State, and lists factors to be considered in determining a State's risk. The section further provides that, in allocating funds, no State shall receive less than 0.45 percent of the overall appropriation for this program and that each State distribute a minimum of 80 percent of funding received under this program to local and tribal governments within that State, consistent with the State's homeland security plan. Territories would receive not less than 0.08 percent of the funds. The section also describes the allowable uses for grant funding provided to States under this section.

The Conference substitute adopts the Senate provision, as modified. The Conference substitute requires that each State receive, from the funds appropriated for the State Homeland Security Grant Program, not less than 0.375 percent of the total funds appropriated for grants under sections 2003 and 2004 in Fiscal Year 2008. This minimum decreases to 0.35 percent over five years. Each territory is to receive not less than 0.08 percent of the funds and tribes are to receive, collectively, not less than 0.1 percent of the funds.

In all cases, the minimum is a ''true minimum,'' in which funding allocations are initially determined entirely on the basis of terrorism risk and the anticipated effectiveness of the proposed use of the grant. Any recipient that does not reach the minimum based on this risk allocation will receive additional funding from the amount appropriated for the State Homeland Security Grant Program to ensure the respective minimum is met. This distribution method is consistent with the Department's practice for FY 2007 for the formula grants in the Homeland Security Grant Program, and maximizes the share of funds distributed on the basis of risk. The Urban Area Security Initiative will continue to be allocated exclusively on the basis of the risk from acts of terrorism and the anticipated effectiveness of the proposed use of the grant.

*Section 2005. Grants to directly eligible tribes*

Section 2003 of the House bill authorizes the Secretary to award grants to directly eligible tribes under the State Homeland Security Grant Program, requires the designation of a specific individual to serve as the tribal liaison for each tribe, and allows an opportunity for each State to comment to the Secretary on the consistency of a tribe's application with the State's homeland security plan.

Section 2004 of the Senate bill authorizes the Secretary to award grants to directly eligible tribes under the State Homeland Security Grant Program.

The Conference substitute adopts the House provision, as modified. The Conference substitute further clarifies that, regardless of whether a tribe receives funds directly from the Department, the tribe remains eligible to receive a pass-through of section 2004 funds for other purposes from any State within which it is located, and that States retain a responsibility for allocating funds received under section 2004 to assist tribal communities, including tribes that are not directly eligible tribes, achieve target capabilities not achieved through direct grants.

*Section 2006. Terrorism prevention*

There is no comparable House provision.

Section 2005 of the Senate bill requires that the Department of Homeland Security designate a minimum of 25 percent of the funding to States and urban areas through the State Homeland Security Grant Program and Urban Area Security Initiative for law enforcement terrorism prevention activities. It provides a list of allowable uses for the funding. The section also establishes the Office for the Prevention of Terrorism within the Department to, among other things, coordinate policy and operations between Federal, State, local, and tribal governments related to the prevention of terrorism.

The Conference substitute adopts the Senate provision, as modified.

The Conferees note the importance of law enforcement terrorism prevention activities and requires the Administrator to ensure that not less than 25 percent of the combined funds from the State Homeland Security Grant Program and Urban Area Security Initiative are dedicated to these vital activities. This will ensure that law enforcement terrorism prevention activities are appropriately coordinated with other State and high-risk urban area efforts to prevent, prepare for, protect against, and respond to acts of terrorism using grant funds.

The Conference substitute also includes a provision creating an Assistant Secretary in the DHS Policy Directorate to head an Office for State and Local Law Enforcement. This new Assistant Secretary will lead the coordination of Department-wide policies relating to State and local law enforcement's role in preventing acts of terrorism and will also serve as a liaison between law enforcement agencies across the country and the Department. The Conferees believe this office gives the State and local law enforcement community a much needed voice and high-level point of contact in the Department and integrates prevention and other law enforcement activities across the Department, while avoiding the creation of further stovepipes.

The Conference substitute creates the Assistant Secretary in the Department's Policy Directorate because of that Directorate's central role in coordinating policies across the Department. By such placement, however, the Conferees do not intend to preclude the Secretary from seeking advice directly from the Assistant Secretary, or from having the Assistant Secretary report directly to the Secretary, if the Secretary determines that arrangement would be most helpful and/or most beneficial to the Department.

In addition, the Conference substitute includes language in this section to reflect the general purpose of the Fusion and Law Enforcement Education and Teaming (FLEET) Grant Program in House Sections 701 and 702. Many local and tribal law enforcement and other emergency response providers that would like to participate in State, local, or regional fusion centers lack the resources—in terms of funding and staff—to do so. These providers are not usually in the headlines; instead, they typically serve under represented suburban and rural jurisdictions where terrorists may live, work, and plan attacks—even if they themselves are not likely targets of those attacks.

The Conferees believe that such agencies and departments, based on an appropriate showing of risk, should qualify for grant funding so they can send representatives to State, local, or regional fusion centers. Such funding should be available for (1) backfilling positions for law enforcement officers, intelligence analysts, and other emergency response staff detailed to fusion centers; and (2) appropriate training in the intelligence cycle, privacy and civil liberties, and other relevant matters, as determined by the Secretary.

The Conference substitute also provides for the Assistant Secretary for State and Local Law Enforcement and the Administrator to jointly conduct a study to determine the efficacy and feasibility of establishing specialized law enforcement deployment teams to assist State, local and tribal governments in responding to natural disasters, acts of terrorism, or other man-made disasters, and to report on the results of that study to the appropriate Committees of Congress. By requiring the study, the Conferees do not intend to authorize the creation, use or deployment of such teams, but instead intends that the Assistant Secretary and the Administrator report to Congress on the results of the study and, in the event they determine that such deployment teams are feasible and likely to be effective, that they seek further Congressional authorization before implementing any such program. The Conferees further intend that any such deployment

teams, if implemented, would, like other specialized response teams, such as Urban Search and Rescue Teams, be subject to the direction of the Administrator and coordinated with the other activities of FEMA.

*Section 2007. Prioritization*

Section 2004 of the House bill requires the Secretary to evaluate and annually prioritize pending applications for covered grants based upon the degree to which they would lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure from acts of terrorism.

There is no comparable Senate provision. Instead the Senate bill individually lists the factors that the Administrator shall consider when allocating grants under sections 2003 and 2004.

The Conference substitute adopts the House provision, as modified. The Conference substitute requires that in allocating funds among States and high-risk urban areas the Administrator consider for each State and high-risk urban area, its relative threat, vulnerability, and consequences from acts of terrorism, including consideration of several enumerated factors; and the anticipated effectiveness of the proposed use of the grant by the State or high-risk urban area. While the Conference substitute does not specify the particular weight to be given to any of the listed criteria, it nonetheless requires that each of the characteristics listed in subparagraphs 2007(a)(1)(A) through (J) be considered as part of the assessment of threat, vulnerability, and consequences from acts of terrorism faced by the State or high-risk urban area. The Conference substitute also provides that the Administrator may consider additional factors beyond those listed, as specified in writing, in assessing a State or high-risk urban area's risk.

*Section 2008. Use of funds*

Section 2005 of the House bill lists authorized uses of covered grants and prohibits the use of grant funds to supplant State or local funds, to construct physical facilities, to acquire land, or for any State or local government cost sharing contribution. This section also requires each covered grant recipient to submit annual reports on homeland security spending and establishes penalties for States that fail to pass funds through to local governments within 45 days of receipt of grant funds.

There is no comparable Senate provision. Instead, the Senate bill authorizes eligible uses of funds for each grant program individually and provides for limitations on the use of grant funds under Section 2007 of the Senate bill.

The Conference substitute adopts the House provision, with modifications. The Conference substitute authorizes grant funds under sections 2003 and 2004 to be used for a number of uses including planning, training, exercises, protecting critical infrastructure, purchasing equipment, and paying personnel costs associated with both straight time and overtime and backfill, in addition to any allowable use in the FY2007 grant guidance for the State Homeland Security Grant Program, the Urban Area Security Initiative (including activities permitted under the full-time counterterrorism staffing pilot), or the Law Enforcement Terrorism Prevention Program. The Conference substitute authorizes grant recipients to use up to 50 percent of their grant funds for overtime and straight personnel costs because prevention and protection activities are personnel intensive. Nonetheless, the needs of communities vary considerably, and the Conferees anticipate that many, if not most, recipients will not need to devote the maximum allowable funding to personnel costs. The Conferees encourage grant recipients to also emphasize planning, training, and exercising in their spending plans.

It is important to note that the Conferees are concerned about audits and news reports illustrating some inappropriate uses of grant funds since the programs' inception. The Conferees, therefore, emphasize language in the Conference substitute that prohibits grant recipients from using their funding for social and recreational purposes.

Finally, the Conferees note the provision permitting grant recipients to use their funding for multiple purposes. To be clear, the Conferees do not intend for grant recipients to use their funding solely to prepare for natural disasters. The programs authorized in this title are for counter-terrorism purposes. Nevertheless, the Conferees recognize that many of the planning, training, exercising, and equipment needs of jurisdictions are similar, if not identical, for natural disasters, acts of terrorism, and other man-made disasters, and that, although some preparations for terrorist threats require unique plans and capabilities, many will be part of overall all-hazards preparedness. Therefore, although the use of grant funds under these programs must further a jurisdiction's counter-terrorism activities and programs, the Conferees expect and encourage such jurisdictions to engage in activities, such as evacuation exercises, that will contribute to preparedness for both terrorist and non-terrorist events and not to hesitate to use, for example, equipment purchased for counter-terrorism purposes to respond to a non-terrorist incident.

Subtitle B—Grants Administration

*Section 2021. Administration and coordination*

There is no comparable House provision.

Section 2007 of the Senate bill requires the Administrator to ensure that the recipients of grants administered by the Department coordinate their activities regionally, including across State boundaries where appropriate, and that State and urban recipients establish a planning committee including relevant stakeholders to assist in the preparation and revision of area homeland security plans. This section also requires that the Department coordinate with other relevant Federal agencies to develop a proposal to coordinate the reporting and other requirements for homeland security assistance programs across the Federal government to avoid duplication and undue burdens on State, local, and tribal governments.

The Conference substitute adopts the Senate provision, as modified.

The Conference substitute includes a provision requiring States and high-risk urban areas receiving grants under the State Homeland Security Grant Program or the Urban Area Security Initiative to establish a planning committee if they have not already done so. The Conferees are aware that many multi-jurisdictional councils of governments, regional planning commissions and organizations, development districts, and consortiums have responsibility for implementing emergency response plans and coordinating cross-jurisdictional response capabilities, and urges the Department to support the continued use of such entities.

Because natural disasters, acts of terrorism and other man-made disasters do not respect political boundaries, and because such events have the potential to overwhelm the capabilities of a single jurisdiction, the Conferees believe that it is important that there be regional coordination in preparing for these events, and the Conference substitute requires that the Administrator ensure that grant recipients appropriately coordinate with neighboring State, local and tribal governments. The Conference does not intend, however, that this provide a license to the Administrator to impose burdensome requirements on local subgrantees or other small communities, and encourages the Administrator to ensure regional coordination primarily by working with States, high-risk urban areas, and other direct recipients of grants.

*Section 2022. Accountability*

Section 2005 of the House bill requires recipients of grants under the State Homeland Security Grant Program, Urban Area Security Initiative, and Law Enforcement Terrorism Prevention Program to submit an annual report to the Secretary concerning the use and allocation of those grant funds, and provides incentives for submission of quarterly reports. It also requires that the Secretary submit an annual report to Congress concerning the use of funds by grant recipients and describing progress made in enhancing capabilities as a result of the expenditure of grant funds.

Section 2008 of the Senate bill requires the Administrator to submit annual reports to Congress evaluating the extent to which grants have contributed to the progress of State, local, and tribal governments in achieving target capabilities and providing an explanation of the Department's risk methodology. In addition, Section 2009 of the Senate bill requires the Inspector General of the Department (the Inspector General) to audit all recipients of grants under the State Homeland Security Grant Program, Urban Area Security Initiative, and Emergency Management Performance Grant program. The audits are to be conducted within two years of enactment of the bill or receipt of such a grant, and be made publicly available on the website of the Inspector General. The Inspector General is also required to audit each entity that received a preparedness grant from the Department prior to enactment of this legislation.

The Conference substitute adopts the Senate provision, as modified. Among other things, the Conference substitute requires that at least every two years, the Administrator conduct a programmatic and financial review of each State and high-risk urban area receiving a grant administered by the Department to examine whether grant funds are being used properly and effectively. It requires further that the Inspector General follow up these agency reviews by conducting independent audits of a sample of States and high-risk urban areas each year. The Inspector General is to conduct an audit of all States at least once over the next seven years, report to Congress on any findings, and post the results of the audits on the Internet, taking steps to protect classified and other sensitive information. The Conference substitute authorizes additional funding to help ensure that the Administrator and the Office of the Inspector General are able to carry out these oversight and auditing functions. In addition, the Conference substitute requires the submission of quarterly and annual reports by grant recipients.

While the Conference acknowledges the importance of transparency and therefore requires the public online posting of audits in this section, the Conference substitute exempts any audit information from being released publicly that contains ''sensitive'' information. The Conference emphasizes that the sensitive information referred to in this provision is information that, while it may not be classified, would be detrimental to national security if made public, such as information designated as Sensitive Security Information. The Conference emphasizes therefore that the term ''sensitive information,'' and the associated exemption from public disclosure, does not apply to information

which a grantee or the Department may simply find embarrassing, questionable, unlawful, or otherwise suggestive of poor management or judgment. That an audit contains sensitive information should not be cause to withhold the entire audit from public release, but rather the Conference expects that such information would merely be redacted from posted audits.

*Section 102. Other Amendments to the Homeland Security Act of 2002*

Section 2004(a)(1) of the House bill includes a provision requiring the Secretary to coordinate with the National Advisory Council and other components of the Department when evaluating and prioritizing grant applications.

Section 2007 of the Senate bill requires that the Administrator regularly consult and work with the National Advisory Council, an advisory panel of State, local, tribal, private and nonprofit officials established under Section 508 of the Homeland Security Act, on the administration and assessment of the Department's grant programs, in order to ensure regular and continuing input from State, local and tribal governments and emergency response providers and better integration of these parties into the grants process.

The Conference substitute adopts the Senate provision, as modified.

*Section 103. Amendments to the Post-Katrina Emergency Management Reform Act of 2006*

Section 2005(h)(5)(E) of the House bill requires that each recipient of a covered grant include in its annual report to the Secretary, information on the extent to which capabilities identified in the applicable State homeland security plan or plans remain unmet.

Section 2008(a)(1) of the Senate bill requires that, as a component of the annual Federal Preparedness Report required under section 652 of the Post-Katrina Emergency Management Reform Act, the Administrator report to Congress on the extent to which grants administered by the Department have contributed to State, local and tribal governments achieving target capabilities and have led to the reduction of risk.

The Conference substitute adopts the Senate provision, as modified. Section 103 of the substitute amends section 652 of the Post-Katrina Emergency Management Reform Act to require that the Administrator conduct an evaluation of the efficacy of Department grants in helping States, localities, and tribes achieve target capabilities and in reducing risk and to require States to report on the extent to which their target capabilities remain unmet and assess the resources needed to meet preparedness priorities.

*Section 104. Technical and conforming amendments*

Section 104 makes technical and conforming amendments to the Homeland Security Act of 2002, consistent with those made in section 204 of the Senate bill and paragraphs (a)(1)–(4) of Section 101 of the House bill.

TITLE II—EMERGENCY MANAGEMENT PERFORMANCE GRANTS

There is no comparable House provision.

Title IV of the Senate bill reauthorizes the Emergency Management Performance Grants (EMPG) Program. In the Senate bill, the program provides grants to States to assist State, local and tribal governments in preparing for, responding to, recovering from, and mitigating against all hazards. The section codifies the existing allocation formula for EMPG grants in which each State receives 0.75 percent of the total appropriation for this program, with the remainder of the appropriated funding distributed to States in proportion to their population. The Senate bill also specifies allowable uses for EMPG grants, and continues the existing cost-sharing requirement, whereby the Federal share of an activity's cost may not exceed 50 percent.

The Conference substitute adopts the Senate provision, with modifications. Section 201 of this title directs the Administrator to continue implementation of an Emergency Management Performance Grants program, the nation's principal grant program to assist State, local, and tribal governments in preparing for all hazards. The Conference substitute continues this program, as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and authorizes appropriations for the program through FY 2012. Section 202 of this title amends section 614 of the Stafford Act, concerning the Federal share for construction of Emergency Operations Centers (EOCs). Section 202 allows the Federal Government to finance up to 75 percent of the costs of equipping, upgrading, and constructing State or local EOCs. While equipping, upgrading, and constructing EOCs are eligible activities under the EMPG program, these also remain eligible activities under other provisions of Title VI of the Stafford Act, and section 202 applies the maximum 75 percent Federal cost share to the EMPG program and to any other program authorized under Title VI of the Stafford Act that provides grants for construction of EOCs.

TITLE III—INTEROPERABLE COMMUNICATIONS FOR FIRST RESPONDERS

*Section 301. Interoperable Emergency Communications Grant Program*

Section 201 of the House bill amends Title V of the Homeland Security Act of 2002 by creating a stand-alone interoperability grant program at the Department of Homeland Security (the Department or DHS). This provision directs the Secretary of Homeland Security (the Secretary), acting through the Office of Grants and Training, in coordination with the Director of Emergency Communications, to establish the Improved Communications for Emergency Response (ICER) grant program to improve emergency communications among State, regional, national, and, in some instances, international border communities. The provision provides that the ICER grant program would be established the first fiscal year after the Department met the following requirements: the completion of and delivery to Congress of the National Emergency Communications Plan; the completion of the baseline interoperability assessment, and the determination by the Secretary that substantial progress has been made with regard to emergency communications equipment and technology standards. Further, the provision states that the ICER grants may be used for planning, design and engineering, training and exercises, technical assistance, and other emergency communications activities deemed integral to emergency interoperable communications by the Secretary.

Section 301 of the Senate bill amends Title XVIII of the Homeland Security Act of 2002 by creating a grant program administered by the Federal Emergency Management Agency (FEMA) dedicated to improving operable and interoperable emergency communications at local, regional, State, Federal and, where appropriate, international levels. In applying for the grants, States would have to demonstrate that the grants would be used in a manner consistent with their Statewide interoperability plans and the National Emergency Communications Plan. The States would be required to pass at least 80 percent of the total amount of the grants they receive, or the functional equivalent, to local and tribal governments. Section 301 requires that each State receive not less than 0.75 percent of the total funds appropriated for the grant program in any given year. Further, Section 301 authorizes $3.3 billion for the grant program for the first five years: $400 million in Fiscal Year 2008; $500 million in Fiscal Year 2009; $600 million in Fiscal Year 2010; $800 million in Fiscal Year 2011; and $1 billion in Fiscal Year 2012.

The Conference substitute adopts the Senate provision by amending Title XVIII of the Homeland Security Act to require that the Secretary establish the Interoperable Communications Grant Program to make the grants to States. The Conference Report clarifies the Senate's all-hazards approach for the use of the grants by stating that the grants should be used to carry out initiatives to improve ''interoperable emergency communications, including the collective response to natural disasters, acts of terrorism, and other man-made disasters.''

The Conference substitute clarifies that the Office of Emergency Communications is responsible for ensuring that the grants awarded under this section are consistent with the policies established by the Office of Emergency Communications in accord with its statutory authority and that the activities funded by the grants must be consistent with the Statewide interoperable communications plans and comply with the National Emergency Communication Plan, when completed. The Conference substitute further makes clear that FEMA will administer the grant program pursuant to its responsibilities and authorities under law. It is the intent of the Conferees that FEMA administer the grant program in a manner that is consistent with the policies established by the Office of Emergency Communications. FEMA shall provide applicants a reasonable opportunity to correct defects in the application, if any, before making final awards.

The Conference substitute modifies the House and Senate provisions to clarify that the grants administered under this section shall be used for activities determined by the Secretary of the Department to be integral to interoperable communications. Because of a concern about the potential for fraud, waste, and abuse, the Conferees expect the Department to institute aggressive oversight and accountability measures to ensure that grantees under this section use the funds in a manner that advances the standards outlined in the SAFECOM interoperability continuum, including but not limited to governance, standard operating procedures, technology, training and exercises, and usage. Moreover, the Conference substitute states that recipients of grant funds under this program are prohibited from using grants for recreational or social purposes. Nor may grantees use these funds to supplant State or local funds, or to meet cost-sharing contributions. The Conference substitute gives the Secretary clear authority to take ''such actions as necessary'' to ensure that the grant funds are being used for their intended purpose.

Grants awarded pursuant to the Interoperable Emergency Communications Grant Program may be used for operable communications—the ability of emergency response providers and relevant government officials to continue to communicate in the event of natural disasters, acts of terrorism, and other man-made disasters—if the Director of Emergency Communications reports to the Secretary of the Department of Homeland Security that a national baseline level of interoperability has been achieved, or if the Director of Emergency Communications finds that an applicant's specific request for grant funds for operability is critical and necessary to achieve interoperability.

The Conference substitute requires that before a State may receive a grant under

this section, the Director of the Office of Emergency Communications shall approve the State's statewide interoperable communications plan required under section 7303(f) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. §194(f)). The Conferees intend it to be the responsibility of the Director of Emergency Communications to ensure that the State-wide interoperability plans are designed to advance interoperability at all levels of government, consider applicable local and regional plans, and comply with the National Emergency Communications Plan, when complete. The Conference substitute provides that each State that receives a grant under this section shall certify that the grant is used for the intended purposes of the grant program.

The Conferees agreed to remove the Senate provision related to a review board to assist in reviewing the grant applications since the Department has entrusted that responsibility to peer review groups made of emergency communication experts.

The Conference substitute reflects the agreed-upon authorization of $1.6 billion for the grant program under this section which shall be allocated over five fiscal years beginning in Fiscal Year 2008, after the completion of the National Emergency Communications Plan and its submission to Congress. The Conference substitute authorizes such sums as necessary for each fiscal year following the initial five year period. The Conferees agree that to ensure that grants are spent on effective measures to improve interoperability, the Secretary may not award a grant under this section for the purchase of equipment that does not meet applicable voluntary consensus standards, to the extent that such standards exist, unless the State demonstrates a compelling reason. The Conference substitute adopts the Senate provision, with modifications, that States receiving a grant under this section shall pass through 80 percent of the grant funds, or the functional equivalent, to local and tribal governments. The Conference substitute prohibits States from imposing unreasonable or unduly burdensome requirements on tribal governments as a condition of providing grant funds or resources.

The Conference substitute outlines the funding formula for the distribution of grant dollars to ensure that each State receives a minimum of funds for each fiscal year as follows: 0.50 percent for Fiscal Year 2008; 0.50 percent for Fiscal Year 2009; 0.45 percent for Fiscal Year 2010; 0.40 percent for Fiscal Year 2011; and 0.35 percent for Fiscal Year 2012 and each subsequent fiscal year. The territories of the United States are to receive no less than 0.08 percent of the total amount appropriated for grants under this title for each fiscal year.

The Conference substitute modifies the Senate's provision regarding the annual reporting requirement of States that receive grants. Reports to the Office of Emergency Communications shall be made publicly available, subject to redactions necessary to protect classified or other sensitive information. The Conference substitute requires that the Office of Emergency Communications submit to Congress an annual report detailing how the grants under this section facilitate the implementation of the Statewide interoperability plans and advance interoperability at all levels of government.

*Section 302. Border interoperability demonstration project*

There is no comparable House provision.

Section 302 of the Senate bill establishes an international border demonstration project involving at least six pilot projects aimed at improving interoperability along the U.S.-Canada and U.S.-Mexico borders.

The Conference substitute adopts the Senate provision, with modifications. The Senate provision establishes in the Department the International Border Community Interoperable Communications Demonstration Project. The Conference has agreed that the demonstration project will be carried out by the Office of Emergency Communications at the Department in coordination with the Federal Communications Commission and the Department of Commerce. The Conference directs that the demonstration project may only proceed after the Federal Communications Commission and the Department of Commerce have agreed upon the availability of the necessary spectrum resulting from the 800 megahertz rebanding process in the affected border areas.

The Conference substitute directs the Office of Emergency Communications to foster local and tribal, State and Federal interoperable communications in those communities selected for demonstration projects. The Office of Emergency Communications is also directed to identify solutions to facilitate interoperable communications across the national borders, provide technical assistance, and ensure the emergency responders can communicate in the event of natural disasters, acts of terrorism, and other man-made disasters. The Conference agrees that the Director of the Office of Emergency Communications shall receive a report from each State receiving funds under this section within 90 days of receiving the funds. The Conference substitute specifies that the Director may not fund a demonstration project for more than three years.

TITLE IV—INCIDENT COMMAND SYSTEM

*Section 401. Definitions*

There is no comparable House provision.

Section 1002 of the Senate bill includes several definitions relevant to credentialing and typing.

The Conference substitute adopts the Senate provision with minor modifications.

*Section 402. National exercise program design*

Section 301 of the House bill strengthens the design of the national exercise program to require the program to enhance the use and understanding of the Incident Command System (ICS).

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

*Section 403. National exercise program model exercises*

Section 302 of the House bill strengthens the national exercise program to enhance the use and understanding of ICS by requiring that the national exercise program include model exercises for use by State, local and tribal governments.

There is no comparable Senate provision.

The Conference substitute adopts the House provision with minor modifications.

*Section 404. Preidentifying and evaluating multijurisdictional facilities to strengthen incident command; private sector preparedness.*

Section 1001 of the Senate bill and section 303 of the House bill both contain language making it a responsibility of the Federal Emergency Management Agency (FEMA) regional directors to work with State and local governments to pre-identify sites where multi-jurisdictional incident command can be established. Additionally, section 1001 of the Senate bill creates a responsibility for FEMA regional directors to coordinate with the private sector to ensure private sector preparedness.

The Conference substitute adopts these provisions.

*Section 405. Federal response capability inventory*

There is no comparable House provision.

Section 1002 of the Senate bill establishes a database of all Federal personnel and resources credentialed and typed that are likely needed to respond to a natural disaster, act of terrorism, or other man-made disaster.

The Conference substitute adopts the Senate provision with modifications integrating it into the Federal Response Capability Inventory established by the Post-Katrina Emergency Management Reform Act of 2006.

*Section 406. Reporting requirements*

There is no comparable House provision.

Section 1002 of the Senate bill requires an annual report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives detailing the number and qualifications of Federal personnel trained and ready to respond to a natural disaster, act of terrorism or other man-made disaster. This section also requires the Administrator to evaluate whether the list of credentialed FEMA personnel complies with the strategic human capital plan established by the Post-Katrina Emergency Management Reform Act of 2006.

The Conference substitute adopts the Senate provision with modifications which integrate the provisions into the reporting requirements of the Post-Katrina Emergency Management Reform Act of 2006.

*Section 407. Federal preparedness*

There is no comparable House provision.

A critical component of any incident command system is the use of common terminology for disaster response resources to ensure the correct resources are deployed to and used in an incident. Credentialing and typing involves using a common naming system to classify the capabilities or attributes of personnel and equipment, and is a fundamental part of the ICS. In order to fully implement ICS, section 1002 of the Senate bill requires DHS to establish standards for credentialing and typing personnel and other assets likely to be used to respond to disasters.

The Conference substitute adopts the Senate provision with modifications, amending the Post-Katrina Emergency Management Act to clarify that the typing and credentialing provisions will be used to enhance our national preparedness system. The Conference agrees that the typing and credentialing provisions are an essential part of enhancing our national preparedness system and that once completed, such data must be regularly updated so that an inventory of available resources is available to the Administrator of FEMA to aid in preparing for and responding to disasters.

*Section 408. Credentialing and typing*

There is no comparable House provision.

Section 1002 of the Senate bill requires DHS to establish standards for credentialing and typing personnel and other assets likely to be used to respond to disasters. Once the standards have been developed, the language requires DHS and other Federal agencies with responsibilities under the National Response Plan to type, credential, and inventory personnel and resources likely to be used in disaster response, to allow FEMA to be able to effectively coordinate the deployment and use of Federal resources in disaster response. The Senate bill also directs FEMA to distribute standards to Federal agencies with responsibilities under the National Response Plan, and State and local governments.

The Conference substitute adopts the Senate provisions with some modifications, requiring Federal agencies to credential and type incident management personnel, emergency response providers, and other personnel (including temporary personnel) and

resources likely needed to respond to a disaster. The Conference substitute also requires the Administrator of FEMA to distribute standards and detailed written guidance to Federal, State, local, and tribal governments that may be used by such governments to credential and type incident management personnel, emergency response providers, and other personnel (including temporary personnel) and other resources likely needed to respond to disasters.

*Section 409. Model standards and guidelines for critical infrastructure workers*

There is no comparable House provision.

Section 1002 of the Senate bill requires FEMA, working with Federal, State, local, and tribal governments, and the private-sector to establish model standards and guidelines for credentialing critical infrastructure workers that may be used by a State to credential critical infrastructure workers that may respond to disasters.

The Conference substitute adopts the Senate language with minor modifications. The Conference notes that responsibility and authority for access of critical infrastructure workers to disaster sites generally resides with State and local governments, except in limited circumstances, and that this section does not alter those responsibilities and authorities.

*Section 410. Authorization of appropriations*

There is no comparable House provision.

Section 1002 of the Senate bill authorizes the appropriation of such sums as necessary to carry out the section.

The Conference substitute adopts the Senate language with minor modifications.

TITLE V—IMPROVING INTELLIGENCE AND INFORMATION SHARING WITHIN THE FEDERAL GOVERNMENT AND WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS

*Section 501. Homeland security information sharing*

Section 723 of the House bill includes several provisions to improve homeland security information sharing. Among other things, it directs the Secretary of Homeland Security (the Secretary), acting through the Under Secretary for Intelligence and Analysis, to establish a comprehensive information technology network architecture for the Department of Homeland Security's (the Department or DHS) Office of Intelligence and Analysis; requires the Secretary to submit an implementation plan and progress report to Congress in order to monitor the development of that architecture; and encourages its developers to adopt the functions, methods, policies, and network qualities recommended by the Markle Foundation.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with modifications. It deletes the reference to an implementation plan for the comprehensive information technology network architecture and instead includes new text to reflect the purpose of that architecture: to connect the various databases and related information technology assets of the Office of Intelligence and Analysis and the intelligence components of the Department in order to promote internal information sharing within the Department. The Conference substitute likewise deletes references to the Markle Foundation. The Conference nevertheless concurs that the architecture in question should, to the extent possible, incorporate the approaches, features, and functions of the information sharing network proposed by the Markle Foundation in reports issued in October 2002 and December 2003, known as the System-wide Homeland Security Analysis and Resource Exchange (SHARE) Network.

The Conference substitute also directs the Secretary to designate ''Information Sharing and Knowledge Management Officers'' within each intelligence component to coordinate information sharing efforts and assist the Secretary with the development of feedback mechanisms to State, local, tribal, and private sector entities. The Conference concurs that the Department's outreach to State, local, and tribal intelligence and law enforcement officials has been haphazard and often accompanied by less than timely results. While it can point to many successful examples of coordination and collaboration with State, local, tribal, and private sector officials, the Office of Intelligence and Analysis must increase its involvement with them and appropriately incorporate their non-Federal information into the Department's intelligence products. In addition, it is essential that the Department provide feedback to these non-Federal partners—both to encourage their contributions going forward and to provide helpful guidance for future contributions. The information sharing and knowledge management officers under this section should play a key role in helping to address these gaps.

*Section 502. Intelligence component defined*

Section 723 of the House bill defines ''intelligence component of the Department'' as ''any directorate, agency, or element of the Department that gathers, receives, analyzes, produces, or disseminates homeland security information'' except: (1) ''a directorate, agency, or element of the Department that is required to be maintained as a distinct entity'' under the Homeland Security Act of 2002 (6 U.S.C. 101); and (2) ''any personnel security, physical security, document security, or communications security program within any directorate, agency, or element of the Department.''

Although Section 111 of the Senate bill includes a similar definition for ''intelligence component of the Department,'' it does not include either of the two exceptions enumerated by the House provision.

The Conference substitute adopts the House provision, with modifications. In order to capture all of the intelligence information being gathered, received, analyzed, produced, or disseminated that might qualify an element or entity of the Department as an ''intelligence component,'' the Conference has chosen to refer to that universe of information as ''intelligence information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, or national intelligence * * *'' This phrase appears numerous times throughout the Conference substitute.

The Conference is aware that the Conference substitute defines ''terrorism information'' to include ''weapons of mass destruction information'' in section 504 of the Conference substitute. The Conference, nevertheless, has included both terms when describing ''intelligence information within the scope of the information sharing environment'' for illustrative purposes. This phrase should not be interpreted to give the term ''weapons of mass destruction information'' any meaning other than the definition for it provided in section 504 of the Conference substitute.

The Conference substitute establishes the position of Under Secretary for Intelligence and Analysis to replace the Assistant Secretary for Information Analysis, commonly known as the Department's Chief Intelligence Officer. The Under Secretary shall also serve as the Department's Chief Intelligence Officer. Through the Secretary, the Under Secretary shall be given new responsibilities, in addition to those of the Assistant Secretary for Information Analysis, in order to drive a common intelligence mission at the Department that involves the full participation of the Department's intelligence components.

The Conference substitute carves out the United States Secret Service from the definition of ''intelligence component of the Department'' entirely. Subsection (b) nevertheless would require that the Secret Service share all homeland security information, terrorism information, weapons of mass destruction information, national intelligence, or suspect information obtained in criminal investigations with the Under Secretary for Intelligence and Analysis. In addition, the United States Secret Service will cooperate with the Under Secretary concerning information sharing and information technology activities outlined in sections 204 and 205 of the Homeland Security Act of 2002. The Conference also expects that the Secret Service will provide training and guidance to its employees, officials, and senior executives in a manner that is comparable to the training provided to intelligence component personnel under section 208 of the Homeland Security Act of 2002.

The Conference intends that the United States Secret Service should participate to the fullest extent in the integration and management of the intelligence enterprise of the Department. Given unique operational equities of the United States Secret Service, however, the Conference does not believe that it is appropriate to specifically identify the United States Secret Service as an ''intelligence component'' of the Department. The provision also clarifies that nothing in this Act interferes with the position of the United States Secret Service as a ''distinct entity'' within the Department.

Subsection (b) carves out the Coast Guard from the definition of ''intelligence component of the Department'' when it is engaged in certain activities or acting under or pursuant to particular authorities. The Conference concurs that nothing in this section shall provide the Under Secretary for Intelligence and Analysis with operational or other tasking authority over the Coast Guard. The Conference nevertheless believes that the Coast Guard should collaborate and participate in the intelligence enterprise of the Department of Homeland Security.

*Section 503. Role of intelligence components, training, and information sharing*

Section 742 of the House bill delineates several key responsibilities for the head of each intelligence component of the Department regarding support for, and coordination and cooperation with, the Under Secretary for Intelligence and Analysis in the areas of acquisition, analysis, and dissemination of homeland security information; performance appraisals, bonus or award recommendations, pay adjustments, and other forms of commendation; recruitment and selection of intelligence officials of intelligence components detailed to the Office of Intelligence and Analysis; reorganization and restructuring of intelligence components; and program and policy compliance.

Section 114 of the Senate bill, in turn, establishes information sharing incentives for employees and officers across the Federal Government by providing the President and agency heads with the discretion to consider, when making cash awards for outstanding performance, an employee's or officer's success in sharing information within the scope of the information sharing environment (ISE) described in Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485). It also requires agency and department heads to adopt best

practices to educate and motivate employees and officers to participate fully in that environment—through, among other things, promotions, other nonmonetary awards, and recognition for a job well done.

The Conference substitute combines the House and Senate provisions, with modifications.

The Conference concurs that creating these additional responsibilities for the heads of the intelligence components will institute a clearer relationship between the Under Secretary for Intelligence and Analysis and the intelligence components of the Department. Successful implementation of this section should result in a strengthened departmental intelligence capability allowing information and intelligence to be seamlessly fused into intelligence products that are truly National. It would integrate information obtained at America's land and maritime borders; from State and local governments; and including intelligence on ports, mass transit facilities, chemical plants, and other critical infrastructure. While the Department has taken many solid steps in this direction since the completion of the Second Stage Review in July 2005, the Conference believes that the Secretary must redouble efforts to better integrate the intelligence components of the Department internally.

The Conference notes that one of the greatest challenges to establishing the ISE is conveying its importance to employees and officers across the Federal Government who are being asked to do something new and—in many cases—foreign to them. Incentives will motivate many such employees and officers to educate themselves about the guidelines, instructions, policies, procedures, and standards that are applicable to the ISE and how their particular agency or department is incorporating them into its culture. The Conference observes, however, that nothing in this section should be construed to prohibit an agency or department head, in consultation with the program manager of the ISE under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) (''ISE Program Manager''), from prescribing appropriate penalties for failing to participate fully in the ISE.

*Section 504. Information sharing*

There is no comparable House provision.

Section 112 of the Senate bill amends section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 by broadening the definition of ''terrorism information'' to include both homeland security information and weapons of mass destruction information and by defining ''weapons of mass destruction information.'' Senate Section 112 likewise eliminates the temporary terms of both the ISE Program Manager and the Information Sharing Council, set to expire in April 2007, and makes them permanent. Additionally, it enhances the ISE Program Manager's government-wide authority not only by clarifying the Program Manager's existing authority over the information sharing activities of Federal agencies but also by establishing new authorities to (1) issue government-wide information sharing standards; (2) identify and resolve information sharing disputes; and (3) identify to the Director of National Intelligence appropriate personnel from agencies represented on the Information Sharing Council for detail assignments to the Program Manager to support staffing needs. Senate Section 112 also authorizes up to 40 FTEs and $30,000,000 in each of the next two fiscal years to support the Program Manager. Finally, it requires the government to report on the feasibility of eliminating Originator Control markings, adopting an authorized use standard for information sharing, and using anonymized data to promote information sharing.

The Conference substitute adopts the Senate provision, with modifications. Among other things, it excludes ''homeland security information'', as defined in Section 892(f) of the Homeland Security Act of 2002, from the definition of ''terrorism information''. The specialized missions of the Department create for it a unique role within the larger Intelligence Community that requires, among other things, specific information for preventing, interdicting, and disrupting terrorist activity and securing the homeland in the aftermath of a terrorist attack. Accordingly, the Conferees concur that ''homeland security information'' is sufficiently distinct from the more broadly defined ''terrorism information'' to merit keeping the definitions separate.

*Section 511. Department of Homeland Security State, Local, and Regional Fusion Center initiative*

Section 732 of the House bill directs the Secretary to establish a DHS State, Local, and Regional Fusion Center Initiative to coordinate the Department's intelligence efforts with State, local, and regional fusion centers; assist fusion centers with carrying out their homeland security duties; facilitate information sharing efforts between fusion centers and the Department; encourage nationwide and integrated information sharing among fusion centers themselves; and incorporate robust privacy and civil liberties safeguards and training into fusion center operations.

Section 121 of the Senate bill contains comparable language.

The Conference concurs that the DHS State, Local, and Regional Fusion Center Initiative is key to Federal information sharing efforts and must succeed in order for the Department to remain relevant in the blossoming State and local intelligence community. State, local, and regional fusion centers are being successfully established across the country by State and local law enforcement and intelligence agencies. The Conference agrees that the Department's Office of Intelligence and Analysis, which has a primary responsibility for sharing information with State, local, and regional officials, needs to play a stronger, more constructive role in assisting these centers and are pleased to see that the Department has begun doing so. However, the Department must act quickly, thoroughly, and cooperatively in order to provide the maximum amount of support for these centers.

The Conference applauds the State, local, and regional efforts to make fusion centers a reality and the dedication of those who staff those centers. The Conference notes, however, that although fusion centers are led, operated, and otherwise run by States and localities, there is a need for a common baseline of operations at fusion centers in order to attain not only their full potential but also the full potential of the various initiatives undertaken in the Conference agreement. The Conference expects that the grant process established in the Conference substitute, the qualifying criteria for fusion centers wishing to participate in the DHS State, Local, and Regional Fusion Center Initiative, and the guidelines for fusion centers included in the Conference substitute will all help create a common baseline of operations for fusion centers that will ensure their success into the future.

The Conference substitute adopts Section 121 of the Senate bill, with modifications, to reflect the key functionalities and priorities of the Border Intelligence Fusion Center Program established in Section 712 of the House bill. That Program was designed to provide the Department with a more robust ''border intelligence'' capability—a capability essential to improving the Department's ability to interdict terrorists, weapons of mass destruction, and related contraband at America's land and maritime borders. The Conference concurs that the Department can make better use of its resources, and obtain better situational awareness of terrorist threats at or involving those borders, by partnering more effectively with State, local, and tribal law enforcement officers in relevant jurisdictions. With better information sharing, those officers can act as ''force multipliers'' that may very well help prevent the next terrorist attack from abroad.

The Conference believes that by deploying officers and intelligence analysts from United States Customs and Border Protection (CBP), United States Immigration and Customs Enforcement (ICE), and the Coast Guard to fusion centers participating in the Program, the Department can increase its capacity to create accurate, actionable, and timely border intelligence products aimed at this threat. In order to maximize their effectiveness, CBP, ICE, and Coast Guard officers and analysts creating border intelligence products should not only include the input of police and sheriffs' officers as part of their process, but also should ensure that those products actually respond to the needs of officers in the field as expressed by those officers. The Conference accordingly believes that the Department personnel assigned to fusion centers under this section should communicate with State, local, and tribal law enforcement officers not only at fusion centers but also in their actual communities where they are headquartered.

While the Conference believes that the Department's effort at State, local, and regional fusion centers is a critical one that should be encouraged, they note that it is not the only such effort. The Federal Bureau of Investigation (FBI), for example, has had long-standing relationships with State, local, and tribal law enforcement and other emergency response providers through Joint Terrorism Task Forces (JTTFs) across the country and has established Field Intelligence Groups (FIGs) that are, in many case, colocated with the fusion centers. Those relationships have continued through the JTTFs, FIGs, and an established and growing FBI presence at many fusion centers. Nothing in this section should be construed to subordinate the role of the FBI to the Department's own efforts with the JTTFs and at fusion centers. On the contrary, it is the Conferees hope that the Department, the FBI, and other Federal agencies will coordinate as equal players at State, local, and regional fusion centers in order to form a united Federal partnership with their State and local counterparts on the front lines of the nation's homeland security efforts.

Further, the Conference recognizes that the Coast Guard is establishing Interagency Operations Command Centers (IOCC's) pursuant to the SAFE Port Act and authorized under Section 70107A of title 46, United States Code. IOCC's are being developed as model Federal centers to improve interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism in the maritime domain. Nothing in this section should be construed to subordinate the role of the Coast Guard's efforts with the IOCC's.

Finally, the Conference recognizes, consistent with the Fusion Center Guidelines produced jointly by the Department of Justice and DHS, the important role of the public safety component in the fusion process.

Emergency response providers are able to provide valuable information to the overall intelligence picture; likewise, the fusion process may provide advance information that enables essential preparation measures to enable a more effective response. Therefore, while the Conference stresses that State and local governments must ultimately determine the mission, composition, operating procedures, and communication channels of fusion centers and the fusion process, they emphasize the inherent value in including emergency response providers within the governance structure making these determinations. Nothing in this section is intended to mandate that representatives of the emergency response provider community should be physically located in all fusion centers or that their mission should shift emphasis from the missions of the intelligence and law enforcement communities. Rather, the Conference intends that fusion center governing boards and the fusion process should be structured so as to enable the consideration of nontraditional information from emergency response providers in a collaborative environment.

*Section 512. Homeland Security Information Sharing Fellows Program*

Section 733 of the House bill directs the Secretary, through the Under Secretary for Intelligence and Analysis, to establish a fellowship program for State, local, and tribal officials to rotate into the Office of Intelligence and Analysis in order to identify for Department intelligence analysts the kinds of homeland security information that are of interest to State, local, and tribal law enforcement and other emergency response providers; assist Department intelligence analysts in writing intelligence reports in a shareable format that provides end users with accurate, actionable, and timely information without disclosing sensitive sources and methods; serve as a point of contact for State, local, and tribal law enforcement officers and other emergency response providers in the field who want to share information with the Department; and assist in the dissemination of homeland security information to appropriate end users.

Section 122 of the Senate bill contains nearly identical language.

The Conference substitute adopts the Senate's provision, as modified. The Conference concurs that implementation of this section will help break down the cultural barriers to information sharing by teaming State, local, and tribal homeland security and law enforcement officers with the Department intelligence analysts tasked with creating intelligence products for them. The Conference notes that this section will complement the DHS State, Local, and Regional Fusion Center Initiative by providing State, local, and tribal officials with better insight and input into the Department's information sharing operations and allowing them to play a greater role in the Department's information sharing effort.

*Section 513. Rural Policing Institute*

There is no comparable House provision.

Section 123 of the Senate bill creates a ''Rural Policing Institute'' that is to be administered by the Federal Law Enforcement Training Center. The Institute would provide training for local and tribal law enforcement officers located in rural areas—defined as those areas not located within metropolitan statistical areas, as defined by the Office of Management and Budget—and would be tailored to law enforcement requirements that are unique to those areas. Section 123 would require the inclusion of several law enforcement topics in the curriculum, including methamphetamine addiction and distribution, domestic violence, and law enforcement response to school shootings. It likewise requires an assessment of these and other requirements and the development of a curriculum to address those requirements. Section 123 authorizes $10 million for Fiscal Year 2008 for the administration of the program and $5 million for each of Fiscal Years 2009 through 2013.

The Conference substitute adopts the Senate provision, with modifications. It broadens the Institute's focus to encompass not only law enforcement agencies but also other emergency response providers located in rural areas. Moreover, it deletes the references to training related to specific criminal offenses, and replaces them with training programs with a greater focus on homeland security in the areas of intelligence-led policing and protections for privacy, civil right, and civil liberties.

*Section 521. Interagency Threat Assessment and Coordination Group*

There is no comparable House provision.

Section 131 of the Senate bill directs the Information Sharing Environment (ISE) Program Manager to oversee and coordinate the creation of an Interagency Threat Assessment and Coordination Group (ITACG) that has as its primary mission the production of Federally coordinated products derived from information within the scope of the ISE for distribution to State, local, and tribal government officials and the private sector. Section 131 of the Senate bill locates the ITACG at the National Counterterrorism Center (NCTC) and directs the Secretary to assign a senior level officer to manage and direct the administration of the ITACG; to determine how specific products should be distributed to end users; and to establish standards for the admission of law enforcement and intelligence officials from State, local, or tribal governments into the ITACG. Section 131 of the Senate bill further prescribes the membership of the ITACG—including State, local, and tribal law enforcement and intelligence officials—and directs the ISE Program Manager to establish criteria for the selection of those officials and for the proper handling and safeguarding of information related to terrorism.

The Conference substitute adopts the Senate provision, with modifications. The Conference notes that the ITACG has roots in, among other places, the ISE Implementation Plan (the Plan) prepared by the ISE Program Manager in November 2006 to ensure the timely and effective production, integration, vetting, sanitization, and communication of terrorism information to the Federal Government's State, local, and tribal partners. The Plan explained that a ''primary purpose of the ITACG will be to ensure that classified and unclassified intelligence produced by Federal organizations within the intelligence, law enforcement, and homeland security communities is fused, validated, deconflicted, and approved for dissemination in a concise and, where possible, unclassified format'' to State, local, and tribal officials. The ISE Program Manager envisioned having the ITACG based at the NCTC and managed on a day-to-day basis by a senior Department official. The ISE Program Manager likewise envisioned that the Department and the Department of Justice would share the decision-making authority regarding how to disseminate various types of information to State, local, and tribal officials and the private sector.

The Conference substitute bifurcates the ITACG into two distinct entities. The first entity, an ITACG Advisory Council chaired by the Secretary or the Secretary's designee, shall set policy and develop processes for the integration, analysis, and dissemination of Federally-coordinated information within the scope of the ISE, including homeland security information, terrorism information, and weapons of mass destruction information. The second entity, an ITACG Detail created by the Secretary and managed by a senior Department intelligence official, shall be comprised of State, local, and tribal homeland security and law enforcement officers detailed to work in the NCTC with NCTC and other Federal intelligence analysts. Participants in the ITACG Detail shall integrate, analyze, and assist the dissemination of the aforementioned information to appropriate State, local, tribal, and private sector end users.

The Conference strongly believes that the ITACG presents the Department with a unique opportunity to realize its mission as the primary source of accurate, actionable, and timely homeland security information for its State, local, tribal and private sector partners that Congress had originally envisioned in the Homeland Security Act of 2002 (6 U.S.C. 101). The Department should seize the moment. The ITACG will provide the Department and the wider Intelligence Community with an unmatched ability to identify information that is of interest and utility to those partners; produce reports which can be disseminated to them in an unclassified format or at the lowest possible classification level; and assist in the targeted dissemination of particular intelligence products to appropriate end users. By building upon the Department's customer service approach to information sharing, Department leadership of the ITACG will help the Department and other Federal agencies co-located at the NCTC to leverage their existing ties with their State, local, tribal, and private sector counterparts and ultimately invigorate the two-way flow of information with them that the 9/11 Commission identified as critical to making the homeland more secure.

While the Secretary will play the primary role in establishing and maintaining the ITACG Detail and shall detail a senior intelligence official from the Department to manage its day-to-day activities, the Department is reminded that it is a guest in the NCTC. As direct reports to the Director of the NCTC, the senior intelligence official from the Department and the ITACG detailees themselves must comply with all policies, procedures, and rules applicable to other staff working in the NCTC—including any mandatory polygraph examination for NCTC staff. Neither the ITACG Advisory Council nor the ITACG Detail are in any way intended to impede, replicate, or supplant the analytic and/or production efforts of the NCTC, nor are they intended to duplicate, impede, or otherwise interfere with existing and established counterterrorism roles and responsibilities.

With regard to the preparation, review, and dissemination of products from the ITACG Detail, it is the Conference's intent that those products be subject to the same policies, procedures, and rules applicable to NCTC products. Pursuant to 102A(f)(1)(B)(iii) and 119(f)(E) of the National Security Act of 1947 (50 U.S.C. 402 et seq.), it is the Conference's further intent that the Director should act as a gatekeeper when providing products prepared by the ITACG Detail to the Department, the Department of Justice, and other appropriate agencies for dissemination to State, local, tribal, and private sector end users. Nothing in this section should be construed to mean that the Director may distribute products prepared by the ITACG Detail directly to those end users.

Finally, the Conference agrees that the privacy and civil liberties impact assessment required under this section shall specifically address how the ITACG will incorporate the Guidelines to Implement Information Privacy Rights and other Legal Protections in

the Development and Use of the Information Sharing Environment released by the President on November 22, 2006 (Presidential Guidelines) to protect privacy rights and civil liberties.

*Section 531. Office of Intelligence and Analysis and Office of Infrastructure Protection*

The Homeland Security Act of 2002 (6 U.S.C. 101) created an Under Secretary for Information Analysis, assisted by an Assistant Secretary for Information and Analysis and an Assistant Secretary for Infrastructure Protection, and specified the Under Secretary's primary responsibilities. These include: (1) receiving and analyzing law enforcement information, intelligence, and other lawfully obtained information in order to understand the nature and scope of the terrorist threat to the United States homeland; (2) integrating relevant information to produce and disseminate infrastructure vulnerabilities assessments; (3) analyzing that information to identify and prioritize the types of protective measures to be taken; (4) making recommendations for information sharing and developing a national plan that would outline recommendations to improve the security of key resources; (5) administering the Homeland Security Advisory System; (6) exercising primary responsibility for public threat advisory and providing specific warning information to State and local governments and the private sector, as well as advice about appropriate protective actions and countermeasures; (7) making recommendations for improvements in the policies and procedures governing the sharing of law enforcement, intelligence, and other information relating to homeland security within the Federal government and between the Federal government and State and local governments.

Following the completion of the Department's Second Stage Review in July of 2005, the Secretary renamed the Office of Information Analysis the ''Office of Intelligence and Analysis'' and gave it responsibilities in addition to those outlined in the Homeland Security Act. In addition to its statutory duties, one of the major responsibilities for the new Office of Intelligence and Analysis is to serve as the Chief Intelligence Office of the Department—taking responsibility for leading the intelligence components of the Department.

Sections 741 and 743 of the House bill reflect these changes by statutorily reorganizing the Directorate for Information Analysis and Infrastructure Protection by doing away with the Directorate and the Under Secretary for Information Analysis and Infrastructure Protection position and officially establishing in its place a separate Office of Intelligence and Analysis, elevating the Assistant Secretary for Information and Analysis to an Under Secretary for Intelligence and Analysis as its head; and a separate Office of Infrastructure Protection, headed by the Assistant Secretary for Infrastructure Protection. Sections 741 and 743 of the House bill likewise divide the responsibilities of the former Under Secretary for Information Analysis and Infrastructure Protection outlined in Section 201(d) of the Homeland Security Act between the new Under Secretary for Intelligence and Analysis and new Assistant Secretary for Infrastructure Protection. Section 741 in the House bill also adds several new responsibilities for the Under Secretary for Intelligence and Analysis.

There is no comparable Senate provision.

The Conference substitute adopts the House provisions, with substantial modifications. While the Conference agrees with the Department's consolidation of the duties of the Office of Intelligence and Analysis, they also believe that the powers of the Department's Chief Intelligence Officer can only be effectively wielded by an Under Secretary. Therefore, this section amends the Homeland Security Act of 2002 (6 U.S.C. 101) to restructure the Department to reflect the changes wrought by the Second Stage Review by elevating the Assistant Secretary for Information Analysis to Under Secretary for Intelligence and Analysis and by officially establishing an Office of Intelligence and Analysis and an Office of Infrastructure Protection.

The Conference substitute retains those authorities from Section 201(d) of the Homeland Security Act in the Secretary for delegation to the appropriate officials. Those authorities include a new authority in the Conference agreement, to be carried out most likely by the Under Secretary for Intelligence and Analysis: the provision of guidance to the heads of intelligence components on developing budgets, and the presentation of recommendations for a consolidated intelligence budget to the Secretary.

Finally, the Conference substitute establishes an additional Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department.

TITLE VI—CONGRESSIONAL OVERSIGHT OF INTELLIGENCE

*Section 601. Availability to public of certain intelligence funding information*

There is no comparable House provision.

Section 1201 of the Senate bill requires the President to disclose to the public the aggregate amount of funds requested for the National Intelligence Program for each fiscal year. It also would require Congress to disclose to the public the aggregate amount authorized to be appropriated and the aggregate amount appropriated for the National Intelligence Program. The 9/11 Commission recommended in 2004 that the aggregate amount of funding for national intelligence be declassified, and in 2004 the Senate-passed version of the Intelligence Reform and Terrorism Prevention Act included a similar provision.

The Conference substitute adopts the Senate provision with modifications. The Conference substitute requires the Director of National Intelligence to disclose to the public the aggregate amount of funds appropriated by Congress for the National Intelligence Program, beginning with Fiscal Year 2007. Beginning with Fiscal Year 2009, it allows the President to waive or postpone this disclosure by submitting to the Select Committee on Intelligence of the Senate and Permanent Select Committee of the House of Representatives an unclassified statement that the disclosure would damage national security, and a statement detailing the reasons for the waiver or postponement, which may be submitted in classified form.

*Section 602. Public Interest Declassification Board*

There is no comparable House provision.

Section 1203 of the Senate bill authorizes the Public Interest Declassification Board, upon receiving a Congressional request, to conduct a review and make recommendations regardless of whether the review is requested by the President. It further provides that any recommendations submitted by the Board to the President shall also be submitted to the Chairman and Ranking Minority Member of the requesting Committee and extends the authorization of the Board for four years until the end of 2012.

As described in its report on activities in the 109th Congress (S. Rep. No. 110–57, at p. 26), in September 2006, the Senate Select Committee on Intelligence released two reports on prewar intelligence regarding Iraq. In the introduction to one, the Committee expressed disagreement with the Intelligence Community's decision to classify portions of the report. Members of the Committee wrote to the then recently constituted Public Interest Declassification Board to request that it review the material and make recommendations about its classification. The Board responded that it might not be able to do so without White House authorization. In December 2006, the Board wrote to Congress to request that the statute establishing the Board be clarified to enable it to begin, without White House approval, a declassification review requested by Congress.

The Conference substitute adopts the Senate provision with minor technical and conforming changes to the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) to substitute the ''Director of National Intelligence'' for the ''Director of Central Intelligence.''

*Section 603. Sense of the Senate regarding a report on the 9/11 Commission recommendations with respect to intelligence reform and congressional intelligence oversight reform*

There is no comparable House provision.

Section 1204 of the Senate bill makes findings related to the 9/11 Commission's recommendation on Congressional oversight of intelligence. It expresses the Sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate should undertake a review of the recommendations made in the final report of the 9/11 Commission with respect to intelligence reform and Congressional intelligence oversight reform, review and consider other suggestions, options, or recommendations for improving intelligence oversight, and not later than December 21, 2007, submit to the Senate a joint report or individual reports that include the recommendations of the Committees, if any, for carrying out such reforms.

The Conference substitute adopts the Senate provision.

*Section 604. Availability of funds for the Public Interest Declassification Board*

There is no comparable House provision.

Section 1205 of the Senate bill allows the National Archives and Records Administration to obligate monies to carry out the activities of the Public Interest Declassification Board from the Continuing Appropriations Resolution of 2007, as amended.

The Conference substitute adopts the Senate provision.

*Section 605. Availability of the executive summary of the Report on Central Intelligence Agency Accountability Regarding the Terrorist Attacks of September 11, 2001*

There is no comparable House provision.

Section 1206 of the Senate bill provides that not later than 30 days after the enactment of this Act, the CIA Director shall prepare and make available to the public a version of the Executive Summary of a report by the CIA Inspector General that is declassified to the maximum extent possible consistent with national security.

The underlying document is the Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry Into Intelligence Community Activities Before and After September 11, 2001.

The CIA Director is to submit to Congress a classified annex that explains why any redacted material in the Executive Summary was withheld from the public. The Senate Select Committee on Intelligence includes a similar provision in its Intelligence Authorization Act for Fiscal Year 2008. The Committee's efforts to obtain this measure of

public accountability are detailed in its report on the Committee's activities in the 109th Congress, S. Rep. No. 110–57, at pp. 24–26 (2007).

The Conference substitute adopts the Senate provision.

TITLE VII—TERRORIST TRAVEL

*Section 701. Report on international collaboration to increase border security, enhance global document security, and exchange terrorist information*

Section 611 of the House bill requires the Department of Homeland Security (the Department or DHS), in conjunction with the Director of National Intelligence and the heads of other relevant Federal agencies, to submit a report to Congress outlining the actions the U.S. government has taken to collaborate with international partners to increase border security, enhance document security, and exchange information about terrorists.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

*Section 711. Modernization of the Visa Waiver Program*

There is no comparable House provision.

Section 501 of the Senate bill enhances the security requirements in the Visa Waiver Program and provides for the program's limited expansion. This section authorizes the development and implementation of an electronic travel authorization system under which each Visa Waiver Program traveler would electronically provide information, in advance of travel, necessary to determine whether the individual is eligible to travel to the United States. The Section also requires the Secretary of Homeland Security (the Secretary) to establish an exit system that records the departure of every alien who entered under the Visa Waiver Program and departed the United States by air. In addition to existing program requirements, all Visa Waiver Program countries are required to enter into agreements with the United States to report information about the theft or loss of passports, accept repatriation of its citizens, and share information about whether a national of that country traveling to the United States represents a threat to U.S. security.

Section 501 permits the Secretary of Homeland Security, in consultation with the Secretary of State, to waive the existing 3 percent nonimmigrant visa refusal rate requirement, up to 10 percent, for admission into the Visa Waiver Program. Alternatively, the Secretary can waive the existing 3 percent nonimmigrant visa refusal rate if a country's nationals do not exceed a rate, set by the Secretary, of overstaying their authorized admission in the United States. This waiver authority is only granted to countries meeting additional security criteria, including cooperating in counterterrorism initiatives, and only when the Secretary determines that security or law enforcement interests of the United States will not be compromised. Before exercising a waiver, the Secretary must also certify to Congress that an air exit system is in place that can verify the departure of not less than 97 percent of foreign nationals who exit by air.

The Conference adopts the Senate provision, with modifications.

The Conference recognizes that the Visa Waiver Program, which Congress established in 1986, has benefitted commerce and tourism between the United States and participating Visa Waiver Program countries. The Conference believes that a modernization of the program is long overdue and that a careful and controlled expansion to countries who have not quite met existing program entrance requirements but who have been partners with the U.S. in fighting terrorism is appropriate in order to promote greater international security cooperation. In the wake of the terrorist attacks of September 11, 2001 and subsequent foiled terror plots, the imperative for reform is greater than ever.

The Conference agrees on the need for significant security enhancements to the entire Visa Waiver Program as set forth in the Senate bill and to the implementation of the electronic travel authorization system prior to permitting the Secretary to admit new countries under his new waiver authority. The Conference mandates that the Secretary develop such an electronic travel authorization system to collect biographical and such other information from each prospective Visa Waiver Program traveler necessary to determine whether the alien is eligible to travel under the program and whether a law enforcement or security risk exists in permitting the alien to travel to the United States. The Conference believes the Secretary should check the information collected in the electronic travel authorization system against all appropriate databases, including lost and stolen passport databases such as that maintained by Interpol. The Conference believes that checking travelers from Visa Waiver Program countries against all appropriate watch lists and databases will greatly enhance the overall security of the Visa Waiver Program.

In addition, the Conference agrees to permit the Secretary of Homeland Security, in consultation with the Secretary of State, to waive the existing 3 percent nonimmigrant visa refusal rate requirement, up to 10 percent, and to allow the Secretary to establish an overstay rate in lieu of the 3 percent nonimmigrant visa refusal rate for admission into the Visa Waiver Program. The Conference believes this overstay rate should reflect a reasonable expectation that the country can continue to participate in the VWP under existing statutory criteria.

The Conference further agrees to provide the Secretary this waiver authority upon certification by the Secretary to Congress that there is an air exit system in place to verify the departure of not less than 97 percent of foreign nationals who exit by air, which may or may not be fully biometric. The Conference also agrees that the ultimate goal is to achieve a fully biometric air exit system, as described in subsection (I) of the bill. Therefore, if such a biometric system is not implemented by June 30, 2009, the Secretary's waiver authority that was based upon his certification of 97 percent accuracy of any non-biometric exit system shall be suspended until a biometric exit system is fully operational. Establishment of this biometric system will implement a 9/11 Commission recommendation and will enhance our border security and immigration enforcement by ensuring our ability to track the arrivals and departures of foreign nationals.

*Section 721. Strengthening the capabilities of the Human Smuggling and Trafficking Center*

Section 601 of the House bill directs the Secretary, acting through the Assistant Secretary of Homeland Security for Immigration and Customs Enforcement (ICE), to: provide administrative support and funding to the Human Smuggling and Trafficking Center (the Center); ensure the Center is staffed with not fewer than 30 full-time equivalent personnel; and seek reimbursement from the Attorney General and the Secretary of State for costs associated with the participation of their respective departments in the operation of the Center. The section also directs the Office of Intelligence and Analysis (renamed under section 741), in coordination with the Center, to submit to law enforcement and relevant agencies periodic reports regarding terrorist threats related to such smuggling, trafficking, and travel.

Section 502 of the Senate bill is a comparable section but amends Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1777) to direct the Secretary to nominate a U.S. government official to serve as the Director of the Human Smuggling and Trafficking Center, in accordance with the Center's Memorandum of Understanding entitled ''Human Smuggling and Trafficking Center Charter.'' This section also clarifies the role of the Center as the focal point for interagency efforts to integrate and disseminate intelligence and information related to terrorist travel. The section requires that the Center be staffed with at least 40 full time employees and directs the Secretary to work with various DHS agencies and other Federal Departments to provide detailees with appropriate areas of expertise. The section also authorizes $20 million to allow the Center to carry out its existing responsibilities, fund the administrative costs and management of the Center, increase staffing levels and reimburse other Federal Departments for personnel.

The Conference substitute adopts the Senate provision, with modifications. The Conference agrees that the Center should be staffed with intelligence analysts or special agents with demonstrated experience related to human smuggling, trafficking in persons, or terrorist travel, in addition to individuals with other expertise including consular affairs, counterterrorism, and criminal law enforcement from throughout the government.

The Conference also agrees that the Secretary and the heads of other relevant agencies should provide incentives for service at the Center, particularly for personnel who serve terms of at least two years. Staff detailed to the Center, except for those subject to the provisions of the Foreign Service Act of 1980, shall be considered for promotion at rates equivalent to or better than similarly situated personnel not so assigned.

The Conference agrees to adopt section 601(f) from the House provision, but delete the requirement that the Office of Intelligence and Analysis submit reports to ''Federal'' law enforcement agencies and ''other relevant agencies,'' as this would be a function performed by the Center. The Conference clarifies that subsection (d) in no way impedes the authority of the Secretary of State to participate in the selection of the Director of the Center, a role that is described in the Center's memorandum of understanding entitled ''Human Smuggling and Trafficking Center Charter,'' as amended as of October 1, 2006. That Memorandum of Understanding establishes that the Director will be confirmed by the Department, the Department of Justice, and the State Department. Finally, the Conferees agree to fund 40 full-time equivalent staff and to authorize $20 million for the Center for Fiscal Year 2008.

*Section 722. Enhancements to the Terrorist Travel Program*

There is no comparable House provision.

The Department never created the terrorist travel program mandated by section 7215 of Public Law 108–458. Section 503 of the Senate bill requires the Secretary to establish the program within 90 days of enactment and to report to Congress within 180 days on the implementation of the program. The section requires that the Assistant Secretary for Policy at the Department, or another official that reports directly to the Secretary,

be designated as head of the terrorist travel program and outlines specific duties to be carried out by the head of the program. Those duties include: developing strategies and policies for the Department to combat terrorist travel; reviewing the effectiveness of existing programs to combat terrorist travel across DHS; making budget recommendations that will improve DHS's ability to combat terrorist travel; and ensuring effective coordination among DHS agencies with missions related to intercepting and apprehending terrorists. This section also designates the head of the program as the point of contact for DHS with the National Counterterrorism Center and requires that the Secretary submit a report to Congress on the implementation of the section.

The Conference substitute adopts the Senate provision.

*Section 723. Enhanced driver's license*

There is no comparable House provision.

Section 504 of the Senate bill would require the Secretary to enter into a memorandum of agreement with at least one State to pilot the use of enhanced driver's licenses that would be valid for a U.S. citizen's admission into the United States from Canada and require a report to Congress on the pilot.

The Conference substitute adopts the Senate provision, as modified to permit a pilot of U.S. citizens entering the country from either Canada or Mexico.

*Section 724. Western Hemisphere Travel Initiative*

There is no comparable House provision.

Section 505 of the Senate bill would require the Secretary to complete a cost-benefit analysis of the Western Hemisphere Travel Initiative (WHTI) and a study of ways to reduce the fees associated with passport cards prior to publishing a final rule for WHTI.

The Conference substitute adopts the Senate provision, as modified to specify that the Secretary of State shall develop proposals for reducing passport card fees, including through mobile application teams who could accept applications for the passport card in communities particularly affected by WHTI. The Conference believes that the cost/benefit analysis should include the cost to the State Department and resources required to meet the increased volume of passports requests.

*Section 725. Model ports-of-entry*

There is no comparable House provision.

Section 506 of the Senate bill would require the Secretary to establish a model ports of entry program aimed at improving security and streamlining the current arrival process for incoming travelers at the 20 busiest international airports in the United States. It requires the Department to hire at least 200 additional Customs and Border Protection officers to address staff shortages at these airports, and it would also require measures that would ensure a more efficient international arrival process.

The Conference substitute adopts the Senate provision, as modified.

*Section 731. Report regarding border security.*

There is no comparable House provision.

Section 1604 of the Senate bill directs the Secretary to report to Congress regarding ongoing DHS initiatives to improve security along the U.S. northern border. The section also requires the Comptroller General to report to Congress with a review and comments on that report and recommendations regarding any necessary additional actions to protect that border.

The Conference substitute adopts the Senate provision, as modified.

TITLE VIII—PRIVACY AND CIVIL LIBERTIES

*Section 801.Modification of Authorities Relating to privacy and civil liberties oversight board*

Sections 802, 803, 804, 805, and 806(a) of the House bill amend Section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) by modifying the structure and operations of the Privacy and Civil Liberties Oversight Board (the Board). This section removes the Board from the Executive Office of the President and makes the Board an independent agency. It also requires each of the Board's five members to be confirmed by the U.S. Senate. The House language also provides the Board with subpoena powers that will be enforced by the U.S. District Court in the judicial district where the subpoenaed person resides. The Board is required to submit not less than two reports each year to the appropriate Committees of Congress that shall include a description of the Board's activities, information on its findings, conclusions, minority views, and recommendations resulting from its advice and oversight functions.

Section 601 of the Senate bill is a comparable provision; however, it strengthens the Board's authority without removing it from the Executive Office of the President. Additionally, the Senate provision also grants subpoena power to the Board; however, it differs from the House provision in that the subpoena must be issued by the Attorney General who shall either issue the subpoena as requested or provide the Board with an explanation if the subpoena request is modified or denied. If the request is modified or denied, Congress shall be notified of this action within thirty days.

The Conference substitute adopts the House provision regarding the removal of the Board from the Executive Office of the President and adopts the Senate provision regarding the Board's subpoena power. All other comparable provisions were integrated.

*Section 802. Department Privacy Officer*

Section 812 of the House bill adopts the language contained in the Privacy Officer with Enhanced Rights Act of 2007, as introduced. In particular, this section expands the Department of Homeland Security's (the Department or DHS) Chief Privacy Officer's (CPO) access to any and all material available to the Department that fall under the CPO's purview. The CPO is also given authority to administer oaths and issue subpoenas to facilitate investigations and reporting requirements. The CPO's term of office would last for a period of 5 years and the individual appointed would be required to submit reports to Congress, without any prior comment by the Secretary, Deputy Secretary or any other officer of the Department, regarding the performance and responsibilities of the Privacy Office.

Section 603 of the Senate bill is a comparable provision, except that it does not include the 5-year term of office as mandated by the House provision, and it directs that the CPO's subpoena authority be exercised with the approval of the Secretary of Homeland Security (the Secretary).

The Conference substitute adopts the House language with changes, including the removal of the five year term of office and specifying that the subpoena authority be exercised through the Secretary. It also clarifies the relationship between the CPO and the Office of the Inspector General.

*Section 803. Privacy and Civil Liberties Officers*

Section 602 of the Senate bill establishes a network of Privacy and Civil Liberties officers in Executive Branch Agencies, in some cases strengthening the powers of existing officers. It provides that the Departments of Justice, Defense, State, Treasury, Health and Human Services, and Homeland Security, the Director of National Intelligence and the Central Intelligence Agency, and other agencies designated by the Privacy and Civil Liberties Oversight Board, are required to designate at least one senior official to serve as an internal privacy and civil liberties officer, to function as a source of advice and oversight on privacy and civil liberties matters to the agency. Departments and agencies may designate an existing privacy or civil liberties officer for this role, and the legislation specifies that where a Department or agency has a statutory privacy or civil liberties officer, that officer shall perform the relevant functions required by this section. These officers are directed to make regular reports to their respective department or agency heads, Congress, the Privacy and Civil Liberties Oversight Board, and the public.

Section 806(b) of the House bill is a comparable provision.

The Conference substitute adopts the Senate provision.

*Section 804. Federal Agency Data Mining Reporting Act of 2007*

There is no comparable House provision.

Section 604 of the Senate bill requires all Federal agencies to report to Congress within 180 days and every year thereafter on data mining programs developed or used to find a pattern or anomaly indicating terrorist or other criminal activity on the part of individuals, and how these programs implicate the civil liberties and privacy of all Americans. If necessary, specific information in the various reports could be classified.

The Conference substitute adopts the Senate language.

TITLE IX—PRIVATE SECTOR PREPAREDNESS

*Section 901. Private Sector Preparedness.*

Section 1101 of the House bill requires the Secretary of Homeland Security (the Secretary) to establish a program to enhance private sector preparedness for acts of terrorism and other emergencies and disasters. The language also requires the Secretary to support the development and promulgation of preparedness standards, including the National Fire Protection Association 1600 Standard.

Section 803 of the Senate bill establishes a voluntary certification program to assess whether a private sector entity meets voluntary preparedness standards. In consultation with private sector organizations listed in the section, the Secretary would support the development of voluntary preparedness standards and develop guidelines for the accreditation and certification program. The accreditation and certification process would be implemented and managed by one or more qualified nongovernmental entities selected by the Secretary. Under the program, companies wishing to be certified would have their applications reviewed by third parties accredited by the entity or entities managing the program, which would determine if certification was warranted.

The Conference substitute adopts the Senate provision, as well as aspects of section 1101 of the House bill, with modifications. The Conference substitute permits the development of guidance and recommendations, and identification of best practices, to assist or foster private sector preparedness. If such guidance and recommendations are developed, the Administrator of Federal Emergency Management Agency (FEMA) and the Assistant Secretary for Infrastructure Protection will work to develop the guidance and recommendations, and the Administrator of FEMA will issue them. The Conference substitute requires the establishment of a voluntary certification program which will be developed by a designated officer within DHS, to be selected by the Secretary from among the Administrator of FEMA, the Assistant Secretary of Infrastructure Protection, and the Under Secretary for Science and Technology, in consultation with appropriate private sector parties designated in the legislation.

As recommended by the 9/11 Commission, through this section, the Department of Homeland Security will be promoting private-sector preparedness of which the 9/11 Commission said: ''Private sector preparedness is not a luxury; it is a cost of doing business in the post-9/11 world.''

*Section 902. Responsibilities of the Private Sector Office of the Department*

There is no comparable House provision.

Section 802 of the Senate bill amends section 102(f) of the Homeland Security Act to add promoting to the private sector the adoption of voluntary national preparedness standards to the responsibilities of the Special Assistant to the Secretary. It also establishes a new responsibility for the private sector advisory councils: advising the Secretary on private sector preparedness issues.

The Conference substitute adopts the Senate provision with minor modifications.

TITLE X—CRITICAL INFRASTRUCTURE PROTECTION

*Section 1001. National Asset Database*

Section 902 of the House bill requires the Secretary of the Department of Homeland Security (the Department or DHS) to maintain two databases addressing critical infrastructure: the National Asset Database and, as a subset, the National At-Risk Database. To develop the National Asset Database and the At-Risk Database, the Secretary will meet with a consortium of national laboratories and experts. The Secretary is required to annually update both databases and remove assets and resources that are not verifiable or do not comply with the database requirements. The Secretary will also meet with the States and advise them as to the format for submitting assets for the lists and notifying them as to deficiencies before removing or omitting assets from the lists. This provision also requires the Secretary to consult the Databases for purposes of allocating various Department grant programs and to provide an annual report to Congress on the contents of the Databases.

Section 1101 of the Senate bill requires the Secretary to establish a risk-based prioritized list of critical infrastructure and key resources that, if successfully destroyed or disrupted through a terrorist attack or natural catastrophe, would cause catastrophic national or regional impacts. The list must be reviewed and updated at least annually. The provision also requires an annual report summarizing the construction and contents of the list. The report may include a classified annex.

The Conference substitute adopts the House provision with certain modifications. The Conferees determined that there is a uniform manner by which to compile the country's vital assets and to prioritize those assets, as called for in Homeland Security Presidential Directive-7. This process will enable a more effective cooperation with State and local governments and provide a means by which the appropriate Congressional Committees may annually review the prioritized list as well as receive a report about the database and list.

The Conference substitute modifies the House provision to require the Secretary to maintain a prioritized critical infrastructure list, as called for in the Senate bill, instead of the National At-Risk Database. Furthermore, the Conference substitute authorizes the Secretary to form an optional consortium to advise on the Database, but did not make the formation of such a consortium mandatory.

*Section 1002. Risk assessments and report*

Section 901 of the House bill requires the Secretary to prepare a vulnerability assessment of the critical infrastructure information available to the Secretary with respect to that fiscal year, unless a vulnerability assessment is required under another provision of law. The Secretary must provide annual comprehensive reports on vulnerability assessments for all critical infrastructure sectors established in Homeland Security Presidential Directive-7. This provision requires the Secretary to provide the appropriate Congressional Committees with a summary vulnerability report and a classified annex for each industry sector. This provision also requires the Department to provide a summary report from the preceding two years to compare with the current report to show any changes in vulnerabilities and provide explanations and comments on greatest risks to critical infrastructure for each sector and any recommendations for mitigating these risks.

Section 1102 of the Senate bill requires the Secretary, for each fiscal year, to prepare a risk assessment of the critical infrastructure and key resources of the United States. It requires that the risk assessment be organized by sector and that it contain any actions or countermeasures proposed, recommended, or directed by the Secretary to address security concerns covered in the assessment. It enables the Secretary to rely upon other assessments prepared by another Federal agency that the Department determines are prepared in coordination with other initiatives of the Department relating to critical infrastructure or key resource protection. It also requires the Secretary to submit an annual report to the relevant Congressional Committees that contains a summary and review of the risk assessments prepared by the Secretary for that year. The report will be organized by sector and will include the Secretary's recommendations for mitigating risks identified by the assessments.

The Conference substitute adopts a compromise provision by eliminating the requirement for the Secretary to conduct risk assessments under this section because those same assessments are required to be conducted under the Homeland Security Act. The Conference substitute requires the Secretary to provide a report on the comprehensive risk assessments on critical infrastructure that the Department is already required to conduct under the Homeland Security Act.

Further, the Conference desires that, if appropriate, the report or reports be furnished in a public form with a classified annex. Furthermore, the Conference intends that the classification of information required to be provided to Congress or shared between the Department and any other sector-specific department or agency pursuant to this new paragraph, including the assignment of a level of classification of such information, shall be binding on Congress, the Department, and any other Federal Department or Agency. With regard to these assessments, the Homeland Security Act requires the Secretary to conduct the assessments with respect to the nation's critical infrastructure and key resources. The Conference intends for the Secretary to exercise his responsibilities under the Homeland Security Act and make a timely report to Congress. Through this section, the Conference does not intend to make any changes to the Secretary's authority under section 201 of the Homeland Security Act. The section requires the Secretary to submit a set of reports to the Senate Committee on Homeland Security and Governmental Affairs and the House of Representatives Committee on Homeland Security as well as other appropriate Congressional Committees containing a summary and review of the assessments prepared by the Secretary, as already required by the Homeland Security Act.

*Section 1003. Sense of Congress regarding the inclusion of levees in the National Infrastructure Protection Plan*

There is no comparable House provision.

Section 1101 of the Senate bill requires the Secretary to include levees in the Department's list of critical infrastructure sectors.

The Conference substitute adopts the Senate provision, while modifying it so that it is the sense of Congress that the Secretary should ensure that levees are included in one of the critical infrastructure and key resource sectors identified in the National Infrastructure Protection Plan.

TITLE XI—BIOLOGICAL AND NUCLEAR DETECTION

*Section 1101. National Biosurveillance Integration Center*

There is no comparable House provision. However, the House passed, on a bipartisan basis, a very similar provision as part of H.R. 1684, ''the Department of Homeland Security Authorization Act for Fiscal Year 2008.''

Section 701 of the Senate bill provides for the authorization of a National Biosurveillance Integration Center (NBIC) within the Department of Homeland Security (the Department or DHS). The primary mission of the NBIC is to enhance the situational awareness of the Federal Government of intentional and naturally occurring biological incidents of national concern, and to rapidly alert Federal, State and local entities of such incidents.

The Conference substitute adopts the Senate provision, with technical modifications.

In order to best achieve its mission, the Conference directs that NBIC Member Agencies to send all information that could indicate a biological incident of national concern, including protected health information from member agencies which are Public Health Authorities as defined by the Health Insurance Portability and Accountability Act of 1996, Public Law 104–191, to the NBIC.

*Section 1102. Biosurveillance efforts*

There is no comparable House provision.

Section 702 of the Senate bill requires the Comptroller General of the United States to report to Congress on Federal, State, and local biosurveillance efforts, any duplication of such efforts, and recommendations on integration of systems and effective use of resources and professional expertise.

The Conference substitute adopts the Senate provision, with technical modifications.

*Section 1103. Interagency coordination to enhance defenses against nuclear and radiological weapons of mass destruction*

There is no comparable House provision.

Section 703 of the Senate bill requires the Secretaries of Homeland Security, State, Defense, Energy, the Attorney General and the Director of National Intelligence to jointly ensure interagency coordination on the development and implementation of the global nuclear detection architecture by completing a joint annual interagency review of matters relating to the global nuclear detection architecture, which shall be submitted to the President and the appropriate Congressional Committees.

The Conference substitute adopts the Senate provision, with technical modifications.

*Section 1104. Integration of detection equipment and technologies*

There is no comparable House provision.

Section 1607 of the Senate bill requires the Secretary of Homeland Security to ensure that chemical, biological, radiological, and nuclear detection equipment and technologies are integrated as appropriate with other border security systems and detection technologies, and requires the Secretary to develop a departmental technology assessment process and report the process to Congress within 6 months of enactment.

The Conference substitute adopts the Senate provision, as engrossed by the Senate.

TITLE XII—TRANSPORTATION SECURITY PLANNING AND INFORMATION SHARING

*Section 1201. Definitions*

The Conference substitute includes a provision which defines the terms ''Department'' and ''Secretary'' for the purposes of this title.

*Section 1202. Transportation security strategic planning*

Section 1002 of the House bill requires the Department of Homeland Security (the Department or DHS) to include additional information in subsequent submissions of the National Strategy for Transportation Security. It requires DHS to tie the risk-based priorities identified in the Strategy to the risk assessments conducted by DHS; to coordinate the development of the Strategy with Federal, State, regional, local and tribal authorities and transportation system employees; and to tie the budget and research and development to the priorities in the Strategy. It also requires DHS to build into the Strategy a more intermodal perspective for transportation security.

Section 901 of the Senate bill is a comparable provision.

The Conference substitute adopts modified language from both bills. The Conference would like to clarify that the information required by the periodic progress reports, on the turnover among senior staff of the Department (and any component agencies) working on transportation security issues, includes program managers responsible for transportation security programs, at the GS–13 level or its equivalent, as well as their immediate supervisors and other superiors, up to and including Assistant Secretaries or Under Secretaries.

*Section 1203. Transportation security information sharing*

Section 1001 of the House bill improves transportation security information between the public and private sectors by requiring the establishment of a Transportation Security Information Sharing Plan. It also requires the Department to provide a semi-annual report to Congress identifying the persons who receive transportation security information.

Section 902 of the Senate bill is a comparable provision, which also requires the plan be developed in consultation with the program manager of the Information Sharing Environment established under the Intelligence Reform and Terrorism Prevention Act of 2004. This section further requires that DHS establish a point or points of contact within the Department for distributing transportation security information to public and private stakeholders.

The Conference substitute adopts the Senate provision, as modified.

*Section 1204. National Domestic Preparedness Consortium*

There is no comparable House provision.

Section 1429 of the Senate bill requires the Secretary of Homeland Security (the Secretary) to develop guidance for a rail worker security training program. Section 1505 of the Senate bill requires the Secretary to issue regulations for a public transportation worker training program. Section 202 of the Senate bill authorizes the Secretary to establish a State Homeland Security Grant Program and an Urban Area Security Initiative grant program which allows States and localities to apply for grants from DHS for the purpose of training first responders.

The Conference substitute authorizes the establishment of the National Domestic Preparedness Consortium, which has been responsible for identifying, developing, testing and delivering training to State, local, and tribal emergency response providers. The Conference substitute further authorizes an expansion of the Consortium to include the National Disaster Preparedness Training Center and the Transportation Technology Center, Incorporated, to assist with providing security training to emergency responders and transportation workers.

In addition, the Conference substitute authorizes specific funding levels for the individual members of the Consortium that are intended to provide a baseline to determine future funding needs. However, the Conference does not believe that these authorized amounts should serve as artificial barriers to increased funding levels should greater increases be necessary and possible. The Conference recognizes the importance of the ongoing training at the National Domestic Preparedness Consortium, expects that the two new members will be able to provide unique training opportunities, and that by authorizing and expanding the Consortium the Department will be able to train even more of our Nation's emergency responders and transportation workers.

*Section 1205. National Transportation Security Center of Excellence*

There is no comparable House provision.

Section 1425 of the Senate bill requires the Secretary to carry out a research and development program for the purpose of improving freight rail and intercity passenger rail security. Section 1507 of the Senate bill requires the Secretary to award grants or contracts for research and development of technologies and methods to improve security for public transportation systems. Section 1467 of the Senate bill extends the authorization for the Secretary to carry out research and development for aviation security, until 2009.

The Conference substitute authorizes the establishment of a National Transportation Security Center of Excellence to conduct research and development and education activities, and develop or provide training to transportation employees or professionals.

*Section 1206. Civil immunity for reporting suspicious activity*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference recognizes that the general public often provides critical assistance to law enforcement in its efforts to disrupt terrorist activity against the homeland. The Conference substitute adopts this section to address the potential chilling effect of lawsuits filed against members of the public who reported what they reasonably considered to be suspicious activity to appropriate personnel.

The Conference substitute adopts language granting civil immunity to those who, in good faith and based on objectively reasonable suspicion, report ''covered activity'' to an ''authorized official.'' The term ''covered activity'' is defined as suspicious activity indicating that a person is preparing to or may be violating the law in a way that threatens a passenger transportation system, passenger safety, or passenger security or that involves an act of terrorism. The suspicious activity must involve or be directed against a passenger transportation system. An authorized official is defined as any employee or agent of a passenger transportation system or other persons with responsibilities relating to the security of such systems. It also includes anyone working for or on behalf of the Departments of Homeland Security, Transportation or Justice who have responsibilities relating to the security of passenger transportation systems as well as any Federal, State, or local law enforcement officer. Persons who make false reports or who make a report with reckless disregard for the truth are not entitled to civil immunity under this section.

The Conference substitute also grants qualified civil immunity to any authorized official who takes reasonable action to respond to a report of covered activity. An authorized official not entitled to assert the defense of qualified immunity is nevertheless immune from civil liability under Federal,

State or local law. The Conference intends to provide civil immunity to anyone within the chain of reporting who reasonably responds in good faith to the covered activity. However, the Conference does not intend to amend, limit, or reduce existing qualified immunity or other defenses pursuant to Federal, State, or local law that may otherwise be available to authorized officials as defined by this section. To address this concern the Conference substitute includes a savings clause that states that nothing in the section shall affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available. The savings clause also reiterates that this section is not intended to affect any such defense, privilege or immunity.

The Conference substitute also allows any person or authorized official who is found to be immune from civil liability under this section to recover reasonable costs and attorneys fees should they be named as a defendant in a civil suit. It defines a ''passenger transportation system'' as public transportation, over-the-road bus transportation, including school bus transportation, intercity rail transportation, passenger vessels, including passenger and automobile ferries, and air transportation. Finally, the Conference substitute states that this section takes effect as of October 1, 2006 and shall apply to all activities and claims arising on or after that date.

TITLE XIII—TRANSPORTATION SECURITY ENHANCEMENTS

*Section 1301. Definitions*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute defines several terms used within this title.

*Section 1302. Enforcement authority*

There is no comparable House provision.

Section 1432 of the Senate bill expands the Transportation Security Administration's (TSA) existing administrative civil penalty authority to authorize civil penalties and enforcement of regulations and orders of the Secretary of Homeland Security (the Secretary) relating to non-aviation security. Under this section, the Secretary must give written notice of the finding of a violation and the penalty, and the penalized person has the opportunity to request a hearing on the matter. This section also provides that, in a civil action to collect such a penalty, the issues of liability and the amount of the penalty may not be reexamined; it places exclusive jurisdiction for these actions in the Federal district courts in certain instances; and it establishes ceilings for the penalty amounts the Secretary may administratively impose.

The Conference substitute adopts the Senate provision with minor changes, including a provision that requires the Secretary to make publicly available summaries of enforcement actions taken and a report on the Department's enforcement process. The Conference substitute limits this administrative enforcement authority as it relates to fines and civil penalties against public transportation agencies and violations of administrative and procedural requirements related to the transportation security grant programs of this Act through section 1304 of the Conference substitute.

*Section 1303. Visible Intermodal Prevention and Response Teams*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute authorizes the existing Transportation Security Administration (TSA) practice of deploying security teams, known as Visible Intermodal Prevention and Response teams (VIPR), to augment the security of any mode of transportation. This provision authorizes the Secretary to determine, consistent with ongoing security threats, when a VIPR team should be deployed and for what duration, in coordination with local law enforcement. The provision also allows the Secretary to use any asset of the Department, including Federal Air Marshals, Surface Transportation Security Inspectors, canine detection teams, and advanced screening technology as part of VIPR teams. Under this section, the Secretary would be required to consult with local law enforcement and security officials and transportation entities directly affected by VIPR deployments, prior to and during deployments of VIPR teams to ensure coordination and operation protocols. This section authorizes such sums as necessary annually from FY 2008–2011 to cover costs associated with the VIPR program.

*Section 1304. Surface Transportation Security Inspectors*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute authorizes the existing Transportation Security Administration (TSA) Surface Transportation Security Inspectors (STSIs) program and includes language addressing the mission and authorities of the inspectors, requiring coordination and consultation with the Department of Transportation (DOT) and affected entities, and providing limitations regarding the issuance of fines and civil penalties against public transportation agencies and for violations of administrative and procedural requirements of the Act. Additionally, the Conference substitute requires the Secretary to increase the number of STSIs employed by TSA, up to a level of 200 STSIs in FY 2010 and FY 2011, and requires the DHS Inspector General to issue a report to the appropriate Congressional Committees regarding the performance and effectiveness of STSIs, the need for additional inspectors, and other recommendations. The provision also authorizes the following amounts for the STSI program: $11.4 million for FY 2007, $17.1 million for FY 2008, $19.95 million for FY 2009 and $22.8 million for FY 2010 and 2011, respectively.

The Secretary and the STSIs should use fines and civil penalties as a last recourse to achieve public transportation agency compliance with DHS security regulations only when other reasonable methods of gaining compliance have not produced adequate results. If a public transportation agency fails to correct a violation or to propose an alternative means of compliance acceptable to the Secretary, then the Secretary may issue fines or civil penalties under section 1302 of the Conference substitute. Additionally, the provision restricts the Secretary or STSIs from issuing fines and civil penalties for violations of administrative and procedural requirements related to the application and use of funds awarded under the transportation security grant programs in this Act. However, the Conference does not consider fraud, gross misuse of grant funds, or any criminal conduct related to the application for or use of grant funds awarded under this Act to be administrative requirements and, therefore, those acts will not be shielded from fines or civil penalties issued by the Secretary.

*Section 1305. Surface transportation security technology information sharing*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a new provision that would require the Secretary, in consultation with the Secretary of Transportation, to establish a program to provide appropriate information that the Department has gathered or developed on the performance, use, and testing of technologies that may be used to enhance railroad, public transportation, and surface transportation security to surface transportation entities and State, local, and tribal governments that provide security assistance to such entities. The purpose of the program is to assist eligible grant recipients under this Act and others, as appropriate, to purchase and use the best technology and equipment available to meet the security needs of the Nation's surface transportation system.

The provisions allow the Secretary to include in such information whether the technology is designated as a qualified antiterrorism technology under the SAFETY Act, as appropriate, and requires the Secretary to ensure that the program established under this section makes use of and is consistent with other Department technology testing, information sharing, evaluation, and standards-setting programs, as appropriate.

*Section 1306. TSA personnel limitations*

There is no comparable House provision.

Section 1451 of the Senate bill provides that any statutory limitation on the number of Transportation Security Administration employees shall not apply to employees carrying out this title.

The Conference substitute adopts the Senate provision as it applies to this title and titles XII, XIV, and XV of the Conference substitute.

*Section 1307. National Explosives Detection Canine Team Training Program*

There is no comparable House provision.

Section 1476 of the Senate bill directs the Secretary to enhance the National Explosive Detection Canine Team Program and maximize canine training capacity so that up to 200 additional dogs can be certified each year, starting at the end of calendar year 2008. The Secretary would be given flexibility across transportation modes to use as needed and deemed necessary. The provision encourages the Secretary to review potential benefits of establishing new canine training partnerships throughout the United States.

The Conference substitute adopts the Senate provision as modified. The modified provision requires the Secretary to increase the number of explosives detection canine teams certified by the TSA for the purposes of transportation-related security by up to 200 canine teams annually by the end of 2010 and encourage State, local, and tribal governments and private owners of high-risk transportation facilities to strengthen security through the use of highly trained explosives detection canine teams.

To increase the number of explosives detection canine teams, the Secretary shall use a combination of methods including the use and expansion of TSA's National Explosives Detection Canine Team Training Center; partnering with other Federal, State, or local agencies, nonprofit organizations, universities, or the private sector; and procuring explosives detection canines trained by nonprofit organizations, universities, or the private sector, provided they are trained in a manner consistent with the standards and requirements developed pursuant to this section or other criteria developed by the Secretary.

The Secretary is also required to establish criteria that include canine training curricula, performance standards, and other requirements approved by TSA as necessary to ensure that explosives detection canine teams trained by nonprofit organizations, universities, and private sector entities are adequately trained and maintained. In developing and implementing such curricula, performance standards, and other requirements, the Secretary would be required to coordinate with key stakeholders to develop best practice guidelines for such a standardized program; ensure that explosives detection canine teams trained by nonprofit organizations, universities, or private sector entities that are used or made available by the Secretary be trained consistent with specific training criteria developed by the Secretary; and review the status of the private sector programs on at least an annual basis to ensure compliance with training curricula, performance standards, and other requirements.

The Conference substitute also requires the Secretary to use the additional explosives detection canine teams as part of the Department's efforts to strengthen security across the Nation's transportation network. The Secretary may use the canine teams on a more limited basis to support other homeland security missions, as determined appropriate. The Secretary is also required to make available explosives detection canine teams to all modes of transportation, for high-risk areas or to address specific threats, on an as-needed basis and as otherwise determined appropriate by the Secretary and shall encourage, but not require, transportation facilities or systems to deploy TSA-certified explosives detection canine teams.

The Conference substitute requires the Secretary, acting through the TSA Administrator, to ensure that explosives detection canine teams are procured as efficiently as possible and at the best price using available procurement methods and increased domestic breeding, if appropriate. Additionally, the Comptroller General is required to report to the appropriate Congressional Committees on the utilization of explosives detection canine teams to strengthen security and the capacity of the national explosive detection canine team program. Finally, the Conference substitute authorizes such sums as may be necessary to carry out this section for Fiscal Years 2007 through 2011.

The Conferees note that the definition of ''explosives detection canine team'' as a ''canine and a canine handler that are trained to detect explosives, radiological materials, chemical, nuclear or biological weapons, or other threats as defined by the Secretary'' is intended to ensure that individual canine teams that are trained to detect any of these specific materials listed are eligible under this section. The Conferees recognize that explosives detection canines are not trained to additionally detect chemical, nuclear or biological weapons and that, at present, such teams cannot detect radiological materials. Further, the Conferees recognize that canines are trained to detect specific threats and cannot, at this time, effectively be crossed-trained to identify multiple threats. In requiring the TSA to develop canine training curriculum and performance standards under this section, the Conferees expect TSA to do so for those threats within the definition that are currently applicable to canine team detection. However, the Conferees trust that TSA will explore opportunities to train and/or acquire canines that are able to detect new and emerging threats, such as chemical, radiological, nuclear and biological weapons. To that end, the Conferees expect that prior to developing and distributing canine training curriculum and performance standards under this section,

TSA will fully vet any ongoing training, whether domestic or international, that has a proven method to successfully detect those additional threats that may not currently be applicable to TSA-trained canines.

*Section 1308. Maritime and surface transportation security user fee study*

There is no comparable House provision.

Section 1452 of the Senate bill requires the Secretary to study the need for, and feasibility of, establishing a system of maritime and surface transportation-related user fees that may be imposed and collected to fund maritime and surface transportation security improvements. In developing the study, the Secretary would be directed to consult with maritime and surface transportation carriers, shippers, passengers, facility owners and operators, and other persons. The study would include an assessment of current security-related fees in the United States, Canada, and Mexico; an analysis of the impact of fees on transportation carriers and shippers; and an evaluation of current private and public sector expenditures on maritime and surface transportation security. Within 1 year after the date of enactment, the Secretary would be required to transmit a report to Congress on the results of the study.

The Conference substitute adopts the Senate provision with minor modifications.

*Section 1309. Transportation Worker Identification Credential (TWIC)*

There is no comparable House provision.

Sections 1454 and 1455 of the Senate bill codify the existing regulatory prohibitions against the issuance of transportation security cards to certain convicted felons.

The Conference substitute adopts the Senate provision, with minor modifications, codifying the existing regulatory prohibitions against the issuance of transportation security cards to certain convicted felons. Nothing in this section is intended to change the waiver and appeal rights afforded to workers in 70105 of title 46. In fact, the Conferees expect that as the Secretary moves to implement the TWIC program, workers will have their waiver and appeal cases decided expeditiously and that a sufficient number of administrative law judges will be available to adjudicate these cases.

*Section 1310. Roles of the Department of Homeland Security and the Department of Transportation*

There is no comparable House provision.

Sections 1421, 1425, 1435, 1441, 1442, 1444, 1448, 1449, 1445, 1503 and 1506 of the Senate bill require the Secretary of Homeland Security to consult, coordinate, or work with the Secretary of Transportation in the implementation of the requirements of the sections. Section 1443 of the Senate bill further requires the Department of Homeland Security and the Department of Transportation to execute and develop an annex to the Memorandum of Understanding between the Departments signed on September 28, 2004, governing the specific roles, delineations of responsibilities, resources and commitments of the Department of Transportation and the Department of Homeland Security, respectively, in addressing motor carrier transportation security matters.

The Conference substitute includes a provision which affirms and clarifies the current delineation of the roles and responsibilities of Department of Homeland Security and the Department of Transportation related to carrying out the provisions of this Act related to transportation security.

TITLE XIV—PUBLIC TRANSPORTATION SECURITY

*Section 1401. Short title*

There is no comparable House provision.

Section 1501 of the Senate bill cited the short title as ''The Public Transportation Terrorism Prevention Act of 2007.''

The Conference Substitute adopts a compromise provision, providing that this title may be cited as ''The National Transit Systems Security Act of 2007.''

*Section 1402. Definitions*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a definition section in an effort to clarify terms used in Title XIV of the bill.

*Section 1403. Findings*

There is no comparable House provision.

Senate Section 1502 finds that public transit is a top target of terrorism worldwide, that the Federal Government has invested significant sums in creating and maintaining the nation's transit infrastructure, that transit is heavily used and that the current Federal investment in security has been insufficient and greater investment is warranted.

The Conference substitute adopts the Senate findings as modified.

*Section 1404. National strategy for public transportation security*

There is no comparable House provision.

The Senate bill does not require an additional strategy for transit beyond the modal requirements in Title XII.

The Conference substitute adopts the Senate provision with modifications. The purpose of the strategy is to minimize security threats and maximize the abilities of public transportation systems to mitigate damage that may result from terrorist attacks. The Secretary of Homeland Security (the Secretary) is required to use established and ongoing public transportation security assessments and consult with all relevant stakeholders that are specified in the legislation in developing a national strategy.

*Section 1405. Security assessments and plans*

There is no comparable House provision.

Section 1503 of the Senate bill requires the Federal Transit Administration of the Department of Transportation to submit all public transportation security assessments and other relevant information to the Secretary 30 days after the date of enactment. The Secretary is also required to use the security assessments received as the basis for allocating grant funds, unless the Secretary notified the Senate Committee on Banking, Housing, and Urban Affairs that the Secretary determined an adjustment is necessary to respond to an urgent threat or other significant factors.

The Senate provision requires the Secretary to conduct both annual updates to the existing assessments and new security assessments of all public transportation agencies considered to be at greatest risk of a terrorist attack. In addition, the Secretary is required to establish a process for developing security guidelines for public transportation security and to design a security improvement strategy that minimizes terrorist threats to public transportation systems, and maximizes the efforts of public transportation systems to mitigate damage from terrorist attacks. It also requires the Secretary to conduct security assessments, appropriate to the size and nature of each system, to determine the specific needs of bus-only and rural transit systems.

The Conference substitute adopts the requirements included in the Senate bill with modification. It requires the Federal Transit Administration and the Department of Transportation to transfer all existing security assessments as well as any other relevant information to the Department of Homeland Security (the Department or DHS). It also requires the Secretary to review and augment the assessments and to conduct additional assessments as necessary to ensure that, at a minimum, all high-risk public transportation agencies will have a completed security assessment. The Conference substitute further specifies that each completed assessment should include, at a minimum, an identification of critical assets, infrastructure and systems and their vulnerabilities and an identification of any other security weaknesses, including weaknesses in emergency response planning and employee training. The Conference substitute adopts the Senate's provisions addressing bus-only and rural transit systems with a clarification that these assessments are meant to be representative of the needs of these systems and shall be made available for use by similarly situated systems.

The Conference substitute adopts provisions related to mandatory security plans. All high-risk systems will be required to have a security plan provided they receive grant funding. However, the Conference agreed to provide the Secretary a waiver of that provision in order that he may require a security plan for a high-risk system that has not received grant funding, provided that upon issuance of that waiver, the Secretary, not less than three days after making that determination, provides Congress and the public transportation system written notice detailing the need for the security plan, the reason grant funding has not been made available and the reason the agency has been designated high-risk. The Secretary is required to provide guidance on developing, preparing and implementing these plans. Developing security plans is an eligible expense for funds received under this Title. The security plans must be consistent with the security assessments developed by the Department and the National Strategy for Public Transportation Security. The Secretary is authorized to establish a program to develop security plans for systems that are not designated at high-risk, provided that no such system may be required to develop a plan. Security plans are required to be updated annually, as appropriate.

The Conference substitute also includes language on nondisclosure of information, encouraging coordination among different modes of transportation to the extent they share facilities, and allowing public transportation agencies to petition the Secretary to recognize existing protocols, procedures and standards as meeting all or part of the requirements for security assessments or plans.

*Section 1406. Public transportation security assistance*

There is no comparable House provision.

Section 1504 of the Senate bill created two separate grant programs, one for capital expenses and another for operating expenses. The Senate bill required coordination with State homeland security plans and appropriate consideration of multi-State transportation systems, along with Congressional notification prior to grant awards and the requirement that transit agencies return any misspent grant funds.

The Conference substitute adopts the Senate provision with modifications. The Conference substitute establishes a single grant program that awards grants directly to eligible public transportation agencies for security improvements. A public transportation agency is eligible if the Secretary has performed a security assessment or the agency has developed a security plan. Grant funds provided under this program may only be awarded for permissible uses described in this section that address items in a security assessment or further the agency's security plan.

The Conference agrees that the grants should be awarded pursuant to an agreement between the Departments of Homeland Security and Transportation. These two Departments are required to make their determination on the basis of what is the most efficient and effective method to deliver these grants directly to the transit agencies. The Conference expects that the delivery system chosen will reflect the system that meets these criteria. We note that there have been some concerns with the efficiency, efficacy and timeliness of the disbursal of these grants and believe that it is critical that the Secretaries reach a decision that will provide for these grants to be distributed as efficiently, effectively and quickly as possible. The Conference substitute in Section 1406(e) declares that all requirements of Section 5307 of Title 49 shall be applied to the recipients of these grant funds. Whichever Department distributes and awards the grants will have to be responsible for ensuring that those requirements are met.

The Conference substitute also includes a list of eligible capital expenses and separately, a list of eligible operating expenses for the distribution of grant funds, and retains Senate language addressing coordination with State homeland security plans, multi-state transportation systems, Congressional notification and the requirement that transit systems return any misspent grant funds.

The Conference substitute includes authorization levels for each year, although the overall amount of $3.5 billion was similar to the Senate bill. In addition, the Conference substitute includes a structure that caps the amount of funds that can be used for operational expenses each year of the authorization, declining from 50 percent in Fiscal Year 2008 to 10 percent in 2011. The Conference expects that training costs will be the predominant use of operating funds in the first two years of the program which led to the decreasing limitation on operating funds over the life of the bill. The Conference substitute provides the Secretary with a waiver of the limitation on operating expenses, provided such waiver is used only in the interest of national security. Use of the waiver requires Congressional notification, prior to any such action. The Conference substitute also requires any funds distributed under Public Law 110–28 to be allocated based on risk and distributed solely to address security issues that have already been identified in security assessments.

*Section 1407. Security exercises*

There is no comparable House provision.

The Senate bill did not include a separate exercise provision, although security exercises were an eligible expense under the program, as shown in Section 1504(b).

The Conference substitute adopts more specific language and requirements for the Secretary to establish a program for conducting security exercises. The program shall cover public transportation agencies, Federal, State and local governments, including emergency response providers and law enforcement as well as any other organizations that the Secretary determines are appropriate to include.

*Section 1408. Public transportation security training program*

There is no comparable House provision.

Section 1505 of the Senate bill contains a transit security training program detailing how the Secretary, in consultation with appropriate officials, is required to develop and issue detailed regulations for a public transportation worker security training program. Public transportation agencies who receive security funding must develop a comprehensive worker training program and submit it to the Secretary for approval. The Secretary must review the program and make necessary revisions. No later than one year after the plan has been established and reviewed, the public transportation agency must complete the training of all workers. The Secretary is required to report to Congress on the training program and update it as necessary.

The Conference substitute adopts the security training program with modification. The Conference substitute requires all public transportation systems that receive security grants under this Title to train all frontline public transportation employees and other workers, as appropriate. The training requirement is for both initial and ongoing training for any agency that receives a security grant. The Conference substitute requires the Secretary to issue regulations, including interim final regulations, to implement the training requirement. In developing these regulations the Secretary must consult with appropriate law enforcement, fire service security, terrorism experts, representatives of public transportation systems and nonprofit employee labor organizations representing public transportation workers or emergency response personnel. Public transportation agencies that receive security funding must develop a comprehensive employee training program and submit it to the Secretary for approval. The Secretary must review the program and make necessary revisions. Not later than one year after each public transportation agency's training program has been established and reviewed, the public transportation agency must complete the training of all workers covered under the program. The Conference substitute also includes a study to be conducted by the Comptroller General on the implementation of the training program, requiring a survey of transit agencies and employees.

*Section 1409. Public transportation research and development.*

There is no comparable House provision.

Section 1507 of the Senate bill includes a transportation research and development section to establish, through the Homeland Security Advanced Research Projects Agency, and in consultation with the Federal Transit Administration, a program to distribute grants or contracts to public and private entities to conduct appropriate research into technologies or methods of deterring and mitigating the effects of terrorist attacks. The Secretary must report to the Congress on the use of these funds and if the Secretary determines that grant funds were misspent, the grantee shall return grant funds to the Treasury of the United States.

The Conference substitute adopts the Senate provision with a modification to establish a research and development program related to public transportation. The program will be established through the Homeland Security Advanced Research Projects Agency in the Science and Technology Directorate and will consult with the Federal Transit Administration. Grants and/or contracts will be awarded to public or private entities to conduct research or demonstrate technologies and methods to reduce and deter terrorist threats or to mitigate damage resulting from an attack. The Conference substitute also adopts language regarding privacy and civil rights and the Senate language on reporting and misspent grant funds and requires coordination with the priorities included in the National Strategy for Public Transportation Security. The Conference substitute authorizes $25,000,000 per year for this program.

*Section 1410. Intelligence sharing*

There is no comparable House provision.

The Senate bill, Section 1506, required the Secretary to provide sufficient financial assistance for the reasonable costs of the Information Sharing and Analysis Center for Public Transportation (ISAC). All transit agencies would be encouraged to participate in the ISAC and those that the Secretary deemed to be at significant risk would be required to participate. The imposition of fees was prohibited.

The Conference substitute adopts the Senate proposal with modification. It includes a report to be conducted by the Comptroller General to examine the value and efficacy of the ISAC along with any other public transportation information sharing programs ongoing at the Department of Homeland Security, including the Homeland Security Information Network (HSIN) system. The Conference substitute also authorizes specific dollar amounts for the ISAC for Fiscal Years 2008–2010 and such sums as necessary for 2011 provided the Comptroller's report has been submitted to Congress.

*Section 1411. Threat assessments*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute requires the Secretary to complete a name-based security background check of public transportation front-line employees against the consolidated terrorist watch list and an immigration status check, within one year after the date of enactment, similar to the threat assessment conducted by the U.S. Coast Guard with regard to facility employees and longshoremen.

*Section 1412. Reporting requirements*

There is no comparable House provision.

Section 1508 of the Senate bill includes a reporting section that required the Secretary to submit a semi-annual report to the Committee on Banking, Housing and Urban Affairs, the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations, on the implementation of the capital and operational grant programs, the use of funds and the State of public transportation security in the United States. It further requires the Secretary to submit an annual report regarding the amount and use of grant funds to the Governor of each State with a public transportation agency that has received a grant.

The Conference substitute broadens the reporting requirements included in the Senate bill to ensure that Congress receives substantive, useful information regarding public transportation security from the Department of Homeland Security. To that end, the Conference substitute includes an annual report to Congress, due on March 31st of each year, that includes: a description of the implementation of the provisions of Title XIV; the amount of funds appropriated to carry out the title that have not been spent; the National Strategy for Public Transportation Security; an estimate of the costs to fully implement the National Strategy for Public Transportation Security, to be broken out for each Fiscal Year from 2008 through 2018; and the state of public transportation security in the United States. The Conference substitute maintains the Senate's requirement of an annual report to the Governors.

*Section 1413. Whistleblower protection*

There is no comparable House provision.

The Senate bill modifies existing whistleblower protections for rail employees.

The Conference substitute adopts protections for public transportation employee whistleblowers, modeled on the protections available to railroad employees under 49 U.S.C. 20109 as amended by this Act and aviation employees under 49 U.S.C. 42121.

*Section 1414. Security background checks of covered individuals for public transportation*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision to ensure that if the Secretary of Homeland Security requires or recommends security background checks of public transportation employees, adversely affected employees will have an adequate redress process.

*Section 1415. Limitation on fines and civil penalties.*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute prohibits the Secretary and the surface transportation security inspectors (STSI) from issuing fines and civil penalties on public transportation agencies except in certain circumstances.

The Secretary and the STSIs should use fines and civil penalties as a last recourse to achieve public transportation agency compliance with DHS security regulations only when other reasonable methods of gaining compliance have not produced adequate results. If a public transportation agency fails to correct a violation or to propose an alternative means of compliance acceptable to the Secretary, then the Secretary may issue fines or civil penalties under section 1302 of the Conference substitute. Additionally, the provision restricts the Secretary or STSIs from issuing fines and civil penalties for violations of administrative and procedural requirements related to the application and use of funds awarded under the transportation security grant programs in this Act. However, the Conference does not consider fraud, gross misuse of grant funds, or any criminal conduct related to the application for or use of grant funds awarded under this Act to be administrative requirements and, therefore, those acts will not be shielded from fines or civil penalties issued by the Secretary.

TITLE XV—SURFACE TRANSPORTATION SECURITY

SUBTITLE A—GENERAL PROVISIONS

*Section 1501. Definitions*

Section 1001 of the House bill contains several definitions related to transportation security.

Section 1411 of the Senate bill defines the term ''high hazard materials.''

The Conference substitute adopts definitions for terms applicable to the title, including a new definition of ''security-sensitive materials,'' which must be defined by the Secretary of Homeland

Security (the Secretary) through a rule making. The Conference believes that completing the definition of ''security-sensitive materials'' should be a high priority for the Department of Homeland Security (the Department or DHS), since the definition of this term is a pre-requisite for the implementation of several other provisions within this title.

*Section 1502. Oversight and Grant Procedures*

There is no comparable House provision.

Section 1426 of the Senate bill authorizes the Secretary of Homeland Security to enter into contracts to audit and review grants awarded under the bill. The Secretary is required to prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures. In awarding grants, the Secretary may issue letters of intent (LOI) to recipients of grants awarded under this bill, as the Secretary may do now for aviation security funding through the Transportation Security Administration (TSA).

The Conference substitute adopts the Senate provision as modified. It requires the Secretary to establish procedures, including those for monitoring and auditing to ensure that grants are expended properly and for application and qualification for grants. The provision also provides that for grants awarded to Amtrak under this title, the Secretary shall coordinate with the Secretary of the Department of Transportation (DOT) in establishing necessary grant procedures. Additionally, the provision permits either Department to enter into contracts for additional audits and reviews of such grants to Amtrak.

The Conference substitute also permits the Secretary of Homeland Security to issue LOI's to grant recipients. The Conference acknowledges that an LOI is not a commitment of future funds by an agency. The Conference substitute requires that grant recipients return any misspent funds and that the Secretary take all necessary action to return such funds. It also requires the Secretary to notify appropriate Congressional Committees of its intent to award a grant. Finally, the Conference substitute requires that the Secretary ensure, to extent practicable, that grant recipients use disadvantaged business concerns as contractors or subcontractors.

*Section 1503. Authorization of Appropriations*

There is no comparable House provision.

Section 1437 of the Senate bill authorizes appropriations for the Secretary of Homeland Security for Fiscal Years (FY's) 2008–2010 and for the Secretary of Transportation for FY's 2008–2011 to carry out the activities required by the Act.

The Conference substitute adopts the Senate provision as modified to reflect the authorization levels contained within the sections of this title.

*Section 1504. Public Awareness*

There is no comparable House provision.

Section 1434 of the Senate bill requires the Secretary of Homeland Security, in consultation with the Secretary of Transportation, within 90 days after the date of enactment of this Act, to develop a national plan for improved public outreach and awareness of measures that the general public, railroad passengers, and railroad employees can take to increase railroad system security. Not later than 9 months after the date of enactment of this Act, the Secretary would be directed to implement this plan.

The Conference substitute adopts the Senate provision with minor modifications, including adding over-the-road bus security matters to the provision.

SUBTITLE B—RAILROAD SECURITY

*Section 1511. Railroad Transportation Security Risk Assessment and National Strategy*

There is no comparable House provision.

Section 1421 of the Senate bill requires the Secretary of Homeland Security to establish a task force comprised of the Transportation Security Administration (TSA) and others to complete a risk assessment of freight and passenger rail transportation. It also requires the development of recommendations for improving rail security based on the required risk assessment and the establishment of plans to address such recommendations. This section requires the Secretary to report to the appropriate Congressional Committees on the assessment, recommendation, plans and costs to implement such recommendations. In addition, the Secretary is required to include in the recommendations a plan for the Federal government to provide security support at high threat levels of alert; a plan for coordinating existing and planned rail security initiatives undertaken by public and private entities; and a contingency plan developed in conjunction with intercity and commuter passenger railroads to ensure the continued movement of freight and passengers in the event of a terrorist attack. The provision authorizes $5 million for Fiscal Year 2008 to carry out this section.

The Conference substitute adopts the Senate provision, as modified. The modified provision requires the Secretary to establish a task force to complete a nationwide railroad security risk assessment, including freight, intercity passenger and commuter railroads. The Secretary may make use of the Government Coordinating Council in the establishing of the task force. Based upon this assessment, the Secretary is required to develop a modal plan for railroad security, entitled the ''National Strategy for Railroad Transportation Security,'' which will serve as the general Federal strategy for improving railroad security.

In completing the assessment and the strategy required by this section, the Conference does not intend for TSA and the Department of Homeland Security to unnecessarily re-do existing assessment and modal plan work, of sufficient quality and relevance, already completed by the agency or other Federal, private or public stakeholders. However, the Conference expects any existing assessments and existing modal plans used to be synthesized into a comprehensive and coherent total assessment and strategy, not simply compiled into a single document. The Conference substitute authorizes $5 million for FY 2008 to carry out this section.

The Conference notes its frustration with TSA's inability to complete a comprehensive risk assessment and national strategy for the railroad sector. The Conference believes fulfillment of this section to be an absolute priority, so that the results of the assessment may be used to guide the ongoing rail security efforts and the new programs called for in this Conference substitute.

*Section 1512. Railroad Carrier Assessments and Plans*

There is no comparable House provision.

Section 1421 of the Senate bill requires the Secretary of Homeland Security to establish a task force to complete a risk assessment of freight and passenger rail transportation, develop recommendations for improving rail security based on the risk assessment, and establish plans to address such recommendations.

The Conference substitute adopts a provision addressing railroad carrier risk assessments based upon elements of Senate Section 1421. The provision would require that railroad carriers assigned to a high-risk tier by the Secretary complete a vulnerability assessment and develop security plans to be approved by the Secretary. In addition, the Secretary would be authorized to establish a program to provide guidance and assistance for undertaking assessments and security plans and a process by which such voluntary assessments and plans may be approved by the Secretary for railroad carriers not assigned to a high-risk tier.

*Section 1513. Railroad Security Assistance*

There is no comparable House provision.

Section 1424 of the Senate bill authorizes the Secretary of Homeland Security, in consultation with the TSA and other entities, to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used to transport hazardous materials, institutions of higher education, State and local governments, and Amtrak, for full or partial reimbursement of costs incurred to prevent or respond to acts of terrorism, sabotage, or other risks. The Secretary would be required to adopt necessary procedures to ensure that grants made under this section are expended in accordance with the purposes of the Act. The Secretary awards and distributes all grants under this provision, except for grants to Amtrak which the Secretary can award, but the Secretary of Transportation would distribute using the

well-established DOT grant process which is used to distribute Federal operating and capital grants Amtrak. This section authorizes $100 million for the Department of Homeland Security for each of Fiscal Years 2008 through 2010 to carry out this section. Grants to Amtrak are limited to $45 million over the authorization period and certain grants related to hazardous materials rail security are limited to $80 million in total over the authorization period.

The Conference substitute adopts a modified version of the Senate provision. The provision establishes a railroad security grant program for railroads that have completed a vulnerability assessment and security plan under Section 1513 of the Conference substitute for a permissible use identified within the section. However, the Secretary has the discretion during the first three years after the date of enactment of the Act, or up until one year after the regulations are issued under section 1513, to award grants based on vulnerability assessments and security plans developed by railroad carriers that do not meet the requirements of Section 1513 if the Secretary finds such assessments and plans sufficient. Additionally, grants can be awarded under this provision to fully or partially fund the assessments and plans required under Section 1513. The Conference includes these provisions to ensure that eligible entities would be authorized to receive grants funds under this section as soon as possible upon enactment of the Conference substitute and so that eligible entities could use grant funds to develop the assessments and plans required under Section 1513 in a timely fashion.

The Conference substitute assigns the responsibility of awarding and distributing grants to the Secretary, except for grants to Amtrak which the Secretary can award, but which the Secretary of Transportation would distribute using the well-established Department of Transportation grant process to Amtrak. The Secretary of Homeland Security is also required to report to the appropriate Congressional Committees on the feasibility and appropriateness of requiring non-Federal match for grants awarded under this provision.

The Conference believes the authorization of this grant program is particularly important because little of the existing DHS rail and transit security grant funds have been available to intercity passenger rail security and no grant funds have been made available for freight railroad security.

*Section 1514. System-Wide Amtrak Security Upgrades*

There is no comparable House provision.

Section 1422 of the Senate bill authorizes the Secretary of Homeland Security, in consultation with the TSA, to make grants to Amtrak for the purposes of upgrading the security of assets, systems and infrastructure; securing tunnels, trains, and stations; hiring additional police officers; expanding emergency preparedness efforts; and for employee security training. The provision also requires that the Secretary of Transportation disburse the grants to Amtrak for projects contained in its system-wide security plan that it is required to develop. The provision authorizes funds to be appropriated for grants under this section for Fiscal Years 2008 through 2010.

The Conference substitute adopts the Senate provision as modified. The authorization amounts are increased and extended one Fiscal Year to reflect current and anticipated Amtrak security expenditures.

*Section 1515. Fire and Life Safety Improvements.*

There is no comparable House provision.

Section 1423 of the Senate bill authorizes the Secretary of Transportation to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor. This section authorizes $100 million in funding for the Department of Transportation for each of Fiscal Years 2008 through 2011 to make fire and life-safety improvements to the New York/New Jersey tunnels; $10 million for each of Fiscal Years 2008 through 2011 for improvements of the Baltimore & Potomac and Union tunnels in Baltimore, Maryland; and $8 million for each of Fiscal Years 2008 through 2011 for improvements of the Washington, D.C., Union Station tunnels. The Secretary of Transportation is required to approve plans submitted by Amtrak before distributing grants. In addition, the Secretary of Transportation is authorized to consider the feasibility of seeking a financial contribution from other rail carriers towards the cost of the project. This section also authorizes $3 million in FY 2008 for preliminary design of a new railroad tunnel in Baltimore, Maryland.

The Conference substitute adopts the Senate provision, but with reduced authorization levels to reflect the completion of portions of phase 1 of Amtrak's tunnel fire and life safety projects since the consideration of S.4 by the Senate, and other changes.

*Section 1516. Railroad Carrier Exercises*

Section 101 of the House bill provides grants to fund exercises to strengthen preparedness against risks of terrorism. Sections 301 and 302 of the House bill strengthen the design of the national exercise program to require it to enhance the use and understanding of the Incident Command System (ICS) by requiring that the national exercise program include model exercises for use by State, local and tribal governments. Section 1101 of the House bill requires the Secretary of Homeland Security to establish a program to enhance private sector preparedness for acts of terrorism and other emergencies and disasters, developing and conducting training and exercises to support and evaluate emergency preparedness and response plans and operational procedures.

There is no comparable Senate provision.

The Conference substitute adopts a new provision that requires the Secretary to create a security exercises program to test and evaluate the ability of railroads to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism. The provision also requires that the exercises conducted be tailored to the needs of particular facilities, including accommodations for individuals with disabilities; live, in the case of the most at-risk facilities to a terrorist attack; and coordinated with appropriate officials. The Conference substitute also requires that the Secretary, together with the Secretary of Transportation, ensure that the program consolidates existing railroad security exercises that are administered by the Departments, unless this requirement is waived by the Secretary of Homeland Security.

The Conference intends for there to be one primary rail security exercises program within the Federal government administered by TSA, but are including the waiver authority to ensure that any Department of Transportation railroad safety or railroad hazardous materials exercises that have a nexus with security are not automatically consolidated into this program. The Conference expects that the consolidation of exercises that primarily relate to safety would only occur with the concurrence of the Secretary of Transportation and the Secretary of Homeland Security.

*Section 1517. Railroad Security Training Program*

There is no comparable House provision.

Section 1429 of the Senate bill requires the Secretary of Homeland Security, in consultation with the Secretary of Transportation, not later than 1 year after the date of enactment of this Act, to work with law enforcement officials, as well as terrorism and railroad security experts, to develop and issue detailed guidance for a railroad worker security training program to prepare frontline workers for potential security threat conditions. This section also would require railroad carriers to adopt a worker security training program in accordance with the guidance and submit it to the Secretary of Homeland Security for approval. Within one year after the Secretary completes a review of a railroad carriers' training programs, the railroad carrier would be required to complete the training of all front-line employees consistent with the approved program.

The Conference substitute adopts the Senate provision with modified language that requires the Secretary, in consultation with appropriate parties, to issue regulations for a railroad training program to prepare frontline employees, as defined in section 1501 of the Conference substitute, for potential security threats and conditions. Not later than 90 days after the Secretary issues regulations, each railroad carrier would be required to submit for review and approval a security training program. Each freight and passenger railroad is required to complete training of all employees not later than one year after the Secretary approves its training program. The Secretary is required to review implementation of the training program.

*Section 1518. Railroad Security Research and Development*

There is no comparable House provision.

Section 1425 of the Senate bill requires the Secretary of Homeland Security to, in conjunction with the Department of Homeland Security's Undersecretary for Science and Technology and the Administrator for TSA, and in consultation with the Secretary of Transportation, carry out a research and development program for the purpose of improving freight and intercity passenger rail security. In carrying out this section, the Secretary of Homeland Security would be required to coordinate with other research and development initiatives at the Department of Transportation. The Secretary also may award research and development grants to certain entities described in this section. This section authorizes $33 million for the DHS for each of Fiscal Years 2008 through 2011 for the Secretary to carry out this section.

The Conference substitute adopts the Senate provision as modified to extend the authorizations to Fiscal Year 2011, to ensure coordination with other research and development initiatives, and with a provision included to ensure that any activities carried out under this section that could affect privacy, civil liberties or civil rights would receive privacy impact assessments.

*Section 1519. Railroad Tank Car Security Testing*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that would assess likely methods of a deliberate attack on a railroad tank car transporting toxic-inhalation-hazard materials and the potential impact of such attacks. It requires the Secretary of Homeland Security to conduct certain physical tests as part of the assessment and to submit a report within 30 days of completing the assessment to the appropriate Congressional Committees. The Conference substitute also requires an air dispersion modeling analysis of a rail tank car carrying toxic-inhalation-hazard materials and specifies factors to be

considered in that analysis, as well as parties to be consulted in conducting such analysis. Further, the substitute directs the Secretary to share the information developed through the analysis and submit a report to the appropriate Congressional Committees within 30 days of completion of all the modeling exercises. In performing the physical testing required under this section, the Conference expects that the Secretary will take into account other Federal agencies and resources with applicable expertise in such matters.

*Section 1520. Railroad Threat Assessments*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute requires the Secretary of Homeland Security to implement a threat assessment screening program for all relevant transportation employees within one year after the date of enactment, including a name-based check for all employees against the consolidated terrorist watch list and an immigration status check, similar to the threat assessment conducted by the U.S. Coast Guard with regard to port workers.

*Section 1521. Railroad Employee Protections*

There is no comparable House provision.

Section 1430 of the Senate bill updates the existing railroad employee protections statute to protect railroad employees from adverse employment impacts due to whistleblower activities related to rail security. The provision precludes railroad carriers from discharging, or otherwise discriminating against, a railroad employee because the employee, or the employee's representative: provided, caused to be provided, or is about to provide, to the employer or the Federal government information relating to a reasonably perceived threat to security; provided, caused to be provided, or is about to provide testimony before a Federal or State proceeding; or refused to violate or assist in violation of any law or regulation related to rail security.

The Conference substitute adopts a modified version of the Senate language. It modifies the railroad carrier employee whistleblower provisions and expand the protected acts of employees, including refusals to authorize the use of safety-related equipment, track or structures that are in a hazardous condition. Additionally, the Conference substitute enhances administrative and civil remedies for employees, similar to those in subsection 42121(b) of title 49, United States Code. The language also provides for de novo review of a complaint in Federal District Court if the Department of Labor does not timely issue an order related to the complaint. The Conference substitute also raises the cap on punitive damages that could be awarded under this provision from $20,000 to $250,000.

The Conference notes that railroad carrier employees must be protected when reporting a safety or security threat or refusing to work when confronted by a hazardous safety or security condition to enhance the oversight measures that improve transparency and accountability of the railroad carriers. The Conference, through this provision, intends to protect covered employees in the course of their ordinary duties. The intent of this provision is to ensure that employees can report their concerns without the fear of possible retaliation or discrimination from employers.

*Section 1522. Security Background Checks of Covered Individuals*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that would ensure that if the Secretary of Homeland Security issues a rule, regulation or directive requiring private employers to conduct security background checks for railroad workers, that it include a redress process for such workers similar to that provide under the Transportation Worker Identification Credential (TWIC) final rule, as required by 46 U.S.C. 70105 (c). The Secretary is also required to update private employers conducting background checks regarding guidance that has been issued and ensure that any future guidance issued on the topic is consistent with this provision. The Conference substitute requires the Secretary to issue a regulation prohibiting a railroad carrier or contractor or subcontractor to a railroad carrier from knowingly misrepresenting to an employee or other relevant person, including an arbiter involved in a labor arbitration, the scope, application, or meaning of any rules, regulations, directives, or guidance issued by the Secretary related to security background check requirements for covered individuals when conducting a security background check.

It is not the intent of the Conference that this provision imply that it favors the Department of Homeland Security (DHS) requiring private employers to undertake security background checks. Rather, the Conference intends for the provision to ensure that if such regulations were ever to be promulgated by DHS, that it would contain due process protections similar to those in the TWICE rule would be available for employees. The Conference intends for private employees to retain all rights and authorities afforded them otherwise as private employers.

*Section 1523. Northern Border Railroad Passenger Report*

There is no comparable House provision.

Section 1428 of the Senate bill requires the Secretary, in consultation with the Transportation Security Administration (TSA), the Secretary of Transportation, heads of other appropriate Federal Departments and Agencies, and Amtrak, within one year after the date of enactment, to submit a report to Congress that contains: a description of the current system for screening passengers and baggage on rail service between the United States and Canada; an assessment of the current program to provide pre-clearance of airline passengers between the United States and Canada; an assessment of the current program to provide pre-clearance of freight railroad traffic between the United States and Canada; information on progress by the Department and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for pre-clearance of passengers on trains operating between the United States and Canada; a description of legislative, regulatory, budgetary, or policy barriers to providing pre-screened passenger lists for such passengers; a description of the Canadian position with respect to pre-clearance; a draft of any changes to Federal law necessary to allow for pre-screening; and a feasibility analysis of reinstating intransit inspections onboard international Amtrak trains.

The Conference substitute adopts the Senate provision and includes language to ensure that any activities carried out under this section that could affect privacy, civil liberties or civil rights will receive privacy impact assessments. The Conference notes the significant delays that routinely plague Amtrak trains due to screening of passenger at or near the U.S.-Canadian border and that these delays both hamper international rail travel and increase costs for Amtrak, and therefore the Federal government. The Conference expects the Secretary of Homeland Security to work, in cooperation with Amtrak and the Canadian Government, to take steps to minimize such delays, as soon as practicable.

*Section 1524. International Railroad Security Program*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that would require the Secretary of Homeland Security to develop a system to detect both undeclared passengers and contraband entering the United States by railroad, with a primary focus on the detection of nuclear and radiological materials and to submit a report to Congress on its progress. The Secretary, in consultation with the TSA, the Domestic Nuclear Detection Office, and Customs and Border Protection, may take a number of actions authorized by the provision to develop this system.

*Section 1525. Transmission Line Report*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that would require that the Comptroller General perform the assessment of the security, safety, economic benefits and risks associated with the placement of high-voltage transmission lines along active railroad and other transportation rights of way.

*Section 1526. Railroad Security Enhancements*

There is no comparable House provision.

Section 1433 of the Senate bill allows police officers employed by a railroad to be deputized to help a second railroad in carrying out enforcement duties on the second railroad. In addition, the provision would require the Secretary of Transportation to write and distribute to States model railroad police commissioning laws to help prevent the problems posed by so-called ''scam railroads.'' ''Scam railroads'' are companies that are organized as railroads in order to obtain police powers but are not actually engaged in the railroad business.

The Conference substitute adopts the Senate provision as modified to extend the date by which the Secretary of Transportation would be directed to complete the model state legislation.

*Section 1527. Applicability of District of Columbia Law to Certain Amtrak Contracts*

There is no comparable House provision.

Senate Section 1438 would require that any lease entered into between the National Railroad Passenger Corporation and the State of Maryland be governed by District of Columbia law.

The Conference substitute adopts the Senate provision.

*Section 1528. Railroad Preemption Clarification*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that is would to clarify the intent and interpretations of the existing preemption statute and to rectify the Federal court decisions related to the Minot, North Dakota accident that are in conflict with precedent. The modified language restructures 49 U.S.C. § 20106 and changes its title from ''National Uniformity of Regulation'' to ''Preemption'' to indicate that the entire section addresses the preemption of State laws related to railroad safety and security.

Subpart (a) of the Conference substitute is titled ''National Uniformity of Regulation'' and contains the exact text of 49 U.S.C. § 20106 as it existed prior to enactment of this Act. It is restructured for clarification purposes; however, the restructuring is not intended to indicate any substantive change in the meaning of the provision.

Subpart (b) of the Conference substitute provides further clarification of the intention of 49 U.S.C. § 20106, as it was enacted in

the Federal Railroad Safety Act of 1970, to explain what State law causes of action for personal injury, death or property damage are not preempted. It clarifies that 49 U.S.C. §20106 does not preempt State law causes of action where a party has failed to comply with the Federal standard of care established by a regulation or order issued by the Secretary of Transportation or the Secretary of Homeland Security, its own plan or standard that it created pursuant to a regulation or order issued by either of the Secretaries, or a State law, regulation or order that is not incompatible with 49 U.S.C. §20106(a)(2).

The modified language also contains a retroactivity provision, which clarifies that 49 U.S.C. §20106 applies to all pending State law causes of action arising from activities or events occurring on or after January 18, 2002, the date of the Minot, North Dakota derailment. Finally, this provision indicates that nothing in 49 U.S.C. §20106 creates a Federal cause of action on behalf of an injured party or confers Federal question jurisdiction for such State law causes of action.

SUBTITLE C—OVER-THE-ROAD BUS AND TRUCKING SECURITY

*Section 1531. Over-the-Road Bus Security Assessments and Plans*

There is no comparable House provision.

Section 1447 of the Senate bill requires the Secretary of Homeland Security to establish a program within the Transportation Security Administration (TSA) to make grants to private over-the-road bus operators and over-the-road bus terminal operators for the purposes of improving bus security. The provision stipulates that the Secretary may not make grants to over-the-road operators until the operators have submitted security plans and provided additional information that the Secretary may require. Section 1447 also requires the Secretary to undertake a bus security assessment, that would include an assessment of: the existing over-the-road bus security grant program; actions already taken to address identified security issues by both public and private entities and recommendations on whether additional safety and security enforcement actions are needed; whether additional legislation is needed to provide for the security of Americans traveling on over-the-road buses; the economic impact that security upgrades of buses and bus facilities may have on the over-the-road bus transportation industry and its employees; ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver; industry best practices to enhance security; and school bus security, if the Secretary deems it appropriate.

The Conference substitute requires the Secretary to issue regulations, not later than 18 months after the date of enactment, to require high-risk over-the-road bus operators to conduct vulnerability assessments and develop, submit and implement approved security plans. It allows the Secretary to establish a security program for over-the-road bus operators not assigned to a high-risk tier, including guidance on vulnerability assessments and security plans, and a review process, as appropriate. The Conference substitute also requires the Secretary to provide technical assistance and guidance on components of vulnerability assessments and security plans, in addition to relevant threat information necessary for preparing such assessments and plans. It requires the Secretary to review the vulnerability assessments and security plans not later than 6 months upon receipt, and approve such assessments and plans meeting the established requirements. The Conference substitute requires the Secretary to assign each over-the-road bus operator to a risk based tier and operators may be reassigned by the Secretary based on changes in risk. Finally, it requires that the over-the-road bus operators evaluate the adequacy of the assessments and plans submitted to the Secretary not later than 3 years after the date on which the assessment or plan was submitted, and at least once every five years thereafter.

*Section 1532. Over-the-Road Bus Security Assistance*

There is no comparable House provision.

Section 1447 of the Senate bill requires the Secretary of Homeland Security to establish a program within TSA to make grants to private over-the-road bus operators and over-the-road bus terminal operators for the purposes of emergency preparedness drills and exercises, protecting high risk assets, counter-terrorism training and other security-related actions. This provision requires the Secretary, in making grants, to take into consideration security measures that over-the-road bus operators have taken since September 11, 2001. The Secretary may not make grants to private operators until the operators have submitted security plans and provided additional information that the Secretary may require. The provision further stipulates that the Secretary must submit a report to Congress and must consult with industry, labor and other groups. This provision authorizes the following funding: $12 million for FY 2008, $25 million for FY 2009, and $25 million for FY 2010. Section 1447 requires the Secretary to select the grant recipients, award, and distribute grants to eligible recipients.

The Conference substitute adopts the Senate language, with modifications. It requires the Secretary to establish a grant program and stipulates that the funds may be used for one or more of the following: construction and modifying terminals to increase security; modifying over-the-road buses to increase their security; protecting the driver of an over-the-road bus; acquiring or improving equipment to collect, store and exchange passenger and driver information with ticketing systems and for links with government agencies for security purposes; installing cameras and video surveillance equipment; establishing and improving emergency communications systems; implementing and operating passenger screening programs; developing public awareness campaigns for over-the-road bus security; operating and capital costs associated with over-the-road bus security; detection of chemical, biological, radiological or explosives, including the use of canine patrols; overtime reimbursement for security personnel; live or simulated security exercises; operational costs to hire, train and employ security officers; development of assessments or security plans; and other improvements deemed appropriate by the Secretary. The Conference substitute requires the Secretary to select the grant recipients and award the grants, but would require that, within 90 days following the date of enactment, that the Secretary and the Secretary of Transportation jointly determine the most effective and efficient means to distribute grants awarded under this section to grant recipients. Dependent on the result of this determination, one of the two Secretaries would be authorized to distribute the grants awarded under this section.

The Conference substitute also stipulates eligibility, limitations on uses of funds, annual reports, and consultation with stakeholders. It authorizes $12 million for FY 2008 and $25 million for each of Fiscal Years 2009 through 2011.

*Section 1533. Over-the-Road Bus Exercises*

Section 101 of the House bill provides for grants to fund exercises to strengthen terrorism preparedness. Sections 301 and 302 of the House bill strengthen the design of the National exercise program to require it to enhance the use and understanding of the Incident Command System (ICS) by requiring that the National Exercise Program include model exercises for use by State, local and tribal governments. Section 1101 of the House bill requires the Secretary of Homeland Security to establish a program to enhance private sector preparedness for acts of terrorism and other emergencies and disasters, including the development and the conducting of training and exercises to support and evaluate emergency preparedness, response plans, and operational procedures.

There is no comparable Senate provision.

The Conference substitute adopts a provision based on elements of the House provisions that require the Secretary to establish a program for conducting security exercises for over-the-road bus transportation to prevent, prepare for, mitigate, respond to, and recover from acts of terrorism. The program shall include Federal, State, local agencies and tribal governments; over-the-road bus operators and terminal owners and operators; governmental and nongovernmental emergency response providers and law enforcement agencies; and other applicable entities. The program calls for consolidation of existing security exercises administered by the Department of Homeland Security, TSA and the Department of Transportation, as appropriate, and shall be comprised of live exercises tailored to the needs of the recipients, coordinated with appropriate officials, inclusive of over-the-road bus frontline employees, and consistent with the National Incident Management System, the National Response Plan and other related national initiatives, including the National Exercise Program. The exercises shall be evaluated by the Secretary and the ensuing best practices shall be shared with appropriate stakeholders, and used to develop recommendations of appropriate action.

The Conference intends for there to be one primary over-the-road bus security exercises program within the Federal government administered by TSA, but are including the waiver authority to ensure that any DOT motor carrier safety exercises that have a nexus with security are not automatically consolidated into this program. The Conference expects that the consolidation of exercises that primarily relate to safety would only occur with the concurrence of the Secretary of Transportation and the Secretary of Homeland Security.

*Section 1534. Over-the-Road Bus Security Training Program*

There is no comparable House provision.

While there is no comparable Senate provision, Section 1447 of the Senate bill provides grants to over-the-road bus operators and over-the-road bus terminal operators and owners for the purposes of improving bus security, including training employees in recognizing and responding to security risks, evacuation procedures, passenger screening procedures, and baggage inspection and hiring and training security officers.

The Conference substitute adopts a new provision that would require, not later than 6 months after enactment, the Secretary of Homeland Security and TSA to develop and issue regulations for a bus training program to prepare the over-the-road bus frontline employees, as defined in section 1501 of the Conference substitute, for potential security threats and conditions. In developing the regulation, the Secretary shall consult with the appropriate stakeholders including law

enforcement, over-the-road bus operators, and nonprofit employee labor organizations. The program shall include security training for determining the following, including: the seriousness of an incident or threat; driver and passenger communication; appropriate responses and training related to terrorist incidents; understanding security procedures; operation and maintenance of security equipment. Not later than 90 days upon issuance of the regulations, the over-the-road bus operators shall develop security training programs, which the Secretary shall review not later than 60 days upon receipt. Not later than 1 year after receiving the Secretary's approval of the program, the over-the-road bus operator shall complete the security training of all over-the-road bus frontline employees. The Secretary shall update the training regulations, as appropriate and shall ensure that the program developed is a component of the National Training Program. Not later than 2 years after the issuance of the regulation, the Secretary shall review the program and report to the appropriate Congressional Committees.

*Section 1535. Over-the-Road Bus Security Research and Development*

There is no comparable House provision.

While there is no comparable Senate provision, Section 1447 of the Senate bill requires the Secretary of Homeland Security to establish a program within TSA to make grants to private over-the-road bus operators and over-the-road bus terminal operators for the purposes of improving bus security. The section also requires the Secretary to undertake a bus security assessment that would include an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shutoff mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver.

The Conference substitute adopts a provision that requires the Secretary, acting through the Under Secretary for Science and Technology and the Administrator of the Transportation Security Administration, to establish a research and development (R&D) program for over-the-road bus security. Eligible R&D projects include the following: reducing the vulnerability to explosives and hazardous chemical, biological and radioactive substances; testing of new emergency response and recovery techniques; developing improved technologies for emergency response training, and security and redundancy for critical communications. The R&D program shall be consistent with other transportation security R&D programs required by the Act, and shall be coordinated with related activities within the DHS as well as DOT, in addition to R&D conducted by additional entities and agencies. The provision permits R&D projects authorized in this section to be enacted through a reimbursable agreement, if necessary, or memoranda of understanding, contracts, grants, cooperative agreements or other applicable transactions. The Conference substitute also requires the Secretary to consult with the Chief Privacy Officer of the Department, and the Officer for Civil Rights and Civil Liberties, who must conduct privacy impact assessments and reviews, respectively and as appropriate, for R&D initiatives that could have an impact on privacy, civil rights or civil liberties. Finally, the provision authorizes $2 million for each of Fiscal Years 2008 through 2011.

*Section 1536. Motor Carrier Employee Protections*

There is no comparable House provision.

Section 1430 of the Senate bill updates the existing railroad employee protections statute to protect railroad employees from adverse employment impacts due to whistleblower activities related to rail security.

The Conference substitute adopts a provision related to the Senate provision which expands whistleblower protections to motor carrier, including over-the-road bus, employees. It amends the current motor carrier employee whistleblower provision for safety to include whistleblower protections and increase employee protections related to security. This provision prohibits motor carriers from discriminating against or discharging any employee who reports a safety or security threat, or who refuses to work when confronted by hazardous safety or security conditions. The Conference substitute also provides employees with additional administrative and civil remedies, including de novo review of a complaint in Federal District Court if the Department of Labor does not issue an order related to the complaint in a timely fashion. It authorizes all relief necessary to make a whistleblower whole, including damages, reinstatement with prior seniority status, special damages, and attorneys' fees. Punitive damages are also made available to employees in an amount not exceed $250,000.

The Conference believes that motor carrier, including over-the-road bus, employees must be protected when reporting a safety or security threat or refusing to work when confronted by hazardous safety or security condition. The Conference, through this provision, intends to protect covered employees in the course of their ordinary duties. The intent of this provision is to ensure that employees can report their concerns without the fear of possible retaliation or discrimination from employers.

*Section 1537. Unified Carrier Registration System Agreement*

There is no comparable House provision.

Section 1436 of the Senate bill reinstates the Single State Registration System (SSRS) used by some States to levy motor carrier registration fees. This system was repealed pursuant to the Safe, Accountable, Flexible and Efficient Transportation Equity Act—A Legacy for Users (SAFETEA–LU) in the 109th Congress and a new Unified Carrier Registration (UCR) system was required to be developed. However, the Department of Transportation missed the deadlines to implement the new UCR system, meaning the States no longer have the necessary Federal authority to charge motor carriers registration fees. The Senate provisions reinstate the SSRS system until the UCR is implemented and thus provide authority for the States to collect registration fees.

The Conference substitute adopts a modified version of the Senate provision which will extend the effect of Section 14504 of title 49, U.S. Code, until January 1, 2008 or the effective date of final regulations issued under this section. The provision establishes a deadline of not later than October 1, 2007 for the Federal Motor Carrier Safety Administration (FMCSA) to issue final regulations to establish the Unified Carrier Registration System and set fees for the calendar year 2008 and subsequent calendar years, as required by law. The provision also amends relevant sections of SAFETEA–LU. By enacting this provision, the Conference does not intend that FMCSA should wait until 2008 to enact the Unified Carrier Registration System, in the event that the necessary regulations and fee structure are finalized in 2007. The Conference believes that FMCSA has the authority to set fees for 2007 pursuant to SAFETEA–LU and urges the expeditious enactment of the UCR plan and agreement and system as soon as possible.

*Section 1538. School Bus Transportation Security*

There is no comparable House provision.

While there is no comparable Senate provision, Section 1447 of the Senate bill requires the Secretary of Homeland Security to establish a program within TSA to make grants to private over-the-road bus operators and over-the-road bus terminal operators for the purposes of improving bus security. The section also requires the Secretary to undertake a bus security assessment that would include an assessment of school bus security, if the Secretary deems it appropriate.

The Conference substitute expands upon the Senate provision and directs the Secretary to transmit a report to the appropriate Congressional Committees containing a comprehensive assessment of the risk of a terrorist attack on the Nation's school bus transportation system. The report shall include assessments of the following: the security risks to the Nation's publicly and privately operated school bus systems; actions taken by operators to address security risks; and the need for additional actions and investments to improve the security of passengers traveling on school buses. In conducting these assessments, the Secretary shall consult with relevant stakeholders.

*Section 1539. Technical amendment*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute amends subsection 1992(d)(7) of title 18, United States Code, to clarify that a definition includes intercity bus transportation.

*Section 1540. Truck security assessment*

There is no comparable House provision.

Section 1445 of the Senate bill requires the Secretary, in coordination with the Secretary of Transportation, to transmit a report to Congress on security issues related to the trucking industry.

The Conference substitute adopts the Senate provision, as modified. The Conference substitute requires the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to issue a report, in either classified or redacted format, or both, within one year that includes an assessment of the security risks to the trucking industry, an assessment of truck security actions already taken by public and private entities, an assessment of the economic impact that security upgrades might have on the trucking industry, an assessment of ongoing security research, an assessment of industry best practices, and an assessment of the current status of secure truck parking.

*Section 1541. Memorandum of Understanding Annex*

There is no comparable House provision.

Section 1443 of the Senate bill requires an annex to the existing Memorandum of Understanding between the Department of Transportation and the Department of Homeland Security governing the specific roles, delineations of responsibilities, resources and commitments of the two Departments in addressing motor carrier transportation security.

The Conference substitute adopts the Senate provision with a minor modification to emphasize that motor carrier transportation includes over-the-road bus transportation.

*Section 1542. DHS Inspector General Report on Trucking Security Grant Program*

There is no comparable House provision.

Section 1453 of the Senate bill requires the Inspector General of the Department to submit a report to Congress within 90 days of enactment on the Trucking Security Grant Program for Fiscal Years 2004 and 2005.

The Conference substitute adopts the Senate provision, as amended, to require the Inspector General of the Department of Homeland Security to submit an additional report within one year to Congress that analyzes,

using all years of available data, the performance, efficiency, and effectiveness of, the need for, and recommendations regarding the future of the Trucking Security Grant Program.

SUBTITLE D—HAZARDOUS MATERIAL AND PIPELINE SECURITY

*Section 1551. Railroad Routing of Security-Sensitive Materials*

There is no comparable House provision.

Section 1431 of the Senate bill directs the Secretary of Homeland Security, in consultation with TSA and the Department of Transportation, to require rail carriers transporting high hazard materials to develop security threat mitigation plans, including alternative routing and temporary shipment suspension options, and to address assessed risks to high consequence targets. These threat mitigation plans are to be implemented when the threat levels of the Homeland Security Advisory System are high or severe or specific intelligence of probable or imminent threat exists toward high-consequence rail targets or infrastructure. Within 60 days of enactment of the Act, a list of routes used to transport high hazard materials must be submitted to the Secretary. Within 180 days after receiving the notice of high consequence targets on such routes by the Secretary, each rail carrier must develop and submit a high hazard materials security threat mitigation plan to the Secretary. Any revisions must be submitted to the Secretary within 30 days of the revisions being made. The Secretary, with the assistance of the Secretary of Transportation, is directed to review and transmit comments on the plans to the railroad carrier. A railroad carrier must respond to those comments within 30 days. The plans would be required to be updated by the railroad carrier every two years. This section also defines the following terms: ''high-consequence target,'' ''catastrophic impact zone,'' and ''rail carrier.''

The Conference substitute adopts a modified version of the Senate provision that requires the Secretary of Transportation, in consultation with the Secretary of Homeland Security, to publish a final rule for the transportation of hazardous materials that would require railroad carriers to compile commodity data of security sensitive materials and analysis of the safety and security risks for transportation routes of security sensitive materials. It also mandates that the final rule require that rail carriers that ship security-sensitive materials identify alternate routes, analyze the safety and security considerations of such alternative routes, and use such routes with the least safety and security risk when transporting security-sensitive materials. The Conference substitute requires that when railroads consider alternative routes, they consider the use of routes with interchange agreements.

*Section 1552. Railroad Security Sensitive Material Tracking*

There is no comparable House provision.

Section 1435 of the Senate bill requires the Secretary of Homeland Security, in consultation with TSA, to develop a program to encourage the equipping of rail cars transporting high hazard materials with communications technology that provides information concerning car position, depressurization, and the release of hazardous materials. This section also authorizes $3 million in funding for each of Fiscal Years 2008 through 2010 for the Secretary to carry out this section.

The Conference substitute adopts the Senate language with minor modifications.

*Section 1553. Hazardous Materials Highway Routing*

There is no comparable House provision.

Section 1442 of the Senate bill requires the Secretary of Transportation, within one year of enactment of the Act, in consultation with the Secretary of Homeland Security, to: document existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier and develop a framework by using a Geographic Information System-based approach to characterize routes in the National Hazardous Materials Route Registry; assess and characterize existing and proposed routes for the transportation of radioactive and non-radioactive hazardous materials by motor carrier for the purpose of identifying measurable criteria for selecting routes based on safety and security concerns; analyze current route-related hazardous materials regulations in the US, Canada, and Mexico to identify cross-border differences and conflicting regulations; document the concerns of the public, motor carriers, and State, local, territorial, and tribal governments about the highway routing of hazardous materials for the purpose of identifying and mitigating security risks associated with hazardous material routes; prepare guidance materials for State officials to assist them in identifying and reducing both safety concerns and security risks when designating highway routes for hazardous materials; develop a tool that will enable State officials to examine potential routes for the highway transportation of hazardous materials; transmit to the Senate Committee on Commerce, Science, and Transportation, and the House Committee on Transportation and Infrastructure a report on the actions taken to fulfill all the requirements of this section and any recommended changes to the routing requirements for the highway transportation of hazardous materials.

Under Section 1442, within 1 year of the date of enactment, the Secretary of Transportation would be required to complete an assessment of the safety and national security benefits achieved under existing requirements for route plans for explosives and radioactive materials and shall submit a report to the appropriate Congressional Committees with the findings and conclusions of the assessment. The Secretary of Transportation is also directed to assess, and potentially require, the addition of certain high-hazardous materials to the list of existing hazardous materials that are required to be transported by motor carriers that use highway routing plans.

The Conference substitute adopts the Senate language with minor modifications.

*Section 1554. Motor Carrier Security-Sensitive Material Tracking*

There is no comparable House provision.

Section 1442 of the Senate bill requires the Secretary of Homeland Security, through TSA, and in consultation with the Secretary of Transportation, to develop a program to facilitate the equipping of motor carriers transporting high hazard materials with communications technology that provides frequent or continuous communications, vehicle position and location and tracking capabilities, and an emergency broadcast capability. This section authorizes $7 million to carry out this section for each of Fiscal Years 2008 through 2010, of which $3 million per year may be used for equipment and $1 million per year may be used for operations.

The Conference substitute adopts the Senate language as modified. This section would require that the Secretary of Homeland Security, through the TSA, and in consultation with the Secretary of Transportation, develop a program to facilitate the deployment and use of tracking technologies for motor carrier shipments of certain security-sensitive hazardous materials. It retains the Senate provision authorization level amounts, but does not include the specific set-aside of a $1 million per year that may be used for operations.

The Conference expects that this program will help expand the use of technology that allows for continuous communication, position location and tracking, and emergency distress signal broadcasting, when such technologies can improve security without being overly burdensome, and that the provision will expand TSA's analysis of other tracking-related security technologies that could be beneficial to the security of hazardous materials truck shipments through the evaluation required under this section.

*Section 1555. Hazardous Materials Security Inspections and Study*

There is no comparable House provision.

Section 1444 of the Senate bill requires the Secretary of Homeland Security to establish a program within TSA, in consultation with the Secretary of Transportation, for reviewing hazardous materials security plans within one year after the enactment of this Act. Failure by any covered person to comply with part 172, title 49, Code of Federal Regulations, within 180 days after being notified by the Secretary is punishable by a civil penalty. In reviewing compliance with part 172, the Secretary is required to utilize risk assessment methodologies to prioritize review and enforcement actions to the highest risk hazardous materials transportation operations. This section also requires the Secretary of Transportation, within one year, in coordination with the Secretary of Homeland Security, to study to what extent the insurance, security, and safety costs borne by carriers of hazardous materials are reflected in the rates paid by shippers of such commodities, as compared to those for the transportation of non-hazardous materials. Section 1444 authorizes $2 million each of Fiscal Years 2008 through 2010.

The Conference substitute adopts the Senate provision as modified. It directs the Secretary of Transportation, in consultation with the Secretary of Homeland Security to limit duplicative reviews of hazardous materials security plans required under part 172, title 49, Code of Federal Regulations. The Conference substitute retains the cost study from the original Senate provision.

*Section 1556. Technical Corrections*

There is no comparable House provision.

Section 1450 of the Senate bill corrects technical errors to section 5103a of title 49, United States Code, by inserting ''Secretary of Homeland Security'' in place of the term ''Secretary''. This section also clarifies that an individual with a valid transportation worker identification card has satisfied the background records check required under 5103a of title 49, United States Code. This section does not preempt State requirements on background checks required to receive a hazardous materials endorsement.

The Conference substitute adopts the Senate language with minor modifications to clarify the Department of Transportation and the Department of Homeland Security's roles in carrying out section 5103a of title 49, United States Code.

*Section 1557. Pipeline Security Inspections and Enforcement*

There is no comparable House provision.

Section 1449 of the Senate bill requires the Secretary of Homeland Security, in consultation with the Secretary of Transportation, to establish a program for reviewing pipeline operator adoption of recommendations in the September 5, 2002, Department of Transportation Research and Special Programs Administration Pipeline Security Information Circular, including the review of

pipeline security plans and critical facility inspections. Section 1449 also requires the Secretary of Homeland Security and the Secretary of Transportation to develop and implement a plan for reviewing pipeline security plans and an inspection of the critical facilities of the 100 most critical pipeline operators covered by the September 5, 2002 Circular. In reviewing pipeline operators, the Secretary of Homeland Security and the Secretary of Transportation shall use risk assessment methodologies to prioritize risks and to target inspection and enforcement actions to the highest risk pipeline assets. The section also requires the Secretary of Homeland Security and the Secretary of Transportation to develop and transmit to pipeline operators security recommendations for natural gas and hazardous liquid pipelines and pipeline facilities. If the Secretary of Homeland Security determines that regulations are appropriate, the regulations must incorporate the guidance provided to pipeline operators in the September 5, 2002 Circular and contain additional requirements as necessary based upon the results of inspections performed under this section. The regulations must also include the imposition of civil penalties for non-compliance. Finally, the provision authorizes appropriations of $2 million for Fiscal Years 2008 and 2009 for a pipeline security inspection and enforcement program.

The Conference substitute adopts the Senate provision, with modifications to the dates for program implementation, review, and issuance of regulations, an extension of the authorization to Fiscal Year 2010, and other changes.

With respect to pipelines, the Conference is aware that a portion of these critical facilities have been inspected, and do not expect re-inspections to be performed needlessly. The Conference expects the Secretary of Homeland Security and the Secretary of Transportation to inspect facilities that have not been inspected for security purposes since September 5, 2002, by either the Department of Transportation or the Department of Homeland Security, and to re-inspect those facilities which the Secretaries deem appropriate.

*Section 1558. Pipeline Security and Incident Recovery Plan*

There is no comparable House provision.

Section 1448 of the Senate bill requires the Secretary of Homeland Security, in consultation with the Secretary of Transportation and the Pipeline and Hazardous Materials Safety Administration (PHMSA), to develop a pipeline security and incident recovery protocols plan. The plan must be developed in accordance with the Memorandum of Understanding Annex executed on August 9, 2006 and take into account actions taken or planned by both private and public entities to address identified pipeline security issues and assess the effective integration of such actions. It also requires the Secretary of Homeland Security to transmit to Congress a report containing the plan, along with an estimate of the private and public sector costs to implement any recommendations.

The Conference substitute adopts the Senate provision with modifications, including the requirement that the incident recovery protocols plan be developed in accordance with the National Strategy for Transportation Security and Homeland Security Presidential Directive–7, in addition to the pipeline security annex to the Department of Homeland Security-Department of Transportation Memorandum of Understanding. Language was also added to require that the incident recovery protocol plan address the restoration of essential services supporting pipelines, such as electrical service.

TITLE XVI—AVIATION SECURITY

*Section 1601. Airport Checkpoint Screening Fund*

Section 403 of the House bill establishes an airport checkpoint screening fund to be funded in Fiscal Year 2008 with $250 million and expanded until exhausted for the procurement of explosives detection equipment at security checkpoints. These funds would be derived from the current Transportation Security Administration (TSA) security fee.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It provides the TSA Administrator with the authority to expend funds in FY 2008 for the purchase, deployment, installation, research, and development of equipment to improve security screening for explosives at commercial airport checkpoints.

The National Commission on Terrorist Attacks Upon the United States (the 9/11 Commission) asserted that while more advanced screening technology is being developed, Congress should provide funding for, and TSA should move as expeditiously as possible to support, the installation of explosives detection trace portals or other applicable technologies at more of the nation's commercial airports. Advanced technologies, such as the use of non-intrusive imaging, have been evaluated by TSA over the last few years and have demonstrated that they can provide significant improvements in threat detection at airport passenger screening checkpoints for both carry-on baggage and the screening of passengers.

The Conference urges TSA to deploy such technologies quickly and broadly to address security shortcomings at passenger screening checkpoints. The Conference believes the best way to provide for the research and development of technologies and techniques that would prevent explosives from being placed onto passenger aircraft is to pilot these technologies at a diverse group of airports. The Conference directs the Secretary of Homeland Security (the Secretary) to give priority for these pilot projects to airports that have demonstrated their expertise as pilot sites and that have been selected by the TSA as ''model airports'' for the deployment of technology to detect explosives.

*Section 1602. Screening of Cargo Carried Aboard Passenger Aircraft*

Section 406 of the House bill requires 100 percent of cargo carried on passenger aircraft to be inspected no later than 3 years after the date of enactment. At a minimum, the inspection of such cargo should provide a level of security equivalent to the inspection of passenger checked baggage. The provision requires that the percent of such cargo that should meet these screening standards should be 35 percent by the end of Fiscal Year 2007, 65 percent by the end of Fiscal Year 2008, and 100 percent by the end of Fiscal Year 2009. The Secretary may issue an interim final rule (IFR) but must issue a final rule not later than one year after the IFR. After the system becomes operational, TSA is required to report to Congress, within 1 year, detailing the operations; and within 120 days, report on exemptions permitted under the system. The report on exemptions must also be provided to the Government Accountability Office (GAO) which must provide an assessment of such exemptions to Congress within 120 days of receiving the report.

Section 1462 of the Senate bill requires TSA to develop and implement a system, within 3 years of the date of enactment, to provide for the screening of all cargo being carried on passenger aircraft. The Secretary may issue an interim final rule (IFR) but must issue a final rule not later than one year after the IFR. After the system becomes operational, the TSA is required to report to Congress, within 1 year, detailing the operations and, within 180 days, assessing exemptions permitted under the system. The report on exemptions must also be provided to GAO which must provide an assessment of such exemptions to Congress within 120 days of receiving the report.

The Conference substitute adopts a combination of the House and Senate provisions, as modified. It requires minimum standards for the screening of cargo on commercial passenger aircraft that must be commensurate with the level of screening for passenger checked baggage. The Conference substitute includes one benchmark; 50 percent of cargo on commercial passenger aircraft must be screened in 18 months and 100 percent screening achieved in the three years following the date enactment of the legislation. The Conference considers that if TSA were unable to meet the first benchmark, TSA would be required to give classified briefings, on a periodic and to be determined frequency, to the Senate Committee on Commerce, Science and Transportation and to the House Committee on Homeland Security, to explain the status of TSA's ability to maximize the screening of cargo on commercial personal aircraft without causing negative repercussions on the flow of commerce.

The Conference substitute also defines the term ''screening'' in order to clarify the requirements of the section and the methods of screening the TSA Administrator is permitted to use to screen cargo on commercial aircraft. The Conference notes that the use of the phrase ''physical search together with manifest verification'' denotes one method of screening, separate and apart from the other methods listed in this subsection, such as X-ray systems, etc. The Conference is also concerned about TSA using data checks of cargo or shippers, including a review of information about the contents of the cargo or verifying the identity of a shipper through a database, such as the Known Shipper database, as a single factor in determining whether cargo poses a threat to transportation security. The Conference substitute, therefore, requires that if such data checks are used, they must be paired with an additional physical or non-intrusive screening method approved by TSA that examines the cargo's contents.

If TSA does not submit a final rule to implement this program within one year after an interim final rule becomes effective, the Department of Homeland Security (the Department or DHS) will be required to submit status reports to the relevant Congressional Committees every 30 days until a final rule is issued. After the system becomes operational, TSA is required to report to Congress, within 1 year, detailing the operations and, within 120 days, report on exemptions permitted under the system. The report on exemptions must also be provided to GAO which must provide an assessment of such exemptions to Congress within 120 days of receiving the report.

The Conference believes that TSA should consider establishing a system whereby aviation ground service providers that perform cargo security screening services for passenger aircraft, are compensated for costs incurred as a result of increased cargo security requirements.

*Section 1603. In-Line Baggage Screening*

Section 401 of the House bill requires the submission of an overdue cost-sharing study on in-line explosive detection systems (EDS) installation within 30 days of enactment, along with the Secretary's analysis of the study, a list of provisions the Secretary intends to implement, and a plan and schedule for implementation.

Section 1465 of the Senate bill authorizes $450 million in discretionary funds for Fiscal Years 2008 through 2011 to fund the installation of in-line EDS at U.S. airports at a level approximate to the TSA's strategic plan for the deployment of such systems. It also requires the submission of an overdue cost-sharing study on in-line EDS installation within 30 days of enactment.

The Conference substitute adopts a combination of the House and Senate provisions, as modified. It authorizes funding through Fiscal Year 2028. It further requires the submission of a cost sharing study and an analysis of the study by the DHS Secretary within 60 days of enactment of the legislation.

*Section 1604. In-Line Baggage System Deployment*

There is no comparable House provision.

Section 1466 of the Senate bill mandates, through Fiscal Year 2028, the annual dedication of $250 million of the amounts currently collected in aviation security fees to the Aviation Security Capital Fund for the installation of in-line electronic screening systems for the enhanced screening of checked baggage at airports. The provision also bolsters the existing Letter of Intent (LOI) program, through changes in funding allocation requirements and requiring the creation of a prioritization schedule for planned projects.

The Conference substitute adopts the Senate provision, as modified to require annual dedication, through Fiscal Year 2028, of $250 million of the amounts currently collected in aviation security fees to the Aviation Security Capital Fund for the installation of in-line electronic screening systems for the enhanced screening of checked baggage at airports. Four-fifths of the annual allotment—not less than $200 million—must be committed to the completion of LOIs, while the remaining funds may be distributed in a discretionary manner to fund such projects, in a priority manner, at small and non-hub airports. It also promotes leveraged funding for such projects, and to permit airports that have incurred eligible costs to improve baggage screening at their facilities to pursue reimbursement of such costs from TSA.

The Conference strongly believes that this program should be managed as outlined in the legislation and that TSA and the Administration must have a 20-year horizon for the LOIs, rather than a limited short-term view which would have detrimental effects on the ability of airports to obtain requisite funding from the financial bond markets. The Conference believes that airports may not renegotiate previously agreed-upon Government contributions, through LOIs, or any other applicable arrangement, for in-line EDS systems.

*Section 1605. Strategic Plan to Test and Implement Advanced Passenger Prescreening System*

Section 409 of the House bill requires the Department, within 90 days of enactment, to submit a strategic plan to Congress that describes the system to be utilized for comparing passenger information to watch lists; explain the integration with international flights; and provide a projected timeline for testing and implementation its advanced passenger prescreening system.

Section 1472 of the Senate bill requires the Department, within 180 days of enactment, to submit a strategic plan to Congress that describes the system to be utilized for comparing passenger information to watch lists; explains the integration with international flights; and provides a projected timeline for testing and implementation its advanced passenger prescreening system. In addition, the provision requires that a report by the GAO be issued to Congress within 90 days of enactment. This report must describe progress made in implementing Secure Flight; the effectiveness of the appeals process; integration with the international flight pre-screening program operated by Customs and Border Protection (CBP); and other relevant observations.

The Conference substitute adopts the House and Senate provisions, as modified. The provision would require the Department, in consultation with TSA, to submit a strategic plan to Congress, within 120 days of enactment of the legislation, that includes timelines for testing and implementation of its advanced passenger prescreening system. In addition, a GAO report must be issued to Congress within 180 days to review, *inter alia*, the implementation of Secure Flight by the Department; the effectiveness of the appeals process; integration with the international flight pre- screening program operated by the CBP.

*Section 1606. Appeal and Redress Process for Passengers Wrongly Delayed or Prohibited from Boarding a Flight*

Section 407 of the House bill directs DHS to create an Office of Appeals and Redress to establish and administer a timely and fair process for airline passengers who believe they have been delayed or prohibited from boarding a passenger flight because they have been misidentified against the ''No-Fly'' or ''Selectee'' watch lists. The Office of Appeals and Redress must establish a presence at each airport to begin the appeals process for those passengers wrongly identified against watch lists.

Section 1471 of the Senate bill directs DHS to create an Office of Appeals and Redress to establish and administer a timely and fair process for airline passengers who believe they have been delayed or prohibited from boarding a passenger flight because they have been misidentified against the ''No-Fly'' or ''Selectee'' watch lists.

The Conference substitute combines the House and Senate provisions, as modified. It creates the Office in DHS to ensure an adequate appeal and redress process in place for passenger wrongly identified against watch lists, and to increase privacy protections for individuals. The provision requires Federal employees within DHS handling personally identifiable information (PII) of passengers to complete mandatory privacy and security training. In addition, the provision requires that DHS ensure that airline passengers are able to initiate the redress process at airports with a significant TSA presence.

*Section 1607. Strengthening Explosives Detection at Passenger Screening Checkpoints*

Section 404 of the House bill directs TSA to issue, within 7 days, a strategic plan, as required by the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), for the deployment of explosives detection equipment at airport checkpoints.

Section 1470 of the Senate bill directs DHS to issue, within 90 days after enactment, a strategic plan, as required by the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), for the deployment of explosives detection equipment at airport checkpoints. It also requires TSA to begin full implementation of the strategic plan within 1 year of its submission.

The Conference substitute adopts a combination of the House and Senate provisions, as modified. It directs DHS, in consultation with TSA, to issue a strategic plan for the deployment of explosives detection equipment at airport checkpoints within 30 days of enactment, and requires the TSA to begin implementation of the plan within 1 year of its submission.

*Section 1608. Research and Development of Aviation Transportation Security Technology*

There is no comparable House provision.

Section 1467 of the Senate bill extends an authorization for research and development spending for aviation security technology at a level of $50 million through Fiscal Year 2009.

The Conference substitute adopts the Senate provision, as modified to authorize research and development funding for aviation security technology at a level of $50 million through Fiscal Year 2011.

*Section 1609. Blast-Resistant Cargo Containers*

There is no comparable House provision.

Section 1463 of the Senate bill requires TSA to develop a system by which the Administrator provides blast-resistant cargo containers to commercial passenger air carriers for use, on a random or risk-assessed basis, as determined by the agency. The cargo containers must be acquired by TSA within 90 days of the agency's completion of development of the system.

The Conference substitute adopts the Senate provision, as modified. It requires TSA to evaluate and distribute a report to Congress and the air carrier industry that includes the results of its blast resistant cargo container pilot program. After reporting, TSA must develop and implement a program consistent with the results of the evaluation to acquire the necessary blast resistant cargo containers and make them available to air carriers on a risk-assessed basis, as determined appropriate by the Administrator.

*Section 1610. Protection of Passenger Planes from Explosives*

There is no comparable House provision.

Section 1464 of the Senate bill directs DHS to expedite research and development pilot projects that advance technology to protect passenger planes from the threat of explosive devices. It also requires the establishment of a grant program to fund projects the agency develops through this process, with an authorization for such sums as necessary for Fiscal Year 2008.

The Conference substitute adopts the Senate provision, as modified. It requires DHS, in consultation with TSA, to develop pilot projects that advance technology for protecting passenger planes from the threat of explosive devices and to establish a grant program to fund projects developed under the program with an authorization for fiscal year 2008.

*Section 1611. Specialized Training*

There is no comparable House provision.

Section 1469 of the Senate bill requires TSA to provide specialized training to Transportation Security Officers for the development of advanced security skills, including behavior observation, explosives detection and document verification.

The Conference substitute adopts the Senate provision. It requires TSA to provide specialized training to Transportation Security Officers for the development of advanced security skills, including behavior observation, explosives detection and document verification, to enhance the effectiveness of layered transportation security measures.

*Section 1612. Certain TSA Personnel Limitation not to Apply*

There is no comparable House provision.

To ensure that the agency is properly staffed at a level necessary to screen travelers as air passenger traffic numbers continue to increase, Section 1468 of the Senate bill removes the arbitrary hiring cap on Transportation Security Officers of 45,000 full-time equivalent (FTE) employees that is currently imposed on the TSA's screener workforce.

The Conference substitute adopts the Senate provision. It removes the arbitrary screener cap of 45,000 full-time equivalent (FTE) employees that is currently imposed

on the TSA's screener workforce so that the agency will be properly staffed at a level necessary to screen travelers as air passenger traffic numbers continue to increase.

*Section 1613. Pilot Project to Test Different Technologies at Airport Exit Lanes*

There is no comparable House provision. Section 1479 of the Senate bill establishes a pilot program to test new technologies for reducing the number of TSA employees at airport exit lanes, and requires the TSA Administrator to brief Congressional Committees, within 180 days, on the program, and provide a final report within 1 year.

The Conference substitute adopts the Senate provision, as modified. It directs TSA to conduct a pilot project, at no more than two airports, to identify technologies to improve security at airport exit lanes. The pilot program must ensure that the level of safety remains at, or above, the existing level of security at airports where the pilot program is initiated. TSA must brief appropriate Congressional Committees on the pilot program within 180 days of enactment on the pilot program, and provide a report on the program to those Committees within 18 months of the program's implementation. The provision also stipulates that this section shall be executed using existing funds.

*Section 1614. Security Credentials for Airline Crews*

There is no comparable House provision.

Section 1475 of the Senate bill mandates a report to Congress, within 180 days of enactment, on the status of efforts to institute a sterile area access system that will grant flight deck and cabin crews expedited access to secure areas through screening checkpoints. The report must include recommendations to implement the program for the domestic aviation industry within 1 year after the report is submitted, and fully deploy the system within 1 year of the report's submission.

The Conference substitute adopts the Senate provision, as modified. It requires a report to Congress, within 180 days of enactment of the Act, on the status of efforts to institute a sterile area access system that will grant flight deck and cabin crews expedited access to secure areas through screening checkpoints. The report must include recommendations to implement the program for the domestic aviation industry within one year after the report is submitted, and fully deploy the system within one year of the report's submission. In addition, the provision lists the appropriate Committees of jurisdiction in the provision's reporting requirements.

*Section 1615. Law Enforcement Officer Biometric Credential*

There is no comparable House provision.

Section 1477 of the Senate bill requires a credential or system that incorporates biometric and other applicable technologies to verify the identity of law enforcement officers seeking to carry a weapon on board an aircraft.

The Conference substitute adopts the Senate provision, as modified. It establishes, within 18 months of enactment, of a Federally managed, national registered armed law enforcement program for armed law enforcement officers traveling by commercial aircraft. It also requires that a report be submitted to Congress within 180 days of the program's implementation or a report explaining to Congress why the program has not been implemented with a further report every 90 days until the program becomes operational.

*Section 1616. Repair Station Security*

There is no comparable House provision.

Section 1473 of the Senate bill mandates that security rules be put in place at foreign aviation repair stations, within 90 days of passage of the Act, and that once security rules are established, each repair station be reviewed and audited within a 6–month period. If no action is taken within 90 days, the Administration will be prohibited from certifying any further foreign repair stations until such regulations are in place.

The Conference substitute adopts the Senate provision, as modified. It requires that security rules be put in place at foreign aviation repair stations within 1 year of passage and that any security rules established be reviewed and audited within a 6 month period. If no action is taken within 1 year, the Administration will be prohibited from certifying any foreign repair stations that are not presently certified or in the process of certification until such regulations are in place.

*Section 1617. General Aviation Security*

There is no comparable House provision.

Section 1474 of the Senate bill requires TSA to develop a standardized threat and vulnerability assessment program for general aviation (GA) airports within 1 year, and create a program to perform such assessments at GA airports in the United States on a risk-assessed basis. TSA must also study the feasibility of a grant program for GA airport operators to fund key projects to upgrade security at such facilities, and establish that program if feasible. It further requires TSA to develop a program, within 6 months, under which foreign registered GA aircraft must submit passenger information to TSA to be checked against appropriate watch list databases prior to entering the United States.

The Conference substitute adopts the Senate provision. It requires TSA to develop a standardized threat and vulnerability assessment program for GA airports within one year, and create a program to perform such assessments at GA airports in the United States on a risk-assessed basis.

TSA must also study the feasibility of a grant program for GA airport operators to fund key projects to upgrade security at such facilities, and establish that program if feasible. The provision requires TSA to develop a program, within six months, under which GA aircraft originating from a foreign location must submit passenger information to TSA to be checked against appropriate watch list databases prior to entering the United States.

*Section 1618. Extension of Authorization for Aviation Security Funding.*

Section 405 of the House bill provides an extension for aviation security funding through Fiscal Year 2011.

Section 1461 of the Senate bill provides an extension for aviation security funding through Fiscal Year 2009.

The Conference substitute combines the House and Senate provisions, as modified to extend aviation security funding through Fiscal Year 2011, corresponding to the time limits and other authorizations within the bill.

TITLE XVII—MARITIME CARGO

*Section 1701. Container Scanning and Seals*

Section 501 of the House bill prohibits a container from entering the United States unless the container is scanned and secured with a seal that uses the best available technology, including technology to detect any breach of the container and record the time of that breach. The Secretary of Homeland Security (the Secretary) must establish standards for scanning and sealing containers, and must review and revise those standards at least once every two years. This section requires all countries (those exporting 75,000 or more twenty-foot equivalent units (TEU)) scan and seal containers within three years of the date of enactment. All other countries must scan and seal container within five years. The Secretary may extend the deadline for a port by one year.

Section 905 of the Senate bill amends Section 232 of the SAFE Port Act of 2006 to require the Secretary develop a plan, which includes benchmarks, for scanning 100 percent of the containers destined for the United States using integrated scanning systems developed in the pilot program authorized in that section. It also requires that the plan incorporate existing programs, such as the Container Security Initiative and the Customs-Trade Partnership Against Terrorism.

The Conference substitute adopts the House provision, as modified. This provision amends Section 232 of the SAFE Port Act of 2006 to require full-scale implementation of the 100 percent scanning system pilot program required by that section no later than July 1, 2012. However, the Secretary is authorized to extend the deadline by two years, and may renew the extension in additional two-year increments, if the Secretary certifies to Congress that particular conditions can not be met. The provision provides a waiver for U.S. and foreign military cargo. It also requires the Secretary consult with other appropriate Federal agencies to ensure that actions taken under this section do not violate international trade obligations.

This substitute also amends section 204(a)(4) of the SAFE Port Act by requiring the Secretary to issue an interim rule to establish minimum standards and procedures for securing containers in transit to the United States not later than April 1, 2008. If the Secretary fails to meet that deadline, this section requires that effective October 15, 2008, and until such interim rule is issued, all containers in transit to the United States shall be required to meet the requirements of International Organization for Standardization Publicly Available Specification 17712 standard for sealing containers.

The Conference expects the Secretary to work with the Secretary of State, the United States Trade Representative, and other appropriate Federal officials to work with our international partners and international organizations such as the World Customs Organization to establish an international framework for scanning and securing containers.

The Conference is aware that the Department of Energy (DOE) has inherent capabilities to assess, through its cooperative agreements with numerous countries and port authorities, the adequacy of technical and operating procedures for cargo container scanning. To ensure smooth continuation of DOE's cooperative relationships with numerous countries and the further expansion of the Megavolts Second Line of Defense (SLEDDED) programs, the Conference expects that DHS and DOE shall closely coordinate their activities and consult prior to the establishment of technological or operational standards by the Secretary of Homeland Security. As part of the coordination requirement in this section, the Conference expects that where the scanning technology standards affect the DOE's Megavolts and SLEDDED programs, the Secretary shall invite the DOE to participate in the development and final review of such standards, and the Secretary of Homeland Security shall seek the concurrence of the Secretary of Energy.

TITLE XVIII—PREVENTING WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

*Section 1801. Findings*

Section 1201 of the House bill contains findings and recommendations of the 9/11 Commission.

There is no comparable Senate provision.

The Conference substitute adopts the House provision with respect to the recommendations of the 9/11 Commission.

The Conference notes that in late 2005 the members of the 9/11 Commission also made the following determinations: (1) The United States Government has made insufficient progress, and deserves a grade ''D'', on efforts to prevent weapons of mass destruction (W.D.) proliferation and terrorism. (2) The Cooperative Threat Reduction (CAR) Program has made significant accomplishments but much remains to be done to secure weapons-grade nuclear materials. The size of the problem still dwarfs the policy response. Nuclear materials in the Former Soviet Union still lack effective security protection, and sites throughout the world contain enough highly-enriched uranium to fashion a nuclear device but lack even basic security features. (3) Preventing the proliferation of W.D. and acquisition of such weapons by terrorists warrants a maximum effort, by strengthening counter-proliferation efforts, expanding the Proliferation Security Initiative (PSI), and supporting the CAR Program. (4) Preventing terrorists from gaining access to W.D. must be an urgent national security priority because of the threat such access poses to the American people. The President should develop a comprehensive plan to dramatically accelerate the timetable for securing all nuclear weapons-usable material around the world and request the necessary resources to complete this task. The President should publicly make this goal his top national security priority and ensure its fulfillment. (5) Congress should provide the resources needed to secure vulnerable materials as quickly as possible.

*Section 1802. Definitions*

Section 1202 of the House bill defines terms used throughout Title XII of the House bill.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment to clarify the term ''items of proliferation concern'' and makes a further clarifying change.

*Section 1811. Repeal and Modifications of Limitations on Assistance for Prevention of Weapons of Mass Destruction Proliferation and Terrorism*

Section 1211 of the House bill repeals and modifies various conditions on assistance to former Soviet States under the Department of Defense Cooperative Threat Reduction (CAR) Program and the Department of Energy Defense Nuclear Nonproliferation programs. Section 1211 would also repeal the cap on Department of Defense CAR program assistance outside the former Soviet Union, with respect to prior year funds, as well as Department of Energy nonproliferation program assistance outside the former Soviet Union, while increasing oversight of such programs.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that removes the repeal and modification of various conditions on assistance to States outside the former Soviet Union under the Department of Energy nonproliferation programs; removes the repeal of the funding cap on Department of Defense CAR assistance outside the former Soviet Union; and makes a clarifying change.

The Conference notes that substitute is consistent with the recommendations of the 9/11 Commission regarding the need to expand, improve, and otherwise fully support the Department of Defense CAR Program and other efforts to prevent weapons of mass destruction proliferation and terrorism.

The Conference further notes that the National Defense Authorization Act for Fiscal Year 2008, as passed by the House of Representatives (Report 110–146, May 11, 2007) and the National Defense Authorization Act for Fiscal Year 2008, as reported by the Senate Armed Services Committee (Report 110–77, June 5, 2007) both address the matters contained in this provision, including the funding cap on Department of Defense CAR assistance outside the former Soviet Union, and the Conferees expect that any final national defense authorization act for Fiscal Year 2008, as enacted, will further address these matters.

*Section 1821. Proliferation Security Initiative Improvements and Authorities*

Section 1221 of the House bill expresses the sense of Congress that, consistent with the recommendations of the 9/11 Commission, the President should strive to expand and strengthen the Proliferation Security Initiative (PSI). Section 1221 also requires the Secretary of Defense, in coordination with the Secretary of State and the head of any other Federal Department or Agency involved with PSI-related activities, to submit to the Congressional defense Committees a defined budget for the PSI, beginning with the Department of Defense budget submission for fiscal year 2009. Section 1221 further requires the President to submit to the relevant Congressional Committees, not later than 180 days after the enactment of H.R.1, as passed by the House of Representatives (H.R.1 EH, January 9, 2007), a report on the implementation of section 1221, including steps taken to implement the recommendations of the Government Accountability Office (GAO) in the September 2006 Report titled ''Better Controls Needed to Plan and Manage Proliferation Security Initiative Activities''. Section 1221 also directs GAO to submit to Congress, beginning in fiscal year 2008, an annual report on its assessment of the progress and effectiveness of the PSI.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that narrows the scope of the sense of Congress; clarifies the annual budget submission; requires each budget submission to be accompanied by a report on PSI funding and activities; changes the GAO report to a biannual report for 2007, 2009 and 2011; and makes clarifying and technical changes.

The Conference recognizes that the annual budget request and the accompanying report for the PSI, required by the substitute, may not be fully inclusive of all funding required for PSI-related activities during the fiscal year for the budget request given unknown PSI-related activities that may arise throughout the fiscal year. However, the Conference expects the budget request and accompanying report to include all reasonably known obligations, costs and expenditures for PSI-related activities for the fiscal year of the budget request.

The Conference believes that in order to effectively expand and strengthen the PSI, the United States should work with the international community to strengthen the PSI under international law and other international legal authorities. It is important for the United States and other PSI partners to seek greater international recognition of the need to conduct PSI-related activities within certain international areas, so that international waters and airspace do not become ''transit sanctuaries'' for countries, terrorist organizations, and unscrupulous businesses and individuals seeking to transfer items of proliferation concern. One promising avenue could be to encourage the U.N.'s ''1540 Committee,'' which is charged with monitoring international compliance with United Nations Security Council Resolution 1540 promoting nonproliferation, to recognize and endorse the need and ability of PSI partners to monitor and, in appropriate circumstances, interdict such shipments.

*Section 1822. Authority to Provide Assistance to Cooperative Countries*

Section 1222 of the House bill authorizes the President to, notwithstanding any other provision of law, provide Foreign Military Financing, International Military Education and Training, and draw down of excess defense articles and services to any country, for a maximum of three years, that cooperates with the United States and with other countries allied with the United States to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace or in vessels under its control or registry. Such assistance would be provided to enhance the capability of the recipient country to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace, or in vessels under its control or registry, including through the development of a legal framework in that country, consistent with any international laws or legal authorities governing the PSI, to enhance such capability by criminalizing proliferation, enacting strict export controls, and securing sensitive materials within its borders, and to enhance the ability of the recipient country to cooperate in operations conducted with other participating countries. Such assistance could only be provided in accordance with existing procedures regarding reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961. Finally, this section prohibits the transfer of any excess defense vessel or aircraft to a country until reprogramming notice is made, if that country has not agreed that it will support and assist efforts by the United States to interdict items of proliferation concern.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that narrows the authority and adds an exemption to the limitation on an excess vessel or aircraft transfer if such transfer does not involve significant military equipment and the primary use of the vessel or aircraft will be for counter-narcotics, counter-terrorism or counter-proliferation purposes.

The Conference intends that assistance provided pursuant to this section shall remain subject to all existing law regarding the authorities listed in subsection (b) of this section. Thus, for example, the normal Congressional notification and review procedures will apply, as well as limitations related to human rights or military coups.

*Section 1831. Findings; Statement of Policy*

Section 1231 of the House bill contains findings and a statement of policy regarding assistance to accelerate programs to prevent weapons of mass destruction proliferation and terrorism. Section 1231 emphasizes that it shall be the policy of the United States, consistent with the 9/11 Commission's recommendations, to eliminate any obstacles to timely obligating and executing the full amount of any appropriated funds for threat reduction and nonproliferation programs in order to accelerate and strengthen progress on preventing weapons of mass destruction proliferation and terrorism, and that such policy shall be implemented with concrete measures such as those described in Title XII of H.R. 1, as passed by the House of Representatives (H.R.1 EH, January 9, 2007).

There is no comparable Senate provision.

The Conference substitute adopts the House provision with respect to the policy of the United States to eliminate any obstacles to timely obligating and executing the full amount of any appropriated funds for threat reduction and nonproliferation programs,

and the implementation of such policy with concrete measures.

The Conference notes that certain U.S. threat reduction and nonproliferation programs have in past years encountered obstacles to timely obligating and executing the full amount of appropriated funds, and have therefore maintained unobligated and uncosted balances. Such obstacles have included lack of effective policy guidance, limits on program scope, practical inefficiencies, lack of cooperation with other countries, and lack of effective leadership to overcome such obstacles. The Conference also notes that although currently most Department of Defense Cooperative Threat Reduction and Department of Energy National Nuclear Security Administration nonproliferation programs are timely obligating and executing appropriated funds, the Department of Defense and the Department of Energy should ensure that this practice continues as such threat reduction and nonproliferation programs are accelerated, expanded and strengthened.

*Section 1832. Authorization of Appropriations for the Department of Defense Cooperative Threat Reduction Program*

Section 1232 of the House bill authorizes to be appropriated to the Department of Defense Cooperative Threat Reduction (CAR) Program such sums as may be necessary for Fiscal Year 2007 for biological weapons proliferation prevention; chemical weapons destruction at Shchuch'ye; and to accelerate, expand and strengthen CAR Program activities.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that changes the fiscal year of the authorization of appropriations to the Department of Defense CAR Program to Fiscal Year 2008; and clarifies that any sums appropriated pursuant to such authorization may not exceed the amounts authorized to be appropriated for such purposes by any national defense authorization act for Fiscal Year 2008.

The Conference expects that any national defense authorization act for 2008 will authorize specific amounts to be appropriated for the Department of Defense CAR Program for Fiscal Year 2008.

*Section 1833. Authorization of Appropriations for the Department of Energy Programs to Prevent Weapons of Mass Destruction Proliferation and Terrorism*

Section 1233 of the House bill authorizes to be appropriated to the Department of Energy National Nuclear Security Administration such sums as may be necessary for Fiscal Year 2007 nonproliferation programs.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that changes the fiscal year of the authorization of appropriations to Department of Energy National Nuclear Security Administration nonproliferation programs to Fiscal Year 2008; addresses specific purposes for any such authorization of appropriations in report language below; and clarifies that any sums appropriated pursuant to such authorization may not exceed the amounts authorized to be appropriated for such purposes by any national defense authorization act for Fiscal Year 2008.

The Conference expects that any national defense authorization act for 2008 will authorize specific amounts to be appropriated for Department of Energy National Nuclear Security Administration nonproliferation programs for Fiscal Year 2008.

The Conference notes that high priority Department of Energy National Nuclear Security Administration nonproliferation programs that could use additional funding include:

(1) The Global Threat Reduction Initiative (GTRI), for (A) the Russian research reactor fuel return program; (B) conversion of research and test reactors from the use of highly enriched uranium to low-enriched uranium; (C) development of alternative low-enriched uranium fuels; (D) international radiological threat reduction, including security of vulnerable radiological sites, recovery and removal of unsecured radiological sources, and activities to address concerns and recommendations of the Government Accountability Office, in its report of March 13, 2007 titled ''Focusing on the Highest Priority Radiological Sources Could Improve DOE's Efforts to Secure Sources in Foreign Countries''; (E) emerging threats and sensitive nuclear materials not covered by other GTRI programs (''gap material''), including removal and disposal of highly-enriched uranium and plutonium, and development of mobile equipment that enables rapid-response teams to quickly secure and remove nuclear materials and denuclearize comprehensive nuclear weapons programs; and (F) United States radiological threat reduction, including development of alternative materials for radiological sources that could be used in a radiological dispersion device, known as a ''dirty bomb'', and securing and storing excess and unwanted domestic radiological sources within United States borders.

(2) Nonproliferation and International Security, to be used for (A) technical support to the six-party process on the denuclearization of the Democratic People's Republic of Korea; (B) application and deployment of technologies to detect weapons of mass destruction (W.D.) proliferation and verify W.D. dismantlement; (C) efforts to strengthen nuclear safeguards, including improved safeguards analysis capabilities for the International Atomic Energy Agency and research and development on the next generation of nuclear safeguards, and W.D. export control systems in foreign countries, including technical and other support to the International Atomic Energy Agency's efforts to build the capacity of countries to implement United Nations Security Council Resolution 1540; (D) training of border, customs and other officials in foreign countries to detect and prevent theft or other illicit transfer of W.D. or W.D.-related materials; (E) re-direction of displaced scientists and other personnel with expertise relating to W.D. research and development to sustained civil employment, including in Iraq, Libya and Russia; and (F) activities relating to the Proliferation Security Initiative (PSI) and other W.D. interdiction programs.

(3) International Materials Protection and Cooperation, to be used for (A) implementation of physical protection and material control and accounting upgrades at sites; (B) national programs and sustainability activities in Russia, including activities to address concerns and recommendations of the Government Accountability Office in its report of February 2007 titled ''Progress Made in Improving Security at Russian Nuclear Sites, but the Long-Term Sustainability of U.S. Funded Security Upgrades is Uncertain''; (C) material consolidation and conversion (including consolidation of excess highly-enriched uranium and plutonium into fewer more secure locations in Russia, and conversion of highly-enriched uranium to low-enriched uranium in Russia); and (D) deployment and support of radiation detection equipment at key ports of transit, and implementation of Department of Energy actions under the Security and Accountability for Every Port Act of 2006 (also known as the SAFE Port Act; Public Law 109–347), under the Second Line of Defense Megavolts program.

(4) Nonproliferation and Verification Research and Development, to be used for (A) development of technologies to detect and analyze activities relating to the global proliferation of W.D., including plutonium reprocessing, uranium enrichment, and special nuclear material movement; and (B) nuclear explosion monitoring, including improved nuclear material and debris analysis capabilities and research and development on improved domestic and world-wide nuclear material and debris collection capabilities.

*Section 1841. Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism*

Section 1241 of the House bill establishes a Presidential Coordinator to improve the effectiveness of United States strategy and policies on weapons of mass destruction (W.D.) nonproliferation and threat reduction programs. The Coordinator's duties would include serving as the principal advisor to the President, formulating a comprehensive and well-coordinated U.S. strategy for preventing W.D. proliferation and terrorism, and coordinating inter-agency action on these matters. The Coordinator would also conduct oversight and evaluation of relevant programs across the government and develop a comprehensive budget for such programs. Section 1241 would also direct the Coordinator to consult regularly with the Commission on the Prevention of W.D. Proliferation and Terrorism, established under House section 1251, and to submit to Congress, for Fiscal Year 2009 and each fiscal year thereafter, an annual report on the strategic plan required under this section.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that strengthens the role of the Coordinator, by providing that the Coordinator may attend and participate in meetings of the National Security Council and the Homeland Security Council. It also makes clarifying and technical changes.

*Section 1842. Sense of Congress on United States-Russia Cooperation and Coordination on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism*

Section 1242 of the House bill expresses a sense of Congress that the President should request the President of the Russian Federation to designate a Russian official having the authorities and responsibilities for preventing weapons of mass destruction (W.D.) proliferation and terrorism, commensurate with those of the U.S. Coordinator for these matters, established under House section 1241, and with whom the U.S. Coordinator would interact.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that expresses a sense of Congress that the President should engage Russia's President in a discussion of the purposes and goals for the establishment of the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction and Terrorism; the authorities and responsibilities of the U.S. Coordinator; and the importance of strong cooperation between the U.S. Coordinator and a senior Russian official having authorities and responsibilities for preventing W.D. destruction and terrorism, and with whom the U.S. Coordinator would interact.

*Section 1851. Establishment of Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism*

Section 1251 of the House bill establishes a Congressional—Executive Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

*Section 1852. Purposes of Commission*

Section 1252 of the House bill specifies that the purposes of the commission established in House section 1251 are to assess current United States and international nonproliferation activities and provide a comprehensive strategy and concrete recommendations for such activities.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

*Section 1853. Composition of Commission*

Section 1253 of the House bill specifies the composition of the commission established in House Section 1251, including the appointment of co-chairmen of the commission.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that creates one chairman of the commission, rather than co-chairmen, and makes other changes to membership structure. The substitute also specifies qualifications for commission members; and makes clarifying the technical changes.

*Section 1854. Responsibilities of Commission*

Section 1254 of the House bill specifies the responsibilities of the commission established under section 1251, including assessment of United States inter-agency coordination and commitments to international regimes. House Section 1254 also specifies that the commission shall reassess, and where necessary update and expand on, the conclusions and recommendations of the report titled ''A Report Card on the Department of Energy's Nonproliferation Programs with Russia'' of January 2001 (also known as the ''Baker-Cutler Report'').

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

*Section 1855. Powers of Commission*

Section 1255 of the House bill specifies the powers and responsibilities of the commission established under section 1251 of that bill.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, with an amendment that authorizes staff for the commission.

*Section 1856. Nonapplicability of Federal Advisory Committee Act*

Section 1256 of the House bill specifies that the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the commission established under section 1251.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

*Section 1857. Report*

Section 1257 of the House bill requires, not later than 180 days after the appointment of the commission established under section 1251 of that bill, the commission to submit to the President and Congress a final report containing the commission's findings, conclusions and recommendations.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

*Section 1858. Termination*

Section 1258 of the House bill requires all authorities relating to the commission established under section 1251 to terminate 60 days after the date on which the commission's final report under House section 1257 is submitted.

There is no comparable Senate provision.

The Conference substitute adopts the House provision.

*Section 1859. Funding*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a provision that specifically authorizes such sums as may be necessary for the purposes of the activities of the Commission under this title.

TITLE XIX—INTERNATIONAL COOPERATION OF ANTITERRORISM TECHNOLOGIES

*Section 1901. Promoting Antiterrorism Capabilities through International Cooperation*

There is no comparable House provision. However, the House has twice passed legislation to establish a Science and Technology Homeland Security International Cooperative Programs Office (Office). Specifically, the House passed H.R. 4942 during the 109th Congress, and H.R. 884, a slightly modified version of H.R. 4942, during the 110th Congress.

Section 1301 of the Senate bill directs the Department of Homeland Security's (Department) Under Secretary for Science and Technology (S&T) to establish the Science and Technology Homeland Security International Cooperative Programs Office. The purpose of the Office is to facilitate the planning, development, and implementation of international cooperative activities, such as joint research projects, exchange of scientists and engineers, training of personnel, and conferences, in support of homeland security.

The Conference substitute adopts the Senate provisions, with minor modifications.

The Conference substitute directs the Under Secretary for S&T to establish an Office to promote cooperation between entities of the United States and its allies in the global war on terrorism for the purpose of engaging in cooperative endeavors focused on the research, development, and commercialization of high-priority technologies intended to detect, prevent, respond to, recover from, and mitigate against acts of terrorism and other high consequence events and to address the homeland security needs of Federal, State, and local governments. The Office, located within the Department's S&T Directorate, is responsible for: promoting cooperative research between the United States and its allies on homeland security technologies; developing strategic priorities for international cooperative activity and addressing them through agreements with foreign entities; facilitating the matching of U.S. entities engaged in homeland security research with appropriate foreign research partners; ensuring funds and resources expended for international cooperative activity are equitably matched; and coordinating the activities of the Office with other relevant Federal agencies. This provision also requires the Office to submit a report every five years to Congress on the S&T Directorate's international cooperative activities.

This provision also directs the Department to identify critical knowledge and technology gaps, if any, and establish priorities for international cooperative activities to address such gaps. The Department shall coordinate with other appropriate research agencies in order to avoid creating redundant activities. Specifically, it is understood that this new office must coordinate its activities with the Department of State and shall not infringe on the Department of State's role as the agency with primary responsibility within the Executive Branch for coordination and oversight over all major science or science and technology agreements and activities between the United States and foreign countries, in accord with Title V of the Foreign Relations Authorization Act, Fiscal Year 1979. Further, any international agreements that the Department wishes to negotiate and conclude in support of international cooperative activity relating to homeland security would be subject to the Case-Zablocki Act (1 U.S.C. §112b).

*Section 1902. Transparency of Funds*

There is no comparable House provision.

Section 1302 of the Senate bill requires the Director of the Office of Management and Budget to ensure that all Federal grants expended by the Office are done so in compliance with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282).

The Conference substitute adopts the Senate provision.

TITLE XX—INTERNATIONAL IMPLEMENTATION

*Section 2001. Short Title*

The Conference substitute provides that Title XX of the Act may be cited as the ''9/11 Commission International Implementation Act of 2007.''

*Section 2002. Definitions*

Section 1402 of the House bill contains the definitions applicable to Title XIV.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified.

*Section 2011. Findings; Policy*

Section 1411(a) of the House bill contains Congressional findings.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It describes the importance of education that teaches tolerance and respect for different beliefs as a key element in eliminating Islamic terrorism. The findings note that the National Commission on Terrorist Attacks Upon the United States concluded that ensuring education opportunity is essential to U.S. efforts to defeat global terrorism and recommended that the United States join other nations in providing funding for building and operating primary and secondary schools in Muslim countries where the Governments of those Countries commit to sensibly investing financial resources in public education. The findings also note that despite Congressional endorsement in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), such a program was not established. They also declare that it is United States policy: to work toward the goal of dramatically increasing the availability of modern basic education through public schools in predominantly Muslim countries; to join with other countries in supporting the International Muslim Youth Opportunity Fund; to offer additional incentives to increase the availability of basic education in Arab and predominantly Muslim countries; and to work to prevent financing of education institutions that support radical Islamic fundamentalism.

*Section 2012. International Muslim Youth Opportunity Fund*

Section 1412 of the House bill amends section 7114 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) by establishing an International Muslim Youth Opportunity Fund.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It states the purpose is to strengthen the public educational systems in predominantly Muslim countries by authorizing the establishment of an International Muslim Youth Opportunity Fund and providing resources for the Fund to help strengthen the public educational systems in predominantly Muslim countries. The new section authorizes the establishment of an International Muslim Youth Opportunity Fund as either a separate

fund in the U.S. Treasury or through an international organization or international financial institution; authorizes the Fund to support specific activities, including assistance to enhance modern educational programs; assistance for training and exchange programs for teachers, administrators, and students; assistance targeting primary and secondary students; assistance for development of youth professionals; and other types of assistance such as the translation of foreign books, newspapers, reference guides, and other reading materials into local languages and the construction and equipping of modern community and university libraries; and authorizes such sums as may be necessary for Fiscal Years 2008, 2009 and 2010 to carry out these activities. This subsection also authorizes the President to carry out programs consistent with these objectives under existing authorities, including the Mutual Educational and Cultural Exchange Act. This subsection requires the President to prepare a report to Congress on the United States efforts to assist in the improvement of education opportunities for Muslim children and youths as well as the progress in establishing the International Muslim Youth Opportunity Fund.

*Section 2013. Annual Report to Congress*

Section 1413(a) of the House bill directs the Secretary of State to prepare an annual report.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It directs the Secretary of State to prepare an annual report, not later than June 1 of each year until December 31, 2009, on the efforts of predominantly Muslim countries to increase the availability of modern basic education and to close educational institutions that promote religious extremism and terrorism. It also provides the requirements for the annual report.

*Section 2014. Extension of Program to Provide Grants to American Sponsored Schools in Predominantly Muslim Countries*

Section 1414(a) of the House bill extends a program to provide grants to American sponsored schools in predominantly Muslim Countries.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It provides findings regarding the pilot program established by section 7113 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458). It also states that this program for outstanding students from lower-income and middle-income families in predominantly Muslim countries is being implemented. It also provides for amendments to that section to extend the program for Fiscal Years 2007 and 2008, authorizes such sums as may be necessary for such years, and requires a report in April 2008 about the progress of the program.

*Section 2021. Middle East Foundation*

Section 1421(a) of the House bill deals with the Middle East Foundation.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It states the purpose of this section which is to support in the countries of the broader Middle East region, the expansion of civil society, opportunities for political participation of all citizens, protections for internationally recognized human rights; educational reforms; independent media, policies that promote economic opportunities for citizens; the rule of law; and democratic processes of government. It authorizes the Secretary of State to designate an appropriate private, non-profit United States organization as the Middle East Foundation and to provide funding to the Middle East Foundation through the Middle East Partnership Initiative. It also requires the Middle East Foundation to award grants to persons located in the broader Middle East region or working with local partners based in the region to carry out projects that support the purposes specified in subsection (a); and permits the Foundation to make a grant to a Middle Eastern institution of higher education to create a center for public policy. It also establishes the private nature of the Middle East Foundation. It prevents the funds provided to the Foundation from benefitting any officer or employee of the Foundation, except as salary or reasonable compensation for services. It also provides that the Foundation may hold and retain funds provided in this section in interest-bearing accounts. The Conference substitute requires annual independent private audits, permits audits by the Government Accountability Office, and requires audits of the use of funds under this section by the grant recipient. This subsection also directs the Foundation to prepare an annual report on the Foundation's activities and operations, the grants awarded with funds provided under this section, and the financial condition of the Foundation. It defines the geographic scope of this section. It also repeals section 534(k) of Public Law 109–102.

*Section 2031. Advancing United States Interests Through Public Diplomacy*

Section 1431(a) of the House bill deals with advancing U.S. interests through public diplomacy.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It contains a finding that the National Commission on Terrorist Attacks Upon the United States stated that the U.S. government initiated some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan and that these efforts are beginning to reach larger audiences. It includes a sense of Congress that the United States needs to improve its communication of ideas and information to people in countries with significant Muslim populations, that public diplomacy should reaffirm the United States commitment to democratic principles, and that a significant expansion of United States international broadcasting would provide a cost-effective means of improving communications with significant Muslim populations. It amends the United States International Broadcasting Act of 1994 to include a provision establishing special authority for surge capacity for U.S. international broadcasting activities to support United States foreign policy objectives during a crisis abroad. The provision also authorizes such sums to carry out the surge capacity authority and directs the Broadcasting Board of Governors to provide information on the use of this authority, as part of an existing annual report to the President and Congress.

*Section 2032. Oversight of International Broadcasting*

There is no comparable House provision.

Section 1913 of the Senate bill requires the Board of Broadcasting Governors to transcribe into English all broadcasts by Voice of America, Radio Free Europe/Radio Liberty, Radio Free Asia, Radio Farad, Radio Saw, Alhurra, and the Office of Cuba Broadcasting.

The Conference substitute is a narrower version of the Senate provision. It requires the Broadcasting Board of Governors to initiate a pilot project to transcribe into the English language news and information programming broadcast by Radio Farad, Radio Saw, the Persia Service of the Voice of America, and Alhurra. It also provides that this transcription shall consist of random sampling and that the transcripts shall be made available to Congress and the public. In addition, it contains a reporting requirement and authorizes $2 million in appropriations for this pilot project.

*Section 2033. Expansion of United States Scholarship, Exchange, and Library Programs in Predominantly Muslim Countries*

Section 1433(a) of the House bill directs the Secretary of State to prepare a report every 180 days until December 31, 2009, on the recommendations of the National Commission on Terrorist Attacks Upon the United States,

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It directs the Secretary of State to prepare a report every 180 days until December 31, 2009, on the recommendations of the National Commission on Terrorist Attacks Upon the United States for expanding U.S. scholarship, exchange, and library programs in predominantly Muslim countries, including a certification by the Secretary of State that such recommendations have been implemented or if a certification cannot be made, what steps have been taken to implement such recommendations. It provides for the termination of the duty to report when the certification pursuant to subsection (a) has been submitted.

*Section 2034. U.S. Policy Toward Detainees*

Section 1434 of the House bill deals with detainees.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It provides findings that the 9/11 Commission recommended that the United States develop a common coalition approach toward detention and humane treatment of captured terrorists, that a number of U.S. allies are conducting investigations related to treatment of detainees and the Secretary of State has launched an initiative to address the differences between the United States and its allies. It expresses the sense of Congress that the Secretary of State should continue to build on the efforts to engage U.S. allies in compliance with Common Article 3 of the Geneva Conventions and other applicable legal principles, toward the detention and humane treatment of individuals detained during Operation Iraqi Freedom, Operation Enduring Freedom, or in connection with United States counterterrorism operations. It also requires that the Secretary keep the appropriate Congressional Committees fully informed of the developments of these discussions and requires a report on the progress made 180 days after enactment of this Act.

*Section 2041. Afghanistan*

Section 1441 of the House bill relates to Afghanistan.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It describes Congressional findings, including that a democratic, stable, and prosperous Afghanistan is vital to the national security of the United States and to combating international terrorism; that following the ouster of the Taliban regime in 2001, the Government of Afghanistan has achieved some notable successes; that there continue to be factors that pose a serious and immediate threat to the stability of Afghanistan; and that the United States and the international community must significantly increase political, economic, and military support to Afghanistan to ensure its long-term stability and prosperity, and to deny violent extremist groups such as al Qaeda sanctuary in Afghanistan. It declares that it is the United

States policy to vigorously support the Government and people of Afghanistan with assistance and training, particularly in strengthening government institutions, as they continue to commit to the path toward a government representing and protecting the rights of all Afghans.

Moreover, the Conference substitute declares that the United States shall maintain its long-term commitment to the people of Afghanistan by increased assistance and the continued deployment of United States troops in Afghanistan. This section also states that the President shall engage aggressively with the Government of Afghanistan and NATO to explore all additional options for addressing the narcotics crisis in Afghanistan, including considering whether NATO forces should change their rules of engagement regarding counter-narcotics operations. In addition, this subsection declares that the United States shall continue to foster greater understanding and cooperation between the Governments of Afghanistan and Pakistan. This provision makes it a statement of Congress that the Afghanistan Freedom Support Act of 2002 be reauthorized and updated. It also directs the President to make increased effort to improve the capability and effectiveness of police training programs, including, if appropriate, by dramatically increasing the numbers of United States and international police trainers, mentors, and police personnel operating with Afghan civil security forces and shall increase efforts to assist the Government of Afghanistan in addressing corruption; and directs the President to submit a report on the United States efforts to fulfill the requirements in this subsection.

*Section 2042. Pakistan*

Section 1442 of the House bill relates to Pakistan's commitment to fighting terrorism.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It contains Congressional findings describing the Government of Pakistan's commitment to combating international terrorism and the critical issues threatening to disrupt the relationship between the United States and Pakistan, undermine international security, and destabilize Pakistan. The findings also describe the publicly stated goals of Pakistan and their close agreement with the national interests of the United States and the opportunity for a shared effort in achieving correlative goals. This provision also declares that it is the policy of the United States to work with the Government of Pakistan to maintain its long-term strategic relationship; to combat international terrorism; to end the use of Pakistan as a safe haven for forces associated with the Taliban; to dramatically increase funding for programs of the U.S. Agency for International Development and the Department of State; to work with the international community to secure additional financial and political support to assist the Government of Pakistan in building a moderate, democratic State; to facilitate greater cooperation between the Governments of Afghanistan and Pakistan; and to work with the Government of Pakistan to prevent the proliferation of nuclear technology.

The Conference substitute requires the President to submit a report on the long-term strategy of the United States to engage with the Government of Pakistan to address curbing the proliferation of nuclear weapons technology, combating poverty and corruption, building effective government institutions, promoting democracy and the rule of law, addressing the continued presence of the Taliban and other violent extremist forces throughout the country, and effectively dealing with Islamic extremism. This section also prohibits the provision of United States security assistance to Pakistan for Fiscal Year 2008 until the President determines that the Government of Pakistan is committed to eliminating the Taliban from operating in areas under its sovereign control, is undertaking a comprehensive campaign to accomplish this goal, and is making demonstrated, significant, and sustained progress towards eliminating support or safe haven for terrorists, and requires the President to submit a justification for any such determination made.

Moreover, the Conference substitute provides a sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a long- term strategy to improve the United States relationship with Pakistan and works with Pakistan to stop nuclear proliferation. It also authorizes such sums as may be necessary for assistance for Pakistan in various different accounts. This subsection also states that the determination of the level of funds authorized to be appropriated be determined by the degree to which the Government of Pakistan makes progress in preventing terrorist organizations from operating in Pakistan and in implementing democratic reforms and respecting the independence of the press and the judiciary. In addition, it requires a report to be submitted by the Secretary of State describing the degree to which such progress has been made. It also extends waivers of foreign assistance restrictions with respect to Pakistan through the end of Fiscal Year 2008 and includes a sense of Congress that extensions of these waivers beyond Fiscal Year 2008 should be informed by whether Pakistan makes progress in rule of law and other democratic reforms and whether it holds a successful parliamentary election.

*Section 2043. Saudi Arabia*

Section 1443 of the House bill contains Congressional findings that the Kingdom of Saudi Arabia.

There is no comparable Senate provision.

The Conference substitute adopts the House provision, as modified. It contains Congressional findings that the Kingdom of Saudi Arabia's record in the fight against terrorism has been uneven and that the United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists. This section also expresses a sense of Congress that the Government of Saudi Arabia must undertake a number of political and economic reforms in order to more effectively combat terrorism. In addition, the Conference substitute requires a report on United States long-term strategy to engage with the Saudi Government to facilitate reform, to combat terrorism and to provide an assessment on Saudi progress to becoming a party to the International Convention for the Suppression of the Financing of Terrorism and on the activities and authority of the Saudi Nongovernmental National Commission for Relief and Charity Work Abroad.

TITLE XXI—ADVANCING DEMOCRATIC VALUES

*Section 2101. Short Title*

Section 2101 of the Senate bill states that this title may be referred to as the, ''Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2007,'' or the ''ADVANCE Democracy Act of 2007.''

There is no comparable House provision.

The Conference substitute adopts the Senate provision, with an amendment expanding and revising the findings in this section.

Title XXI, which was title XIX of the Senate bill and has no comparable House provision other than section 1421 of the House bill, comprises the ADVANCE Democracy Act of 2007, which gives statutory standing to the U.S. framework to strengthen and institutionalize U.S. support for the promotion of democratic principles and practices worldwide. Since the President's speech at the National Endowment for Democracy on November 6, 2003, and his second inaugural address on January 20, 2005, the Department of State has been taking steps to strengthen U.S. Government democracy promotion programs. The Conference recognizes that there are already a number of experienced and dedicated career State Department officials who focus their talents and energy on democracy promotion. The Conference believes these efforts could be strengthened by further institutionalizing the focus on the protection of human rights and the promotion of democracy. In this sense, the ADVANCE Democracy Act represents Congressional support for the President's commitment to democracy promotion and the Secretary of State's ongoing efforts to change the State Department through the ''Transformational Diplomacy Initiative.'' The Conference intends that the Act will contribute to making democracy promotion a core element of U.S. foreign policy well beyond the time when the President's term of office has been completed.

The Conference substitute adopts the Senate provisions, with amendments. The ADVANCE Democracy Act of 2007: (1) establishes new Democratic Liaison Officers and requires the Secretary to identify at least one office responsible for supporting the new officers and providing liaison with both U.S. and foreign non-governmental organizations; (2) endorses long-term strategies for democracy promotion and human rights protection for non-democratic and democratic transition countries; (3) requires the Secretary to continue to enhance training on democracy promotion and human rights protection for members of the Foreign Service and other State Department employees; (4) supports incentives for employees who excel in democracy promotion and human rights protection; (5) encourages Ambassadors and other members of the Foreign Service to reach out to foreign audiences and engage robustly with foreign government officials, media, non-governmental organizations, and students in order to engage in discussions about U.S. foreign policy, in particular democracy and human rights; (6) supports efforts to work on democracy promotion through international institutions, such as the UN Democracy Fund and the Community of Democracies, and in cooperation with other countries.

The ADVANCE Democracy Act of 2007 represents several years of discussion with outside activists, democracy practitioners, and the Department of State. It seeks to bridge the differences between individuals and nongovernmental organizations that focus on the promotion of democracy and those that focus on the protection of human rights. The Conference believes that the work of these two groups of reform advocates is mutually reinforcing.

*Section 2102. Findings*

There is no comparable House provision.

Section 1902 of the Senate bill contains Congressional findings describing the need to promote democracy throughout the world. The findings note that the development of universal democracy constitutes a long-term challenge that goes through unique phases at different paces in individual countries. It requires reforms that go well beyond the holding of free elections to include, among other institutions, a thriving civil society, a free media, and an independent judiciary. The

findings state that the development of democracy must be led from within countries themselves. This section also recognizes that democracy and human rights activists are under increasing pressure from authoritarian regimes and, in some cases, the governments of democratic transition countries. While recognizing that individuals, non-governmental organizations, and movements in nondemocratic and democratic transition countries must take the lead in making their own decisions, the findings state that democratic countries have a number of instruments to support such reformers and should cooperate with each other to do so.

The Conference substitute adopts the Senate provision, with an amendment expanding and revising the findings in this section.

*Section 2103. Statement of Policy*

There is no comparable House provision.

Section 1903 of the Senate bill declares that it is United States policy: To promote freedom, democracy and human rights as fundamental components of United States foreign policy; to promote democratic institutions, including an independent judiciary, an independent and professional media, strong legislatures and a thriving civil society; to provide appropriate support to individuals, non- governmental organizations, and movements living in nondemocratic countries and democratic transition countries that aspire to live in freedom; to provide political, economic, and other support to foreign countries that are undertaking a transition to democracy; and to strengthen cooperation with other democratic countries in order to better promote and defend shared values and ideals.

The Conference substitute adopts the Senate provision, with an amendment expanding and revising the statement of policy in this section.

*Section 2104. Definitions*

There is no comparable House provision.

Section 1904 of the Senate bill provides definitions for use in this title.

The Conference substitute adopts the Senate provision, with an amendment adding or revising several definitions, particularly by adding a definition of Nondemocratic or Democratic Transition Country.

SUBTITLE A—ACTIVITIES TO ENHANCE THE PROMOTION OF DEMOCRACY

*Section 2111. Democracy Promotion at the Department of State*

There is no comparable House provision.

Section 1911 of the Senate bill provides for the establishment of Democracy Liaison Officers. It describes the responsibilities of the Democracy Liaison Officers and indicates that these positions should be in addition to, and not in replacement of, other positions. Section 1911 also provides that nothing in this subsection may be construed as affecting Chief of Mission authority under any provision of law, including the President's direction to Chiefs of Mission in the exercise of the President's constitutional responsibilities.

The Conference report adopts the Senate provision, with an amendment.

In addition to the Democracy Liaison Officers described above, the Conference substitute requires that the Secretary of State identify at least one office in the Bureau of Democracy, Human Rights, and Labor (DRL) responsible for working with democratic movements and facilitating the transition of countries to democracy, including having at least one employee in each office specifically responsible for working with such movements. This section provides for the identification of such an office; describes the responsibilities of the Assistant Secretary for DRL in this regard, which may be exercised through this office; and provides that the Assistant Secretary shall identify officers or employees in DRL that shall have expertise in and responsibility for working with non-governmental organizations, individuals and movements that are committed to the peaceful promotion of democracy.

The Conference substitute also describes actions that Chiefs of Missions should take to promote democracy. It provides for the development of a strategy to promote democracy in nondemocratic or democratic transition countries and to provide support to non-governmental organizations, individuals and movements in such countries that are committed to democratic principles, practices, and values. It also provides for meetings with leaders of nondemocratic and democratic transition countries regarding progress toward a democratic form of governance, encourages chiefs of missions to conduct meetings with civil society, interviews with media and discussions with students and young people regarding democratic governance.

Moreover, the Conference substitute provides that the Secretary of State should seek to increase the proportion of DRL's non-administrative employees who are members of the Foreign Service and authorizes such sums as may be necessary to carry out the provision.

The Conferees believe that the Democracy Liaison Officers provided for in subsection (a) of the Conference substitute should be selected with the concurrence of the Assistant Secretary of Democracy, Human Rights and Labor in order to ensure that appropriate individuals are put in those posts. The Conferees also believe that more senior officials at posts where there are significant human rights abuses should also be selected with input from the Assistant Secretary for DRL.

The Conferees note that the Department of State, as part of its Transformational Diplomacy Initiative, intends to reduce or eliminate labor officers in posts abroad. While not objecting to normal rotations and assignments designed to meet the Secretary of State's priorities and reflect the changing needs of host countries, the Conferees are concerned that eliminating such positions would signal an abandonment of the core consensus that has existed since the 1980's that the promotion of democracy includes the promotion of the freedoms of association and organization by laborers.

The Conferees observe that activists in other countries sometimes are not sure whom to contact at the Department of State to discuss local democracy and human rights issues; thus, the Conferees intend that the Secretary of State have discretion to either create a new office for this purpose or to identify one or more existing offices with regional expertise to be the points of contact for such activists. With respect to the officers or employees in DRL that shall have expertise in and responsibility for working with non-governmental organizations, individuals and movements that are committed to the peaceful promotion of democracy, as identified by the Assistant Secretary for DRL, the Conferees expect that such individuals would serve in the office or offices identified pursuant to subpart (b)(1).

Finally, the Conferees believe that encouraging a greater number of members of the Foreign Service to serve in DRL will enhance democracy promotion.

*Section 2112. Democracy Fellowship Program*

There is no comparable House provision.

Section 1912 of the Senate bill, requested by the Department of State, provides for a program to obtain an additional perspective on democracy promotion abroad by working with appropriate Congressional offices and Committees and in non-governmental and international organizations involved in democracy promotion.

The Conference substitute adopts the Senate provision, with an amendment making some minor and conforming changes.

*Section 2113. Investigations of Violations of International Humanitarian Law*

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute adopts a compromise provision, regarding violations of international humanitarian law by nondemocratic countries. This section requires the President to collect information regarding incidents that may constitute crimes against humanity, genocide and other violations of international humanitarian law. It requires that the President consider what actions he can take to hold governments and responsible individuals accountable.

Subtitle B—Strategies and Reports on Human Rights and the Promotion of Democracy

*Section 2121. Strategies, Priorities and Annual Report*

Section 1421 of the House bill provides a statement of policy on the importance of promoting democracy human rights and requires country-by-country strategies to address the elements in the statement of policy.

Section 1921 of the Senate bill changes the title of an existing annual report, ''Supporting Human Rights and Democracy'' (SHRD), which was required by the amendments made by section 665 of the Foreign Relations Authorization Act of 2003, to ''Annual Report on Advancing Freedom and Democracy'' and changes the date on which that report needs to be submitted.

The Conference substitute adopts the Senate provision, with an amendment adding features of section 1421 of the House bill and expanding the provisions of the Senate amendment. It addresses the need for long-term strategies for the promotion of democracy in nondemocratic and democratic transition countries. This section commends the Secretary of State for the ongoing country-specific strategies to promote democracy and requires the Secretary of State to expand the development of country-specific strategies to all nondemocratic and democratic transition countries. It also provides that the Secretary of State shall keep the appropriate Congressional Committees fully and currently informed as strategies are developed.

The Conference substitute also provides that the report shall include, as appropriate, United States: (1) priorities for the promotion of democracy and the protection of human rights for each non democratic country and democratic transition country, developed in consultation with relevant parties in such countries; and (2) specific actions and activities of Chiefs of Missions and other U.S. officials to promote democracy and protect human rights. This section also extends the due date of the Annual Report.

The Conferees believe that the Department of State's process for implementing subpart (a)(2) should incorporate both short-term objectives and a long-term approach to democratization. The Conferees intend for the Department of State to fulfill the requirement of keeping the appropriate Congressional Committees informed by briefing the Committees, upon request, in addition to any hearings that Congress may conduct.

The Conferees observe that the existing SHRD Report all too often reflects a catalogue of program activities of the U.S. Government over the past year without context or a demonstration of what leadership the

top U.S. representative is exercising in the area of democracy promotion and human rights protection. Also, the Report contains some country sections where both U.S. priorities for assistance and actions by U.S. officials are included. The Conferees expect that such inconsistencies will be addressed by including both components for each country described in the Report.

*Section 2122. Translation of Human Rights Reports*

There is no comparable House Provision.

Section 1932 of the Senate bill requires the Secretary of State to continue to expand the translation of various human rights reports.

The Conference substitute adopts the Senate provision, with an amendment making the translations mandatory and making other minor changes to the Senate language.

The Conferees believe that the value of these reports will be significantly enhanced if they are available in the language of the country about which they are written. The Conferees do not intend that the entire contents of all reports be translated. Rather, the general overview and the country-specific sections should be translated into the major languages of each country. The Conferees recognize that the Department of State's current focus is on the annual Country Reports on Human Rights Practices required by the Foreign Assistance Act. However, the Conferees believe that translation of the other reports referred to in this section would further expand the impact of the U.S. Government's work on democracy and human rights.

Subtitle C—Advisory Committee on Democracy Promotion and the Internet Website of the Department of State

*Section 2131. Advisory Committee on Democracy Promotion*

There is no comparable House provision.

Section 1931 of the Senate bill expresses the sense of Congress commending the Secretary of State for establishing the Advisory Committee on Democracy Promotion and expresses the hope that the Committee will play a significant role in transformational diplomacy by advising the Secretary of State on all aspects of democracy promotion, including improving the capacity of the Department of State and U.S. foreign assistance programs.

The Conference substitute adopts the Senate provision, with an amendment making minor changes to the Senate language.

*Section 2132. Sense of Congress Regarding the Internet Website of the Department of State*

There is no comparable House provision.

Section 1932 of the Senate bill expresses the sense of Congress that the Secretary of State should take additional steps to enhance the Internet website for global democracy to facilitate access by individuals and non-governmental organizations in foreign countries to documents and other media regarding democratic principles, practices, and values, and the promotion and strengthening of democracy. This website is intended to be an address where democracy activists from around the world can obtain or be linked to information on conditions in their country, materials on successful democracy movements elsewhere and tactics for peaceful democratic change, and other groups around the world that engage in similar struggles for freedom. The website should also include parts of other relevant human rights reports, including translations where appropriate, such as the annual Country Reports on Human Rights Practices, the annual Religious Freedom Report, and the annual Report on Trafficking in Persons.

The Conference substitute adopts the Senate provision, with an amendment making minor changes to the Senate language.

Subtitle D—Training in Democracy and Human Rights; Incentives

*Section 2141. Training in Democracy Promotion and Protection of Human Rights*

There is no comparable House provision.

Section 1941 of the Senate bill provides that the Secretary of State should continue to enhance training on democracy promotion and the protection of human rights for members of the Foreign Service and that such training should include case studies and practical workshops.

The Conference substitute adopts the Senate provision, with an amendment. Pursuant to the amendment, the Secretary of State is required to continue to enhance training on democracy promotion and the protection of human rights and provides that the training shall include appropriate instruction and training materials regarding: (1) international documents and U.S. policy regarding electoral democracy and respect for human rights, including trafficking in persons; (2) U.S. policy regarding the promotion and strengthening of democracy around the world, with particular emphasis on the transition to democracy in nondemocratic countries; (3) ways to assist individuals and nongovernmental organizations that support democratic principles, practices, and values for any member, Chief of Mission, or deputy Chief of Mission who is to be assigned to a non-democratic or democratic transition country; and (4) the protection of internationally recognized human rights, including the protection of religious freedom and the prevention of slavery and trafficking in persons. Section 1941 also provides that the Secretary of State shall consult as appropriate with non-governmental organizations with respect to the training required in this section, and provides for a one-time report on how this section is being implemented.

The Conference notes that the Department of State is working with members of the Community of Democracies on a training manual relating to democracy promotion, which may prove useful in the training efforts described in this section. Such instruction may include: techniques for conducting discussions with political leaders of such country regarding United States policy with respect to promoting democracy in foreign countries; treatment of opposition and alternatives to repression; techniques to engage civil society, students and young people regarding U.S. policy on democracy and human rights; methods of nonviolent action and the most effective manner to share such information with individuals and non-governmental organizations; and the collection of information regarding violations of internationally-recognized human rights in coordination with non-governmental human rights organizations, violations of religious freedom, and government-tolerated or condoned trafficking in persons.

The Conference understands that certain training courses already include some human rights training. However, the Conference expects that the scope and content will be updated and expanded as part of the Secretary of State's Transformational Diplomacy Initiative and that continuous improvements will be made well into the future.

*Section 2142. Sense of Congress Regarding Advance Democracy Award*

There is no comparable House provision.

Section 1942 of the Senate bill expresses the sense of Congress that the Secretary of State should further strengthen the capacity of the Department of State to carry out results-based democracy promotion efforts through the establishment of awards and other employee incentives, including the establishment of an annual award to be known as the ''Outstanding Achievements in Advancing Democracy Award'', or the ''ADVANCE Democracy Award'', and should establish procedures regarding such awards.

The Conference substitute adopts the Senate provision.

*Section 2143. Personnel Policies at the Department of State*

There is no comparable House provision.

Section 1943 of the Senate bill expresses the sense of Congress that precepts for promotion for members of the Foreign Service should include consideration of a candidate's experience or service in the promotion of human rights and democracy.

The Conference substitute adopts the Senate provision, with an amendment to add suggested mechanisms for creating incentives. It provides that in addition to other awards, such as the award described in section 1942 in that bill, the Secretary of State should increase incentives for members of the Foreign Service and other State Department employees to serve in assignments that have as their primary focus the promotion of democracy and the protection of human rights, including awarding performance pay to members of the Foreign Service, considering whether a member of the Service serving in such assignments as a basis for promotion into the Senior Foreign Service, and providing for Foreign Service Awards.

Subtitle E—Cooperation with Democratic Countries

*Section 2151. Cooperation with Democratic Countries*

There is no comparable House provision.

Section 1951 of the Senate bill expresses the sense of Congress that the United States should forge alliances with other democratic countries to promote democracy, protect fundamental freedoms around the world, promote and protect respect for the rule of law, pursue common strategies at international organizations and multilateral institutions and provide support to countries undergoing democratic transitions. Section 1951 of the Senate bill also supports the initiative of the Government of Hungary establishing the International Center for Democratic Transition.

The Conference substitute adopts the Senate provision, with an amendment making substantive and technical changes. The Conference substitute expresses the sense of Congress that the Community of Democracies should establish a more formal mechanism for carrying out work between ministerial meetings, such as through the creation of a permanent secretariat with an appropriate staff and should establish a headquarters. The Conference substitute authorizes the Secretary of State to detail personnel to such a secretariat or any country that is a member of the Convening Group of the Community of Democracies and provides that the Secretary of State should establish an office of multilateral democracy promotion to address the Community of Democracies, pursue initiatives coming out of the UN Democracy Caucus, and enhance the UN Democracy Fund. The Conference substitute also authorizes an appropriation of $1,000,000 for each of Fiscal Years 2008, 2009, and 2010 to the Secretary of State for a grant to the International Center for Democratic Transition and provides additional guidance as to the purposes of the Centers work, including providing grants or voluntary contributions to develop, adopt, and pursue programs and campaigns to promote the peaceful transition to democracy in non-democratic countries.

Subtitle F—Funding for Promotion of Democracy

*Section 2161. The United Nations Democracy Fund*

There is no comparable House provision.

Section 1961 of the Senate bill expresses the sense of Congress that the United States should continue to contribute to and work with other countries to enhance the goals and work of the UN Democracy Fund.

The Conference substitute adopts the Senate provision, with an amendment adding an authorization for the UN Democracy Fund. It authorizes $14,000,000 for a United States contribution to the Fund for each of the Fiscal Years 2008 and 2009, as requested by the President.

*Section 2162. United States Democracy Assistance Programs*

There is no comparable House provision.

Section 1962 of the Senate bill states the sense of Congress that the purpose of the Human Rights and Democracy Fund should be to support innovative programming, media, and materials designed to uphold democratic principles, support and strengthen democratic institutions, promote human rights and the rule of law, and build civil societies in countries around the world. Section 1962 of the Senate bill provides findings reflecting that democracy assistance has many different forms and there is a need for greater clarity on the coordination and delivery mechanisms for U.S. democracy assistance. It also provides that the Secretary of State and the Administrator of the U.S. Agency for International Development (USAID) should develop guidelines, in consultation with the appropriate Committees of Congress, to clarify for U.S. diplomatic and consular missions abroad the need for coordination and the appropriate mix of delivery mechanisms for democracy assistance.

The Conference substitute adopts the Senate provision, with an amendment including minor and technical amendments and adding a sense of Congress regarding mechanisms for delivering assistance. The Conference substitute provides that United States support for democracy is strengthened by using a variety of different instrumentalities, such as the National Endowment for Democracy, the United States Agency for International Development, and the Department of State, and expresses the view that the Human Rights and Democracy Fund (HRDF), established pursuant to the Freedom Investment Act of 2002, should continue to be used for innovative approaches to promoting democracy and human rights. It also addresses the different mechanisms that are used to define the relationship between the U.S. Government and organizations that deliver services or materials to foreign individuals or communities.

The Conference believes that the HRDF should remain a flexible instrument to exploit emerging opportunities while at the same time be managed in a cost-effective way and coordinated at the country-level to complement the mix of other democracy assistance being provided.

The U.S. Government works with a variety of organizations, including non-profit groups such as non-governmental organizations and private and voluntary organizations, and provides them with government funding to carry out U.S. foreign assistance goals. The government also hires for-profit private sector companies to implement foreign assistance programs. The use of such companies has been growing over the last 15 years. In general, as in other areas of government procurement, the use of contracts, cooperative agreements, and grants are the three main acquisition mechanisms through which agreement is reached on appropriate benchmarks for success, the level of U.S. government funding that will be spent, and the specific programs and projects to be undertaken.

In the democracy field, there are a number of U.S. Government entities that manage programs. The Democracy, Human Rights and Labor Bureau at the State Department oversees a large number of programs. The Coordinator's office for the Independent States of the Former Soviet Union oversees programs carried out through the Freedom Support Act. The Middle East Partnership Initiative, also managed by the State Department, promotes democracy and other development priorities in the Middle East. For its part, USAID has a specialized unit focused on providing democracy and governance assistance worldwide. Because of a constrained operating budget that limits permanent staff, USAID has increasingly relied on contract mechanisms, although it continues to use grants and cooperative agreements. The National Endowment for Democracy also provides extensive assistance worldwide. More recently, a Millennium Challenge Corporation (MCC) threshold program is providing electoral reform assistance in Jordan.

Non-profit organizations sometimes apply for and receive funding from several or all of these U.S. Government entities, most often through grants and cooperative agreements and sometimes through contracts. Private sector companies work almost exclusively through contracts. Both private sector and non-profit organizations bring unique strengths to the effort. Private sector companies have the ability to hire employees with specialized skills to provide technical assistance on a short-notice basis. Non-profit organizations often develop longer-term contacts in the field, country expertise, and have revenue sources other than U.S. Government funding that allows for a more sustained approach to underlying problems. With this multitude of actors, mechanisms, and foreign assistance ''spigots,'' and given the characteristics of such actors, the Conference requests that the Secretary of State and the Administrator of USAID develop appropriate guidelines to assist U.S. missions in their efforts to coordinate democracy assistance in-country and select appropriate mechanisms for its effective implementation.

## TITLE XXII—INTEROPERABLE EMERGENCY COMMUNICATIONS

*Section 2201. Interoperable Emergency Communications*

There is no comparable House provision.

Section 1481(a) of the Senate bill generally amends Section 3006 of the Deficit Reduction Act of 2005 (Public Law 109–171) (DRA) by deleting statutory language that currently limits funding to systems that either use, or interoperate with systems that use, public safety spectrum in the 700 megahertz band (specifically, 764–776 megahertz and 794–806 megahertz), and inserting new subsections providing Congressional direction with respect to eligible activities under NTIA's administration of the $1 billion public safety grant program.

New 3006(a) of the DRA establishes the scope of the permissible grants under the program and permits NTIA to allocate up to $100 million for the establishment of strategic technology reserves that will provide communications capability and equipment for first responders and other emergency personnel in the event of an emergency or a major disaster. In addition to strategic technology reserves, this subsection describes a broad range of topics related to improving communications interoperability that will be eligible for assistance under the grant program including, Statewide or regional planning and coordination, design and engineering support, technical assistance and training, and the acquisition or deployment of interoperable communications equipment, software, or systems.

New 3006(b) of the DRA reiterates the requirement imposed under section 4 of the Call Home Act of 2006, which, subject to the receipt of qualified applications as determined by the Assistant Secretary, would require that not less that $1 billion be awarded no later than September 30, 2007.

New 3006(C) of the DRA requires that funding distributions be made among the several States consistent with section 1014(C)(3) of the USA PATRIOT Act (0.75 percent to each State) to ensure a fair distribution of funds. It also requires that the calculation of risk factors be based upon an ''all-hazards'' approach that recognizes the critical need for effective emergency communications in response not only to terrorist attacks, but also to a variety of natural disasters.

New section 3006(d) of the DRA establishes requirements for grant applicants, including an explanation of how assistance would improve interoperability and a description of how any equipment or system request would be compatible or consistent with certain relevant sections of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C.§194(a)(1)).

New section 3006(e) of the DRA directs NTIA to rely on the most current grant guidance issued under the Department of Homeland Security (the Department or DHS) SAFECOM program to promote greater consistency in the criteria used to evaluate interoperability grant applications.

New section 3006(f) of the DRA establishes criteria for grants of equipment, supplies, systems and related communications service related to support for strategic technology reserve initiatives. This section also requires that funding for strategic reserves be divided between block grants to States in support of state reserves and grants in support of Federal reserves at each Federal Emergency Management Agency (FEMA) regional office and in each of the noncontiguous States.

New section 3006(g) of the DRA permits the Assistant Secretary to encourage the development of voluntary consensus standards for interoperable communications systems, but precludes the Assistant Secretary from requiring any such standard.

New section 3006(h) of the DRA permits NTIA to seek assistance from other Federal agencies where appropriate in the administration of the grant program.

New section 3006(I) of the DRA requires the Inspector General of the Department of Commerce annually to assess the management of NTIA's interoperability grant program.

New section 3006(j) of the DRA requires NTIA, in consultation with the DHS and the FCC, to promulgate final program rules for implementation within 90 days of enactment.

New section 3006(k) of the DRA creates a rule of construction clarifying that nothing in this section precludes funding for interim or long-term Internet Protocol-based solutions, notwithstanding compliance with the Project 25 standard.

Section 1481(b) of the Senate bill requires the FCC, in coordination with the Assistant Secretary of Commerce for Communications and Information and the Secretary of DHS, to report on the feasibility of a redundant system for emergency communications no later than one year after enactment.

Section 1481(c) of the Senate bill directs the Assistant Secretary of Commerce for Communications and Information, in consultation with the Secretary of DHS and the Secretary of Health and Human Services, to create a joint advisory committee to examine the communications capabilities and needs of emergency medical care facilities. The joint advisory committee will assess current communications capabilities at emergency care facilities, options to accommodate the growth of communications services used by emergency medical care facilities, and options to better integrate emergency medical care communications systems

with other emergency communications networks. The joint advisory committee would be required to report its findings to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce, within six months after the date of enactment.

Section 1481(d) of the Senate bill provides authorization for not more than 10 pilot projects to improve the capabilities of emergency communications systems in emergency medical care facilities. Grants would be administered by the Assistant Secretary of Commerce for Communications and Information, would require a fifty percent match, would not exceed $2 million per grant, and would be geographically distributed to the maximum extent possible.

The Conference substitute adopts the Senate provision, with modifications. Most notably, it authorizes NTIA, in consultation with DHS, to permit up to $75 million of the Public Safety Interoperability Communications grant to be used by States to contribute to a strategic technology reserve. The substitute permits waivers to States that have already implemented a strategic technology reserve or can demonstrate higher priority public safety communications needs. The Conference substitute adopts the Senate's provisions relating to the FCC's vulnerability assessment and report on emergency communications back-up system. The Conference agreed to set a deadline of 180 days for FCC to deliver its findings to Congress. The Conference substitute also adopts the Senate's provision that directs the Assistant Secretary of Commerce for Communications and Information, in consultation with the Secretary of Homeland Security (the Secretary) and the Secretary of Health and Human Services, to establish a joint advisory committee that will assess current communications capabilities at emergency care facilities.

The Conference substitute provides for reports and audits by the Inspector General of the Department of Commerce. With respect to grants under this title, these provisions strengthen oversight over this program and clarify the intent of the conferees that the provisions in Sec. 2022 of the Homeland Security Act (added by Title I) do not apply to this grant program.

*Section 2202. Clarification of Congressional Intent*

There is no comparable House provision.

Section 1482(a) of the Senate bill would amend Title VI of the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295) by including a savings clause clarifying the concurrent authorities of the Department of Commerce and the Federal Communications Commission (FCC), with respect to their existing authorities related public safety and promoting the safety of life and property through the use of communications. Section 1482(b) of the Senate bill makes the effective date of this savings clause as if enacted with the Department of Homeland Security Appropriations for FY 2007 (Public Law 109–295).

The Conference substitute modifies the Senate language to clarify that it is Congress' intent that Federal Departments and Agencies work cooperatively in a manner that does not impede the implementation of the requirements of Title III and Title XXII of this Act and Title VI of Public Law 109–295.

The Conference observes that Federal Departments and Agencies should not be precluded or obstructed from carrying out their other authorities relating to other emergency communications matters.

*Section 2203. Cross Border Interoperability Reports*

There is no comparable House provision.

Section 1483 of the Senate bill would require the FCC, in conjunction with the DHS, the Office of Management and Budget, and the Department of State to report, not later than 90 days after enactment on the status of efforts to coordinate cross border interoperability issues and the re-banding of 800 megahertz radios with Canada and Mexico. The FCC would further be required to report on any communications between the FCC and the Department of State regarding possible amendments to legal agreements and protocols governing the coordination process for license applications seeking to use channels and frequencies above Line A, to submit information about the annual rejection rate over the last 5 years by the United States for new channels and frequencies above Line A, and to suggest additional procedures and mechanisms that could be taken to reduce the rejection rate for such applications. The FCC would be required to provide regular updates of the report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce of treaty negotiations related to the re-banding of 800 megahertz radios until the appropriate treaty has been revised with Canada and Mexico.

The Conference Report adopts the Senate provision.

*Section 2204. Extension of Short Quorum.*

There is no comparable House provision.

Section 1484 of the Senate bill permits two members of the Consumer Product Safety Commission to constitute a quorum for six months following enactment of this Act.

The Conference substitute adopts the Senate provision.

*Section 2205. Requiring Reports to Be Submitted to Certain Committees.*

Section 1485 of the Senate bill requires under provisions of this Act to be shared with other relevant Congressional Committees.

The Conference substitute modifies the Senate reporting provision and agrees that in addition to the Committees specifically enumerated to receive the reports under this Title, any report transmitted under the provisions of this Title shall also be transmitted to the appropriate Congressional Committees as provided for by under section 2(2) of the Homeland Security Act (6 U.S.C.§101).

TITLE XXIII—911 MODERNIZATION

*Section 2301. Short Title*

The Conference substitute provides that Title XXIII may be cited as the ''911 Modernization Act.''

*Section 2302. Funding for Program*

There is no comparable House provision.

Section 1702 of the Senate bill amends Section 3011 of Public Law 109–171 (47 U.S.C. §309) to give borrowing authority to the Assistant Secretary of the National Telecommunications and Information Administration (NTIA) for not more than $43,500,000 to implement the Enhance 911 Act of 2004 (Public Law 108–494). The Assistant Secretary must reimburse the Treasury without interest once funds are deposited into the Digital Television Transition and Public Safety Fund.

The Conference substitute adopts the Senate provision.

*Section 2303. NTIA Coordination of E–911 Implementation*

There is no comparable House provision.

Section 1703 of the Senate bill amends Section 158(b)(4) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. § 942(b)(4)) to require the Assistant Secretary and the Administrator of the National Highway Safety Administration to issue regulations that allow a portion of the Phase II E–911 Implementation Grants to be prioritized for Public Safety Answering Points (PSAPs) that were not capable of receiving 911 calls on the date of the enactment of the Enhanced 911 Act of 2004 (Public Law 108–494). These grants will be used for the incremental cost of upgrading from Phase I to Phase II compliance. Such grants are subject to all the other requirements of this section, such as the fifty percent matching funds requirement and the requirement to certify that no portion of any E–911 charges imposed by an applicant's State or taxing jurisdiction are being obligated or expended for any purpose other than for which such charges were designated.

The Conference substitute adopts the Senate provision.

TITLE XXIV—MISCELLANEOUS PROVISIONS

*Section 2401. Quadrennial Homeland Security Review*

There is no comparable House provision. However, the House passed a similar provision in H.R. 1684, the Department of Homeland Security Authorization Act for Fiscal Year 2008, which called for a Comprehensive Homeland Security Review at the beginning of each new Presidential Administration.

Section 1606 of the Senate bill included a provision to conduct a Quadrennial Homeland Security Review, requiring the Department of Homeland Security (the Department or DHS) to conduct a comprehensive examination of the national homeland security strategy.

The Conference substitute adopts a compromise provision which in several places clarifies the scope of the Review. It requires the Secretary of Homeland Security (the Secretary) to carry out the first Quadrennial Homeland Security Review in Fiscal Year 2009, and every four years thereafter. The Conferees believe that this review should take place in the first year after a Presidential election, so that a new Administration can act upon the results of the review or a re-elected Administration can review its policies and emerging threats and revise the review accordingly. This also recognizes the time span during which a new President will appoint and the Senate will confirm senior departmental officials who will be responsible for this review. The provision also requires the Secretary to consult with other Federal agencies, key officials of the Department, and other relevant governmental and non-governmental entities in carrying out the review.

The Conference substitute also describes the required content of the review, including an update of the national homeland security strategy, a prioritization of homeland security mission areas, and the identification of a budget plan for executing these missions. These review activities are intended to strengthen the linkages between strategy and execution at the Department of Homeland Security. The Conference substitute requires the Secretary to submit to Congress a report regarding the results of the Quadrennial Homeland Security Review no later than December 31 of the year in which a review is conducted, and also to make that report public consistent with the protection of national security and other sensitive matters. It also requires the Department to begin in Fiscal Year 2007 and Fiscal Year 2008 to prepare to carry out this review, and to report to Congress on these preparations.

The Conference understands that the Administration already has begun this process by including a request for designated funding

in the President's Fiscal Year 2008 request for the Office of Policy to lead this initiative.

*Section 2402. Sense of the Congress Regarding the Prevention of Radicalization Leading to Ideologically-Based Violence*

There is no comparable House provision.

Section 1602 of the Senate bill includes extensive findings concerning the threat of radicalization in the United States as a component of the struggle against the transnational ideological movement of Islamist extremism. This provision also makes recommendations to the Secretary regarding measures that can be taken to prevent radicalization and concludes that the Secretary should work across the Federal government and with State and local officials to make countering radicalization a priority.

The Conference substitute adopts the Senate provision with changes. The changes include modifying the terms used to describe radicalization so that it is clear that protected behavior is not included. As a result, radicalization is referred to as radicalization that leads to ideologically-based violence. Additionally, while the language is intended to address the global struggle against violent extremism, the language is broadened to include ideologically-based violence from all sources.

*Section 2403. Requiring Reports to Be Submitted to Certain Committees*

There is no comparable House provision.

Section 1485 of the Senate bill contained a provision to provide certain Senate Committees with reports required elsewhere in the bill.

The Conference substitute adopts part of the Senate provision with updated references to certain reports.

*Section 2404. Demonstration Project*

There is no comparable House provision.

Section 805 of the Senate bill requires the Secretary to establish a demonstration project to conduct demonstrations of security management systems.

The Conference substitute adopts the Senate provision, while modifying it so that it defines ''security management system'' as a set of guidelines that address the security assessment needs of critical infrastructure and key resources that are consistent with a set of generally accepted management standards ratified and adopted by a standards making body.

*Section 2405. Under Secretary for Management of the Department of Homeland Security*

There is no comparable House provision, as Members believe that this issue would be best addressed as part of a comprehensive homeland security authorization bill.

Section 1601 of the Senate bill elevates the position of Under Secretary for Management to a Deputy Secretary, adds qualifications for the position, and gives this newly created position a five-year term with removal only for performance reasons.

The Conference substitute adopts a modified version of the Senate provision by enhancing the Under Secretary's authority while maintaining the position at the Under Secretary level without a fixed term. Specifically, the substitute designates the Under Secretary for Management as the Chief Management Officer and the Secretary's principal advisor on management-related matters. It also requires the Under Secretary to facilitate strategic management planning, integration, transformation, and transition and succession for the Department.

The Conference substitute requires the Under Secretary to develop a transition and succession plan, and authorizes the incumbent Under Secretary to remain in the position, after a Presidential election, until a successor is confirmed in the subsequent Administration. It also expresses the Sense of the Congress that a newly-elected President should encourage the incumbent Under Secretary to remain until a successor is confirmed, to provide continuity during the transition. The legislation also requires that the Under Secretary be accountable for his or her performance—each year, the Under Secretary must enter into a performance agreement with the Secretary and be subject to an evaluation based on the same. The substitute also enhances the President's ability to attract qualified candidates, as it elevates the Under Secretary for Management to Level II of the Executive Schedule.

Because the Department is newly formed, and in light of the integration and management challenges it has faced to date, the Conference is concerned about the impending transition between Administrations and believes this transition should be well-planned and smoothly implemented. The Conference believes that this position requires a person with strong management skills and a proven track record of success, and this legislation requires the selection of a person with such experience.

EARMARKS

Pursuant to House Rule XXI, clause 9(a)(4), the Committee of Conference attaches a list of earmarks included in the Conference Report to accompany H.R. 1, including a list of Congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate Committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no Congressional earmarks, limited tax benefits, or limited tariff benefits, as follows:

| Section | Earmark | Member |
|---|---|---|
| Section 1204 | National Disaster Preparedness Training Center, University of Hawaii | Sen. Daniel K. Inouye |
| | Transportation Technology Center, Inc. | Sen. Wayne Allard |
| | | Sen. Ken Salazar |
| | | Rep. John T. Salazar |
| | | Rep. Ed Perlmutter |
| Section 1205 | Connecticut Transportation Institute, University of Connecticut | Sen. Christopher J. Dodd |
| | | Sen. Joseph I. Lieberman |
| | National Transit Institute, Rutgers, the State University of New Jersey | Sen. Robert Menendez |
| | | Sen. Frank R. Lautenberg |
| | Mack-Blackwell National Rural Transportation Study Center at the University of Arkansas | Sen. Mark L. Pryor |
| | Homeland Security Management Institute, Long Island University | Sen. Charles E. Shumer |
| | | Rep. Peter T. King |
| | Texas Southern University in Houston, Texas | Rep. Al Green |
| | Tougaloo College | Rep. Bennie G. Thompson |

BENNIE G. THOMPSON,
LORETTA SÁNCHEZ,
NORMAN DICKS,
JANE HARMAN,
NITA M. LOWEY,
SHEILA JACKSON-LEE,
DONNA M. CHRISTENSEN,
BOB ETHERIDGE,
JAMES R. LANGEVIN,
HENRY CUELLAR,
AL GREEN,
ED PERLMUTTER,
PETER T. KING,
MARK SOUDER,
TOM DAVIS,
DANIEL E. LUNGREN,
MICHAEL T. MCCAUL,
CHARLES W. DENT,
IKE SKELTON,
JOHN M. SPRATT, Jr.,
JIM SAXTON,
JOHN D. DINGELL,
EDWARD J. MARKEY,
TOM LANTOS,
GARY ACKERMAN,
ILEANA ROS-LEHTINEN,
JOHN CONYERS,
ZOE LOFGREN,
HENRY A. WAXMAN,
WM. LACY CLAY,
SILVESTRE REYES,
BUD CRAMER,
BART GORDON,
DAVID WU,
PETER A. DEFAZIO,
JOHN B. LARSON,
*Managers on the Part of the House.*

JOE LIEBERMAN,
CARL LEVIN,
DANIEL K. AKAKA,
TOM CARPER,
MARK PRYOR,
CHRIS DODD,
DANIEL K. INOUYE,
JOE BIDEN,
*Managers on the Part of the Senate.*

## ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. PUTNAM. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 566) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 566

*Resolved,* That the following member be, and is hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON HOMELAND SECURITY.—Mr. Broun of Georgia.

(2) COMMITTEE ON SCIENCE AND TECHNOLOGY.—Mr. Broun of Georgia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO THE UNITED STATES COAST GUARD ACADEMY

The SPEAKER pro tempore. Pursuant to 14 U.S.C. 194(a), and the order of the House of January 4, 2007, the Chair

announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Coast Guard Academy:

Mr. COURTNEY, Connecticut

Mr. SHAYS, Connecticut

## COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Honorable JAMES L. OBERSTAR, Chairman, Committee on Transportation and Infrastructure:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

*Washington, DC, July 25, 2007.*

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

DEAR MADAM SPEAKER: Pursuant to section 194 of title 14, United States Code, as Chairman of the Committee on Transportation and Infrastructure, I am required to designate three Members of the United States Coast Guard Academy Board of Visitors. I designate Representative Michael H. Michaud (Maine), Representative Mazie K. Hirono (Hawaii), and Ranking Member John L. Mica (Florida) to serve on the Board of Visitors.

Since its founding in 1876, the Coast Guard Academy, based in New London, Connecticut has accomplished its mission of ''educating, training and developing leaders of character who are ethically, intellectually, professionally, and physically prepared to serve their country.'' The Board of Visitors meets annually with staff, faculty and cadets to review the Academy's programs, curricula, and facilities and to assess future needs. The Board of Visitors plays an important supervisory role in ensuring the continued success of the Academy and the tradition of excellence of the U.S. Coast Guard.

Thank you for your consideration in this matter.

Sincerely,

JAMES L. OBERSTAR,
*Chairman.*

## 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 THE 1ST BATTALION OF THE 133RD INFANTRY OF THE IOWA NATIONAL GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BRALEY) is recognized for 5 minutes.

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to welcome the members of the 1st Battalion of the 133rd Infantry of the Iowa National Guard home to Iowa after a lengthy deployment in Iraq, and to honor and thank them for their service there.

Today was a momentous day in Iowa as the members of the 1–133rd, known as the ''Ironman Battalion,'' were reunited with their friends, family, and loved ones at a homecoming ceremony in Waterloo. This day of reunion and celebration has been anxiously awaited in Iowa since the battalion left for Iraq last year. An overflow crowd of thousands packed Riverfront Stadium to welcome the hundreds of men and women home. As they drove the final miles from Ft. McCoy in Wisconsin, Iowans lined the road to wave at the 1–133rd.

Sadly, today was also made bittersweet by the absence of two members, Sergeant 1st Class Scott Nisely and Sergeant Kampha Sourivong, who were tragically killed during combat operations in Iraq in September 2006.

It is impossible for those who have not served in Iraq to fully understand the experiences of the 1–133rd, or to comprehend the sacrifices that they and their families have made on behalf of our country. However, I am glad that the Memorial Day special edition of ''60 Minutes'' gave Americans a small glimpse of the challenges that members of the 1–133rd and their families have faced throughout their long deployment, and more importantly into their incredible perseverance.

Iowans who watched the ''60 Minutes'' special featuring the 1–133rd saw the story of their friends, neighbors and loved ones who chose to serve and sacrifice when their country called them. We saw the daily danger faced by the 1–133rd in Iraq as they helped deliver fuel to coalition forces. We saw their families missing them and adjusting back home. We saw the hardship and heartache that was experienced by the members and their families when they received the news that their tour of duty was to be extended from April until this summer. And we saw the lives of our fellow Iowans cut tragically short.

For me, the program also reinforced what I had already learned about the members of the 1–133rd from my frequent communications with their commanding officer, Lieutenant Colonel Ben Corell, that they are men and women of great strength and character who selflessly and bravely put their lives on the line every day for their country in Iraq.

The contributions of the 1–133rd have indeed been crucial to the U.S. mission in Iraq. Throughout their tour of duty in the al Anbar province, one of the most dangerous parts of the country, the 1–133rd detained over 60 insurgents. They completed over 500 missions providing security for convoys, and logged in over 4 million mission miles. They have delivered over one-third of the fuel needed to sustain coalition forces in Iraq.

I hope that it gives members and families of the 1–133rd pride to reflect upon their accomplishments and to know that they are part of the longest-serving Iowa military unit since World War II, and part of the Army National Guard unit which has served the longest continuous deployment of any National Guard unit in support of Operation Iraqi Freedom. They have made me and so many others proud through their work and their sacrifices in Iraq, and I am incredibly privileged to represent them in the United States Congress.

I believe that the entire country should commend and thank these members and the families of the 1st Battalion, 133rd Infantry of the Iowa National Guard for their contributions to the U.S. mission in Iraq. That is why today I introduced a resolution in the House to honor and thank them for their service and sacrifices there. The strong bipartisan support this resolution has from 70 original cosponsors, including the entire Iowa congressional delegation, demonstrates the pride and gratitude that Americans feel toward our men and women serving in uniform.

I look forward to the swift passage of this resolution in the House of Representatives, and I hope that it comes to serve as a genuine expression of thanks from a grateful State and a grateful Nation.

We will be forever indebted to the members and families of the 1–133rd for their service and sacrifice. Again, I would like to commend and thank this incredible battalion for their work, and join their families, friends and neighbors in welcoming them home.

□ 2300

## HONORING THE LIFE OF PFC. BRANDON KEITH BOBB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, Winston Churchill said that, ''We are masters of our fate, the task which has been set before us is not above our strength; that its pangs and toils are not beyond our endurance. As long as we have faith in our own cause and an unconquerable will to win, victory will never be denied us.''

Army PFC Brandon Keith Bobb believed in these words. He believed in the mission of Operation Iraqi Freedom. He believed in freedom and liberation from tyranny and terrorism.

Private First Class Bobb was born and raised in Port Arthur, Texas, a small town in southeast Texas that I represent. He attended Memorial High School and was a member of the track and field team. His high school coach remembers a young man who exhibited leadership as a high school student. His fellow students looked up to him and followed his examples.

Private First Class Bobb did not get the opportunity to graduate from Memorial High School because of Hurricane Rita. Hurricane Rita reared her vicious head and forced Bobb and his family to evacuate southeast Texas, and they relocated in Florida. He finished high school there.

He did not always want to be in the United States Army. It was in Riverview that he decided his career path in life, to become a chef. So, after high school, Bobb enrolled in the Orlando Culinary Academy. However, he quickly decided that this career choice was really not for him, and he decided that he wanted to belong in the United States Army. He knew the United States was at war in action and Iraq, but he enlisted in the Army because he knew it was his duty.

As private first class in the Army, Bobb became a military police officer in the 401st Military Police Company, 92nd Military Police Battalion, 89th Military Police Brigade stationed at Ft. Hood, Texas.

He enjoyed being a military police officer, maintaining law and order on the Army base. According to Private Bobb, he said, ''As of now, being a military police officer is the best job in the world.''

He was a man of many friends, especially among his brothers in arms in the United States Army. Those who knew him knew a young man that had an easy going personality and a positive outlook on life. He was always cheerful and was a soldier that others looked to for support and to lend a helping hand. He was always thinking of others, according to his friends.

He knew he was lucky in life, and he admitted on his personnel Myspace page that he hadn't always followed the straight and narrow path and had engaged in potentially dangerous activity growing up. But he was confident that that part of his life was behind him, and regardless of how tough he thought he was then, he knew in his heart that he was a real soldier in the Army.

Private First Class Bobb continued and said, The United States Army is where the real tough men are at, my drill sergeants, my battle buddies, my commanders, and first sergeants that stand ready to die for the rest of us every day.

Private First Class Bobb was deployed to Iraq in 2006 and was proud to go over to the vast desert sands of Iraq and defend freedom for the Iraqi people and represent the United States. He believed in his heart what he was doing was right.

But on July 17, a week ago, Private First Class Bobb was traveling in a military Humvee in the Iraqi capital of Baghdad when a bomb detonated near the vehicle. The bomb killed Pfc. Brandon Bobb and two of his fellow soldiers. He was 20 years old. He was due home from duty on July 26. That would have been tomorrow, one week after he gave his life for his country.

This is a recent photograph taken of Private First Class Bobb. This past Monday, this southeast Texas warrior, this son of Texas, came back to his beloved hometown. The citizens of Port Arthur turned out and honored him with a patriot's welcome. A watermade rainbow arch greeted the plane that carried the fallen soldier as hundreds of individuals from the town waving American flags lined the streets to pay final respects. Mr. Speaker, that's what people do in southeast Texas when our heroes come home.

A lieutenant in the United States Marine Corps, in a recent letter from Iraq, described what it meant to be an American warrior. He said, ''Our highest calling: to defend our way of life and Western civilization; fight for the freedom of others; protect our family, friends, and country; and give hope to a people long without it.''

Pfc. Brandon Bobb was that American warrior. He embodied what it meant to serve one's country with duty and honor, to put others above himself, and to defend the freedom of all Nations.

We are a grateful Nation for the sacrifice of Pfc. Brandon Bobb. Our hearts and prayers are with his family and his Army buddies.

Mr. Speaker, our young people who go to the valley of the gun and the desert of the sun are relentless, remarkable characters. They go where others fear to tread and where the faint-hearted are not found. These warriors represent the best of our Nation. They are the sons of liberty and the daughters of democracy. These few, these noble few are American warriors who take care of the rest of us.

And that's just the way it is.

## IT'S UP TO CONGRESS TO TAKE THE WHEEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the President is famous for saying that he is the decider, but earlier this week we found out that when it comes to Iraq the American people want Congress to be the decider.

A poll conducted by ABC News and the Washington Post found that 62 percent of the American people say that Congress, and not the White House, should have the final word as to when to bring our troops home. The poll also found that 78 percent of the American people believe that the President is not willing enough to change course in Iraq. Nearly 60 percent favor withdrawal of our troops, and nearly two-thirds believe that the troop surge will not make things better.

And perhaps the saddest thing of all about this, Mr. Speaker, is that the great majority of Americans who have served in Iraq, or who have had a close friend or relative serve there, disapprove of the way the occupation has been handled.

These findings represent a complete repudiation of the President's policies and leadership, but it also poses a great challenge to Members of Congress. The American people are looking for us to lead. But so far, we've let them down. We haven't done what the American people sent here us here to do: end the occupation and bring the troops home.

Yes, it's true that this House voted earlier this month to begin withdrawing our troops within 120 days. That was an important step forward, but it doesn't force the President's hand because there aren't enough votes in this House, yet, to make the bill veto-proof.

I know that my colleagues across the aisle are waiting for General Petraeus to issue his report of the surge in September before they decide what to do about Iraq, but I don't know why we're waiting for a report when the report that really matters has already been issued, the National Intelligence Estimate, which we received last week.

It showed beyond a shadow of a doubt that al Qaeda is the greatest threat to America, and it is operating out of Pakistan, not Iraq. By getting caught in the crossfire of a civil war in Iraq, we have been fighting the wrong enemy in the wrong place at the wrong time.

But despite all logic, the administration keeps digging us in even deeper. The press is reporting today that the American command in Iraq has developed a new plan that will keep us fighting and dying there for years more, and at least 2 years more.

This is the worst possible action to take, Mr. Speaker, because it sends the message that our involvement is open-ended. It says to the Iraqi government, you don't have to lift a finger to take responsibility for your country's security because Americans will do the job for you.

Six-and-a-half years later, this administration has pursued an arrogant, go-it-alone foreign policy. It told our allies and the rest of the world to get lost. So it's not surprising that it wants Congress to get lost, too.

But we are a coequal branch. We have a clear mandate from the American people. The American people are telling us, the President is driving us over the cliff. So it's up to the Congress to take the wheel.

Our duty is clear, Mr. Speaker. We must act now to put our country and the world on a better and safer course. We must bring our troops home.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2315

## CHAMP ACT AND DENTAL HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to express my strong support for the Children's Health Medicare Protection Act, entitled CHAMP, of 2007,

which makes great strides in improving our Nation's health care system.

It chills the conscience to think that approximately 9 million children are currently without health insurance. An estimated 18,000 Americans died last year because they did not have access to health care, many of them sadly were children.

There can be no justice until all of our children, our most valuable resource, are granted access to the most technologically advanced system in the world.

Individuals travel from every corner of the globe to access our high-quality health care. Yet, we cannot seem to provide care to the individuals in our own backyard.

The CHAMP Act would begin to begin to change that injustice, committing $50 billion to reauthorize and improve the State Children's Health Insurance Program, our Nation's health care safety net for low-income, uninsured children.

The Act does not expand the SCHIP benefit to wealthy children or adults, as some would argue. It merely provides benefits to the same low-income children who we originally intended to cover.

Most of the 9 million children who are currently uninsured are eligible for Medicaid or SCHIP, but do not receive the benefits because of enrollment barriers and underfunding.

The CHAMP Act will lift the barriers and raise the funding so we can get our children the care they so desperately need.

It is with great enthusiasm that I support this landmark legislation. I am pleased that my colleagues have been able to rise above the political rhetoric to develop legislation that will have a significant impact for our Nation's most vulnerable children. I am also pleased that my chairman shares my commitment to improving children's access to dental care. The chairman recognizes, as I do, that oral health is an overall component of overall health, and we cannot afford to ignore the dental health needs of our children.

I applaud efforts to include a dental benefits package and dental quality assurance methods in the CHAMP Act. I also want to thank the chairman and of my fellow colleagues from Maryland, including Congressman Albert Wynn, for their support of two initiatives that I had promoted to increase children's access to dental care under this legislation.

The first would allow federally qualified health centers to contract with private-practice dentists, significantly enhancing our Nation's dental safety net. The second one requires the Secretary of Health and Human Services to provide educational materials to new mothers on the importance of oral health and the services available to their children, with the goal of stopping dental disease before it even starts. Both initiatives will cost little or nothing, while yielding excellent results for our children.

Congressman WYNN and I know the importance of protecting our children from dental disease. It was a short 5 months ago that a 12-year-old Maryland boy died when an untreated tooth infection spread to his brain. Forty dollars worth of dental care might have saved his life, but he never got that opportunity.

As I have said before, Deamonte Driver's case was rare and extreme, but he was by no means alone in his suffering. Dental disease is the single most common chronic disease in this country, and it is preventable.

Finally, all it takes on our part is the will to protect our children. I am pleased that so many Members of Congress have demonstrated this will, and I encourage all my colleagues to support the vitally important CHAMP Act.

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The SPEAKER pro tempore (Mr. ALTMIRE). 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.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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## FIGHTING CRIME AND HELPING WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-Lee of Texas. Mr. Speaker, today we have had under consideration the Commerce, Justice and Science appropriations legislation, which has a far-reaching impact on a number of issues that America and Americans are facing today. All over America we have seen statistics for crime going up, major cities being impacted, and particularly seeing the numbers of law enforcement officers stretched to the ultimate. In fact, in my own City of Houston, big billboards say, Dallas, bonus for police officers who will relocate to Dallas.

At the same time, Houston is seeing a sizeable drop in the law enforcement officers that are able to patrol the street, losing almost 1,000 to 1,200. More funding is needed. That is why I applaud today the increased funding and the refunding for Community Oriented Policing Services, $725 million, $693 million over the President's request and $183 million above 2007.

Frankly, we had eliminated, under this administration and the past Congress, the Community Oriented Policing process. I know it firsthand, because our former chief of police and former mayor of the City of Houston could be considered the father of community-oriented policing; that is chief, former mayor, Lee P. Brown. We saw the results of such a program when police persons knew the neighborhood; they knew the good guys and the bad guys.

It was a mistake, a wrong-headed mistake, for this administration to drastically cut the cops-on-the-beat program. It works. It works for hamlets in rural areas. It works for big cities and middle-sized cities and small cities. I am glad this bill focuses on restoring to the American public the law enforcement it needs. I hope as we move to the other body and build this bill, that the President will sign increased funding for more officers who know the community and can enforce the law.

We need to bring the crime statistics down and help to save lives. Hijacking and carjacking of cars, busting into homes, drug running is taking over our communities because of the lack of law enforcement that know the community and are able to be trusted by the community.

Let me also note the fact that we have funded, in addition to the amendments passed today, the Women Against Violence Act and the Office of Violence Against Women Act. I was very pleased, as a member of the Judiciary Committee, to be one of those who helped reauthorize the VAWA Act, which now is being funded over these years.

It is crucial that, in addition to providing for a Violence Against Women program to the United States, that we also include protecting immigrant women who sometimes are left destitute because their immigrant husband is abusing them, and they then become unstatus because the husband has left them. This is a very important program as well.

Let me cite the Office of Juvenile Justice and Delinquency Prevention, $400 million, $62 million above 2007. It speaks to some of the crises that we are facing in the juvenile justice system. It is a wrong-headed system, more incarceration than rehabilitation. We need to direct these funds to do more rehabilitation and to be able to steer our children in the right direction.

It is more than important as well, as we fund the Federal Bureau of Prisons, that we study the question of the early release program for nonviolent prisoners. I hope to offer such an amendment. Our prisons are overcrowded. We have the largest number of incarcerated persons, but it is well known that because of the mandatory sentencing, we have individuals who are, in fact, incarcerated who can be released. Let us find a pathway to studying the early release of prisoners in the Federal system, and I am looking forward to putting such an amendment forward.

As a strong proponent of the National Foundation for Science, science

research, aeronautics, space exploration, under the National Aeronautics and Space Administration, I thank the chairman, Chairman MOLLOHAN, for funding those programs in a balanced manner. It may not be all that we want, but I am very glad to see exploration of $3.9 billion, $467 million over 2007 and the same as the President's request, has been funded.

Let me say that one of the issues that should be included, however, if we go to space, we need to be safe. My legislation dealing with the international space station and a safety commission needs to be reemphasized, and I will have an amendment to that extent.

Might I also say that it is very important, as we look at a number of issues around America, including law enforcement, that we provide interoperable equipment for our workers who are dealing with the public.

In Houston it is a tragedy that the bus workers that work for the metro system don't have communication devices that they drive the buses around our city. I am hoping to offer an amendment that will emphasize that.

This is important legislation that we are moving forward, including support for the legal services. I look forward to debating this bill and supporting it as we help America and help the American people.

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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## 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for half the time remaining until midnight as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it's an honor to come before the House once again. I think it's very important to know that we have half a week and next week to complete the people's business. We have a lot that we are working on right now in the United States, also; legislation to redeploy our troops in Iraq, passing a farm bill that would help America move forward, to continue to have legislation that has already passed this House in the Six in '06 plan that we put forth in the first 100 hours of this Congress, getting it through the process. We celebrate this week, just yesterday, I believe, the increase that started with the minimum wage across the country. Americans have a lot to be proud of with this new direction of Congress.

As you know, in any democracy, it has to be a bipartisan spirit to get the job done on behalf of the American people. We are trying to do that in the best way possible.

Our friends on the other side of the aisle, on the Republican side of the aisle, in many cases are stutter-stepping and slowing down the process, but it's very, very important that their voice is heard in this Chamber. I think the days upon days and the hundreds of amendments that have been offered here on the floor and that have been voted on is evident of how this Democratically controlled House has allowed the minority party to be able to have access that only they could celebrate in the 110th Congress, which we weren't able to celebrate under the 109th Congress.

I also want to point out the fact that we have passed over 40-something major legislation where we have had bipartisan support, and I think that's important.

One issue I want to talk about tonight, since our time is limited, of the amount of dollars that we are spending in Iraq as we continue to try to redeploy our troops. We know the September 15 date is coming up, the second report of progress, or a lack thereof, in Iraq will be due. Members of the House are going to have to vote on the defense appropriations bill shortly thereafter that will set the tone for the remainder of the fiscal year.

As you know, we passed off this floor on a bipartisan vote continuing an emergency supplemental that would allow 3½ months of funding for the war in Iraq with MRAP tanks and other equipment that the troops needed.

I think Members had voted in the affirmative, Members had voted against it, both were courageous votes. I think it's time to move in a direction of policy. No permanent bases, I understand, will be coming up on the floor. We also have other legislation calling for the withdrawal of U.S. troops by a certain date. I think that's also important and very courageous. I think the debate that is going on in the Senate and the House, led by Democrats, are going to help us as we move towards the September 15 date.

As you know, and the Members know, I speak quite often on leaving politics behind and putting good policy forward, making sure that we don't act as Democrats and Republicans politically, I will say that again, rather than representing the American people. The American people are way ahead of us on this issue of Iraq.

I think it's important as we continue to share the information as we get in. This came from the Congressional Research Service. The cost of the war in Iraq is rising per year. You see the number in the billions, $120 billion per year, per month; $10 billion per week. We are looking at looking at $2.3 billion a day. We are looking at $329,000, we are looking at, per hour, as you see it relates per hour; the $13 million. I think it's important to look at per minute, $228,938 that's there in the thousands, and then we have $3,816 per second. I think it's important.

I think it's also important we look at those numbers, the cost per year, we look at the billions. We are looking at $120 billion per year. That can actually pay for 4.7 million EMTs and paramedics. When you look at it for a monthly cost at $10 billion, which we are spending in Iraq, you can actually provide EMTs or paramedics for your local community or for the Nation, 395,000.

When you look at the per-week cost, $2.3 billion, 91,000 EMTs and paramedics could be provided for local cities and counties and parishes; per day, at $329 million, 13,000; and per hour, $13.7 million that's spent that could actually fund 543 new EMTs. I think it's important, especially for those cities that are struggling and those counties that are struggling and States that are struggling on this very issue of how they are going to provide emergency service in their local community.

If you look at the cost of the war, could enroll more kids in Head Start. I think it's important for us to look at the $120 billion, 16.7 million kids can go into Head Start; per month at $10 billion, 1.7 million kids could go into Head Start; per week, $2.3 billion that's being spent in Iraq, 320,000 kids could actually be enrolled in Head Start where we have a shortage of funding and every kid can't receive Head Start opportunities where kids can start early and be healthy, and parents can have kids that will be prosperous educationally.

□ 2330

Per day, look at $329 million; 46,000 kids could benefit. And the per-hour cost that we are spending in Iraq at 13.7, 2,000 kids could be enrolled in the Head Start program.

As we start talking about health care insurance for children, I am just looking at these numbers as a member of the Ways and Means Committee and I am just thinking of how many kids we can actually do good things for and Americans. We just pulled a few of these things.

The cost of Iraq could send more Americans to college. You know the numbers by now. As you know, this is the year number at $120 billion, and the per-month is $10 billion, the per-week is $2.3 billion, per-day is $329 million, and per-hour at $13.7 million.

But look at this side, on the far side here, Mr. Speaker and Members, the numbers of students that could be helped: 21 million students in the one year that we spend there. So this means 21 million young people would have an opportunity to go to college, that is amazing, for what we are spending in Iraq right now; 1.7 million students per month can receive an education in the United States and make

us competitive, not States competitive with other States, but this country competitive with other countries.

I think it is also important if we can tie this chart in with that. I think it is also important that 395,000 students can be funded within a week of what we spend. I just know that financial aid officers at universities and at community colleges and at technical centers throughout the country are saying, wow, look at that number; 56,000 students could be funded per day. 56,000. Think about the kids that are paying student loans back that are having to go out and scratch and beg, and people that are punched in right now and grandparents and parents that have picked up an extra job to put their kids through school looking at these numbers as relates to this endless war, as the President sees it, in Iraq, we could actually help. And this is almost sad when it comes down to per hour. With the $13.7 million that is being spent in Iraq per hour, 2,000 students could actually receive an education.

I am going to break out from the charts and the numbers. But if you look at the foreign-owned debt and you start looking at countries like Japan that are holding a great number of our debt at the 644-plus million dollars, I think it is important. We owe Japan this money, we owe China money, we owe the U.K. money, we owe OPEC countries money because of the mismanagement of the Bush administration and the former rubber-stamp Republican Congress. Our kids, our young people, our country have to compete economically, have to compete as it relates to the level of education so that we can have a workforce that is better than the countries that we have borrowed money from, and I am not proud of that at all.

Just to tie in that chart, and I will get back to that Iraq issue, this is what is happening here. You have seen this chart before. We have updated this chart. Since President Bush has been in office, it has doubled the foreign-held debt.

It took 42 Presidents 224 years to build up $1 trillion in foreign-held debt. If you look, you have the pictures of the Presidents here, we are talking World War I, World War II, the Great Depression, you name it, a number of other wars that took place, the Civil War, and all of the conflicts that took place, and the hard financial times that the United States has gone through, these 42 Presidents combined, $1.01 trillion. President Bush was elected, had a rubber-stamp Republican Congress, and they borrowed within 6 years, we are saying 6 years, more than 224 years of history and other financial challenges of the country, $1.19 trillion. We are moving, Mr. Speaker, into a pay-as-you-go effort to be able to knock that down, and we are passing budgets that will get us back into.

Back to the cost of Iraq. And me being a former State trooper, Mr. Speaker and Members, I think this is important. Look, we know by now and we can see because I have said it about five times, the per-year, the per-month, the per-day, and the per-hour costs of the war in Iraq.

The per year at $120 billion, we can actually hire in this country 2.6 million police officers that could be community police officers to prevent crime, that could be officers that can enforce the law in high-crime areas, officers that can go out and do the things that they need to do to make this country safer. In one month that it costs us in Iraq, 221,000 officers could be hired. In one week in Iraq, 51,000 officers.

I am talking about folks that are in local communities that are literally under lockdown in urban and rural areas in the United States that are trying to protect their families and maybe have one or two State troopers in an entire county or State police officer in a parish or in an urban area. I represent down in Miami where you can go for a little while before you see a law enforcement officer. And to learn in one day that you can hire 7,000 police officers that it costs in Iraq, for the lack of the COPS bill that has been destroyed under the Bush administration and the past Republican Congress, that we are pushing in our past appropriations bills that we have passed thus far to rekindle that program so that we can have community policing, something that sheriffs, something that city police chiefs, something that local communities enjoy, because they prevent crime before it happens. And the per-hour cost, $3.7 million in Iraq per hour, could fund 304 police officers.

Now, Mr. Speaker, it takes a lot of courage, it takes a lot of backbone to come to this floor to make sure that we do what the American people have asked us to do in making sure that we provide opportunities for local communities to fund the necessary needs that they have.

Mr. Speaker, I yield to the distinguished Member from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, continuing along the lines of what Congressman MEEK has been speaking about, I sat behind him and he did not know that I was there. I thought that it would be helpful if I would join my very good friend, who is a member of the 30-somethings, and have him know that those of us that are the over 30-somethings have the exact same sentiments as it pertains to the circumstances as exist in our respective communities because of the Iraq war.

Representative MEEK, I wish to just bring to the table one example. I won't use the many in the congressional district that I am privileged to represent which abuts your district, and we have overlapping circumstances in a variety of our communities in South Broward and North Dade, and in this case I am going to carry it way west to the Everglades.

For the last 7 years, I have been about the business of trying to get a water treatment plant in Belle Glade, Florida for the people of Belle Glade, South Bay, Pahokee, and that general area. I won't even talk about the hospital; I won't even talk about the police that you have already talked about that we have tried to get. And so I thought, well, certainly now that we have political circumstances that are favorable to the majority, that it would be very easy to get a water treatment plant.

Now, you and I know this: we know that in Iraq we have paid for water treatment facilities that have been blown up. We know that we have paid for sewers that the materials were stolen. And we know that we are building an embassy, I guess we are building an embassy, at more money that I can ever contemplate that must have a big bull's eye on it, but we are not sure who is building it. We know about no-bid contracts. We know about millions of dollars being poured into this situation while our communities are suffering. Now, something is wrong with this picture.

I heard you loud and clear regarding the extraordinary debt. And I don't mean to take much of your time, I came down here to file this bill, but I could not resist. And I yield back to my very good friend from Florida.

Mr. MEEK of Florida. Congressman HASTINGS, I am so glad that you did come down and that you did share your sentiments. And you are right, the point that we are trying to make here is that we are going to have to bring an end to this war as we see it now.

Mr. Speaker, I think it is also important for all of the Members on both sides of the aisle to realize that, especially under the pay-as-you-go philosophy that we have adopted as the House in the majority and the Senate has adopted, that things are going to be hard back home as it relates to getting Federal appropriations back to our districts.

There is really no need for us to be here if we can't bring resources back, if we can't represent the people that woke up early one Tuesday morning for representation to provide not only voice here in Congress but also action. And without money, it is hard to bring about that kind of action.

I think it is also, Mr. Speaker, very important that Members do note that many of the U.S. Governors, and I am not just talking about Democratic Governors, mainly Republican Governors, that have raised the issue with the Federal commitment to the States, the devolution of taxation that has been taking place over the last 6 years, especially under the Bush administration.

I just want to break that down a little further where taxes, quote/unquote, have been cut here for the very wealthy here in Washington prior to the Democratic Congress getting here, and that responsibility with the lack of

funding, Leave No Child Left Behind. I am not cutting the student loan rates in half, which we have already passed in our Six in '06 budget. But in the Republican Congress, those States had the balance. Here, under the 109th, under the Republican Congress, they could continue to raise that foreign-held debt that I talked about. They could just say, well, let's just put it on a credit card and leave it for the next generation and this generation to pay for it. But we decided here, in the Democratic leadership and society, that we are going to move in a responsible way and not leaning on the backs of our children and our families that exist now as we compete against other countries, not only in the area of technology, but also in the area of financial strength.

And I think that the posture that we are in now, Mr. Speaker, of what I showed on that chart on foreign-held debt, this chart illustrates the posture that we are in right now: $1.19 trillion. And these are not my numbers; these are the numbers from the U.S. Treasury. So this is not something that I sat down my staff and said, Let's see what looks good or sounds good, because we know as the 30-something Working Group that I would like to add my colleague here Mr. HASTINGS that I am a part of the ''something'' of the 30-something. But I think it is important for us to point at that and take note to it.

Now, if you are a conservative Democrat, Republican, Independent, you have to have issue with fiscal irresponsibility. If you are someone that feels very strongly as it relates to the supporting of the troops, I think it is important that you pay very close attention to the amount of money that is being spent in Iraq with the lack of accountability, only now that the Congress started holding hearings under the Democratic-controlled House, holding hearings to check the issues and the questions of the no-bid contracts, the lack of oversight over the years. There are a number of things that are coming to light now, Mr. Speaker, because the committees are having committee hearings, subcommittees are having hearings asking the tough questions, let's just say questions in general about the war in Iraq.

I don't want to be in a position, Mr. Speaker, to say, I told you so. I want to be in the position to say that we were able to prevent the taxpayer dollar from being spent in an irresponsible way. There are a number of things that have taken place. I am looking forward, Mr. Speaker and Members, going to Iraq in the next 6 weeks prior to the September 15 report to bring about my own assessment of what is going on there on the ground.

Mr. Speaker, I went in my district to the Federal Reserve Unit of the Combat Engineer Unit 841 that is actually being deployed into Iraq and will be there at the time that I visit Iraq. My talk with them, Mr. Speaker, was that I hope that this would be their last deployment to Iraq, and something that we need to hold close to us.

□ 2345

And now, Mr. Speaker, I want to point this out because when I talk about a bipartisan approach, I want to make sure that we talk fact not fiction here on the floor, and I don't want in any way to paint some sort of butterscotch cloud world.

But I think it's important that we take issue with the fact that this House and the Senate passed legislation that had benchmarks in it, legislation that had redeployment dates in it, legislation that had an end date for combat troops to patrol the streets of Iraq and other areas, and leaving that responsibility up to the Iraqi Government.

I'm mentioning combat troops because I think it's important that we pay very close attention to it. Right now, as we speak, Mr. Speaker, there are troops right now, marines, soldiers, other branches of the armed services that are going through door-to-door checks, not only in Baghdad but throughout Iraq on behalf of the safety of the people of those towns or province or what have you.

And every door we kick in, Mr. Speaker, because, as you hear, the President doesn't speak of coalition anymore because the coalition is gone. The coalition, in their own way, as small as the coalition was, found a way to start redeploying their troops out of combat into the periphery that we speak of so much to provide support where their troops will not be in harm's way, where their money commitment will not be at the level of our money commitment of the numbers that I called off a little earlier. And I think that is very, very important for us to pay very close attention to that.

Mr. Speaker, I think it's important to note that when this House acted, and we passed legislation, and the Senate acted and they passed legislation in a bipartisan way, before that bill could even get bound to take to the White House, the President called some of our Republican colleagues down to the White House. They had a lunch and they came out of the White House. And it's not one Democrat in this picture here, and said that we're going to make sure that the President is able to withstand an override of his veto by the Congress.

Now, I'm not judging Members for going down to the White House and saying that. But I just want to make sure, because I believe that a number of Members have gone back to their districts and, you know, I'm not trying to call any names or party affiliation, but I'm just telling you, not one Democrat went down to the White House to stand with the President on his troop escalation plan.

But I think the November election was all about a new direction. And there's a difference between making sure that the men and women have what they need while they're in harm's way. There's a difference when it comes down to the fact that we here in the Congress have to put forth policy and parameters on the taxpayer dollars to make sure that it's being spent appropriately.

You heard Mr. HASTINGS, who's a member of the Intelligence Committee, also is involved in many of the European talks and is a leader in one of the largest parliamentary councils in Europe that were a part of the coalition that made his statements about what we know and why we're not bringing about the accountability that's needed.

I hold this picture up because I want to discourage Members from going to the White House on behalf of party. And I think it's important that we look at it from that standpoint. As I come in for a closing, Mr. Speaker, as we proceed over the next week and a half, we're going to spend many hours here on this floor. We're going to have a number of amendments. Tomorrow, as we mark up and start to put together the Children's Health Insurance Plan in the Ways and Means Committee, there will be a number of amendments, as we start looking at the Medicaid and Medicare benefits, who's going to get what when and how it's going to happen, there are going to be a number of amendments. And it's nothing wrong with amendments and dialogue and discourse.

But I believe that the issues that we have to tackle as a Congress, we're going to need that Republican bipartisan support, along with this Democratic leadership.

Minimum wage never would have been increased if it wasn't for the leadership of the Speaker and a number of the Democratic Members that held to their guns to make sure that everyday people that punch in and out, Mr. Speaker, while we're here on the floor, those individuals that are bussing tables, those individuals that are cleaning offices, those individuals that are working shift work, as a security officer or as an individual that's trying to provide for their families.

And even for salaried workers, Mr. Speaker, I think it's important when you look at the increase in minimum wage, it helps salaried workers because they'll make more money and they will be able to pay more for health insurance, additional insurance if they're insurance at their job doesn't provide what they need; and it also takes a number of families over the poverty line.

But as we look at this, I think it's important, there's only so many times that Republican Members can go down to the White House and say, Mr. President, I stand with you, versus standing with those individuals that have said that they want something overwhelmingly, like the minimum wage and other areas. We still had Members that voted against the increase in minimum wage, which I can't understand, still today.

So with that, Mr. Speaker, I look forward to continuing to share with the Members, not only the costs in Iraq, but also our responsibility here in Congress. I'm glad that, from the Speaker on down to the newest Member of Congress, that we have a philosophy that we have to push forward, that we have to make sure the American people not only have voice but action in this House.

I encourage my Republican colleagues to be along with us in that spirit and have the kind of paradigm shift that we need to put this country on the right track and to make sure that our men and women have what they need.

And I can tell you, from the families that I saw at the 841 who were moving on into Iraq, from what I picked up, if you want to help the troops, let's bring them home. And that's what it's all about.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 1, IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

Mr. HASTINGS of Florida (during Special Order of Mr. MEEK of Florida), from the Committee on Rules, submitted a privileged report (Rept. No. 110–260) on the resolution (H. Res. 567) providing for consideration of the conference report to accompany the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States, which was referred to the House Calendar and ordered to be printed.

## RECESS

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

Accordingly (at 11 o'clock and 53 minutes p.m.), the House stood in recess subject to the call of the Chair.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2661. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

2662. A letter from the Acting Assistant Secretary, Department of Education, transmitting the Department's report entitled, ''State and Local Implementation of the No Child Left Behind Act: Volume I — Title I School Choice, Supplemental Educational Services, and Student Achievement''; to the Committee on Education and Labor.

2663. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Special Demonstration Programs — Model Demonstration Projects to Improve the Postsecondary and Employment Outcomes of Youth with Disabilities — received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2664. A letter from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Rehabilitation Research and Training Centers (RRTCs) — received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2665. A letter from the Acting Assistant Secretary, Department of Education, transmitting the Department's final rule — Smaller Learning Communities Program — July 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2666. A letter from the Senior Staff Attorney, United States Court of Appeals for the First Circuit, transmitting an opinion of the United States Court of Appeals for the First Circuit (No.06-1614 — Myrna Gomez-Perez v. John E. Potter (February 9, 2007); to the Committee on Education and Labor.

2667. A letter from the Secretary, Department of Energy, transmitting the Department's plan to expand the Strategic Petroleum Reserve (SPR) to one billion barrels, pursuant to Public Law 109-58, section 159(j); to the Committee on Energy and Commerce.

2668. A letter from the Director, Office of Management, Department of Energy, transmitting the Department's report on the amount of the acquisitions made from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2006, pursuant to Public Law 109-115, section 837; to the Committee on Energy and Commerce.

2669. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2006 Performance Report for the Animal Drug User Fee Act (ADUFA), enacted on November 18, 2003 (Pub. L. 108-199); to the Committee on Energy and Commerce.

2670. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2006 Performance Report to Congress required by the Medical Device User Fee and Modernization Act (MDUFMA); to the Committee on Energy and Commerce.

2671. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, ''Interpretation of 'Ambient Air' In situation Involving Leased Land Under the Regulations for Prevention of Significant Deterioration''; to the Committee on Energy and Commerce.

2672. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of entities to the Entity List [Docket No. 070615200-7202-01] (RIN: 0694-AE06) received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2673. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Export Licensing Jurisdiction for Microelectronic Circuits [Docket No. 070426097-7099-01] (RIN: 0694-AE02) received July 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2674. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting transmitting the 2006 Report on CFE Compliance pursuant to the resolution of advice and consent to ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, (''the CFE Flank Document''); to the Committee on Foreign Affairs.

2675. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Guided Sport Charter Vessel Fishery for Halibut [Docket No. 070326070-7110-02; I.D. 032107A] (RIN: 0648-AV47) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2676. 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 Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2007 [Docket No. 070518109-7109-01; I.D. 030107B] (RIN: 0648-AU60) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2677. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; REIMS AVIATION S.A. Model F406 Airplanes [Docket No. FAA-2006-26690 Directorate Identifier 2006-CE-088-AD; Amendment 39-15032; AD 2007-09-02] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2678. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Vulcanair S.p.A. Model P68 Series Airplanes [Docket No. FAA-2007-27208 Directorate Identifier 2007-CE-010-AD; Amendment 39-15040; AD 2007-09-08] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2679. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2006-25581 Directorate Identifier 2006-CE-041-AD; Amendment 39-15039; AD 2007-09-07] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2680. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2006-25419; Directorate Identifier 2006-NM-055-AD; Amendment 39-15007; AD 2007-07-10] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2681. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200, -300, -400, -500, -600, -700, -800, and -900 Series Airplanes; Boeing Model 757-200 and -300 Series Airplanes; and McDonnell Douglas Model DC-10-10. DC-10-10F, DC-10-30, DC-10-30F, DC-10-40, MD-10-30F, MD-11, and MD-11F Airplanes; Equipped with Reinforced Flight Deck Doors Installed in Accordance with Supplemental Type Certificate (STC) ST01335LA, STC ST01334LA, and STC ST01391LA, Respectively [Docket No. FAA-2007-26864; Directorate Identifier 2006-NM-228-AD; Amendment 39-15053; AD 2007-10-12] (RIN: 2120-AA64) Received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2682. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Boeing Model 747-400 Series Airplanes [Docket No. FAA-2005-22288; Directorate Identifier 2005-NM-132-AD; Amendment 39-15050; AD 2007-10-09] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2683. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 208 and 208B Airplanes [Docket No. FAA-2006-26498; Directorate Identifier 2006-CE-83-AD; Amendment 39-15056; AD 2007-10-15] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2684. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes [Docket No. FAA-2007-27213 Directorate Identifier 2007-CE-012-AD; Amendment 39-15055; AD 2007-10-14] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2685. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; British Aerospace Regional Aircraft Jetstream Model 3201 Airplanes [Docket No. FAA-2006-26284; Directorate Identifier 2006-CE-68-AD; Amendment 39-15057; AD 2007-10-16] (RIN: 2120-AA64) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2686. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Bolivar, MO. [Docket No. FAA-2007-27837; Airspace Docket No. 07-ACE-5] received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2687. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30551 Amdt. No. 3219] received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2688. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30552; Amdt. No. 3220] received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2689. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Increase in Rates Payable Under the Montgomery GI Bill-Selected Reserve and Other Miscellaneous Issues (RIN: 2900-AM50) received July 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2690. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Second Quarterly Report on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects, pursuant to Public Law 109-702, section 3201; jointly to the Committees on Armed Services and Appropriations.

2691. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Evaluation of Phase I of Medicare Health Support (Formerly Voluntary Chronic Care Improvement) Pilot Program Under Traditional Fee-for-Service Medicare,'' in response to the requirements of Section 721(b)(1) of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (MMA); jointly to the Committees on Energy and Commerce and Ways and Means.

2692. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''National Coverage Determinations for Fiscal Year 2005,'' pursuant to Public Law 106-554 section 522(a); jointly to the Committees on Energy and Commerce and Ways and Means.

2693. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2007-21 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from December 16, 2006 to the present, pursuant to Public Law 104-45, section 6 (109 Stat. 400); jointly to the Committees on Foreign Affairs and Appropriations.

***N O T I C E***

***Incomplete record of House proceedings.***

***Today's House proceedings will be continued in the next issue of the Record.***

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, JULY 25, 2007 No. 120

# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, we thank You for this day and for the freedoms and liberties of this Nation. Bless our leaders with wisdom and compassion so that they may serve You with faithfulness.

Guide our Senators so that they will honor one another and serve the common good. Help them to remember that they live and govern only through Your grace. Lord, pour Your love into their hearts so that their words and actions may be seasoned with Your fragrance.

Also, Lord, extend Your loving-kindness to those in our world who do not experience the blessings of freedom. Use our lawmakers to bring deliverance to captives and to help the oppressed go free. We desire to pray according to Your will. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE 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, July 25, 2007.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. WHITEHOUSE 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, this morning we will be in a period of morning business for 1 hour. The first half will be controlled by the Republicans. Once morning business is closed, the Senate will resume consideration of the Homeland Security appropriations bill.

I understand there are a number of amendments that are being talked about to be offered on this legislation today. I hope Members come and do that as quickly as possible.

## WOUNDED WARRIOR ASSISTANCE ACT OF 2007

Mr. REID. Mr. President, I yesterday asked by unanimous consent that we adopt the Wounded Warrior legislation that was brought to the Senate during the Defense authorization bill in a form of a bipartisan amendment. A number of Senators worked very hard. Senator MURRAY is on the floor. She worked very hard, and a number of Senators have worked very hard on this legislation. It came about as a result of what we learned at Walter Reed about how our returning troops from Iraq and Afghanistan were being basically neglected. They had been wounded, and they were receiving unacceptable and poor treatment when they came home. That failure was learned about—not only about the veterans care system, which had many bureaucratic failures, but also the physical facilities that were there failed to meet a minimum level of acceptability. The American people were outraged by the facts that came to light, and the Senate took prompt action.

The Wounded Warrior amendment, now in legislation that is before the Senate, would address the substandard facilities we have talked about and we have seen. It would address the lack of seamless transition and develop one when medical care for troops is transferred from the Department of Defense to the Veterans' Administration, which oftentimes in the past has led to diminished care. It addresses the inadequacy of severance pay. It addresses the need for improved sharing of medical records between the Department of Defense and the Veterans' Administration. We are told now that there are as many as 600,000 pending claims of returning veterans. It addresses the inadequate care and treatment of traumatic brain injury and post-traumatic stress disorder, and a number of other very important items.

So I again renew my request. Yesterday we were told that the Republicans were looking at this. Mr. President, I am going to renew this request. There are all kinds of reasons, I guess, for objecting to something such as this. Now I am told the reason for objecting is the pay raise isn't included. The Wounded Warrior legislation becomes effective upon passage and approval. The pay raise for the troops doesn't become effective until October 1 or January 1—I don't know how the legislation reads, but it is not now. So that would not be a good reason in my estimation, and I think in the estimation of these wounded warriors, for objecting.

The pay raise does not become effective until the beginning of the fiscal year. In fact, I think it is January 1 of next year. It is different than a number

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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of things we pass. But it does not become effective now. So if that is a reason for objecting, it is a poor reason, because they are two different issues. One is the pay raise does not become effective now; this does become effective.

So I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H.R. 1538, and the Senate proceed to its immediate consideration; that the substitute amendment at the desk, which is the text of the Wounded Warriors provision in H.R. 1585, be considered and agreed to; the bill, as amended, be read a third time, passed, and the motion to reconsider be laid on the table; and any statements relating to this matter be printed in the RECORD, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, and I will not object, I would hope to get the majority leader to amend his unanimous consent request. I notified him through floor staff that it would be my hope we could modify the unanimous consent request and not only pass the Wounded Warrior provision, which was regretfully taken down along with the Defense authorization bill last week, but modify that to include the language of section 601 of the Defense authorization bill, which would provide for an increase in military basic pay of all of our uniformed military personnel. So if the majority leader would modify his consent agreement as I have suggested, the bill, in effect, that we would be passing would be Wounded Warrior, plus the military pay raise. That would be my suggestion to the majority leader.

I am not going to object to his unanimous-consent agreement. I agree with him that the Wounded Warrior provisions are extremely important. I was disappointed it was taken down along with the Defense authorization bill last week, but I would respectfully suggest that it be modified to include the pay raise as well.

Mr. REID. I accept the modification.

The ACTING PRESIDENT pro tempore. Is there objection to the request, as modified?

Without objection, it is so ordered.

Mr. REID. Mr. President, could we also send this matter to conference?

Mr. MCCONNELL. Mr. President, let me suggest, I do need to consult with the ranking member. I am sure that won't be a problem, but to do it on the spur of the moment without consulting with the ranking member, it would probably not be acceptable to my side. But I can't imagine this would be a problem, and we will get back to the majority leader shortly.

Mr. REID. I understand that, Mr. President. I appreciate the cooperation. This is a good step forward.

The amendment (No. 2402) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 1538), as amended, was read the third time and passed.

Mr. LEVIN. Mr. President, I have offered the Dignified Treatment of Wounded Warriors Act as a stand-alone bill that incorporates the provisions of the Dignified Treatment of Wounded Warriors Act as marked up by the Armed Services Committee and as amended when offered as an amendment to the Department of Defense Authorization Act and passed by a vote of 94 to 0.

Our wounded warriors cannot wait, and should not have to wait, for us to finish the Department of Defense Authorization Act to get the relief contained in this bill. The bill incorporates the ideas of many Senators and the consideration of both the Armed Services Committee and the Committee on Veterans' Affairs. A total of 51 Senators have cosponsored this legislation. It is truly a bipartisan effort to address shortfalls in the care of our wounded warriors. I am delighted the Senate is passing this bill today so that we can move forward to conference with the House of Representatives to reach agreement on a bill that both the House and Senate can pass and send to the President.

This bill addresses the issue of inconsistent disability ratings by requiring that the military departments use VA standards for rating disabilities unless the Department of Defense rating is higher. The bill adopts a more favorable statutory presumption for determining whether a disability is incident to military service by adopting the more favorable VA presumption. The bill requires two pilot programs to test the viability of involving the Veterans' Administration in the assignment of disability ratings for the Department of Defense. The bill also establishes an independent board to review and, where appropriate, correct unjustifiably low Department of Defense disability ratings awarded since 2001.

This bill also addresses the lack of a seamless transition from the military to the Veterans' Administration by requiring the Secretary of Defense and the Secretary of Veterans Affairs to jointly develop a comprehensive policy on the care and management of injured servicemembers who will transition from the Department of Defense to the VA. The bill establishes a Department of Defense and a Department of Veterans Affairs interagency program office to develop and implement a joint electronic health record.

This bill authorizes $50 million for improved diagnosis, treatment and rehabilitation of military members with traumatic brain injury, TBI, and posttraumatic stress disorder, PTSD. The bill requires the establishment of centers of excellence for both TBI and PTSD to conduct research and train health care professionals. The bill requires that the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, report to Congress with comprehensive plans to prevent, diagnose, mitigate and treat TBI and PTSD.

This bill increases the minimum severance pay to 1 year's basic pay for those separated with disabilities incurred in a combat zone or combat-related activity and 6 months basic pay for all others. This is quadrupling or doubling, depending on the circumstance, the current arrangement. The bill also eliminates the requirement that severance pay be deducted from disability compensation for disabilities incurred in a combat zone.

This bill also addresses the problem that exists because medically retired servicemembers who are eligible for Tricare as retirees do not have access to some of the cutting-edge treatments that are available to members still on active duty. The bill does that by authorizing medically retired servicemembers to receive the active duty medical benefit for 3 years after the member leaves active duty. This can be extended to 5 years where medically required. The bill authorizes military and VA health care providers to provide medical care and counseling to family members who leave their homes and often leave their jobs to help provide care to their wounded warriors. The Dignified Treatment of Wounded Warriors Act requires the Secretary of Defense to establish standards for the treatment of and housing for military outpatients. These standards will require compliance with Federal and other standards for military medical treatment facilities, specialty medical care facilities, and military housing for outpatients that will be uniform and consistent and high level throughout the Department of Defense.

This bill also includes measures proposed by the Committee on Veterans' Affairs under the leadership of Senator AKAKA that address shortfalls in the VA system for care of our wounded warriors after their transition to the VA.

So in summary, the Dignified Treatment of Wounded Warriors Act is a comprehensive approach that lays out a path for the Department of Defense and the Department of Veterans Affairs to address shortfalls in the care of our wounded warriors while they remain in military service, during the transition from the military to the VA, and after this transition, while in the care of the VA.

Our wounded warriors deserve the best care and support that we can muster. The American people rightly insist on no less. This wide-ranging legislation will improve the provision of health care and benefits to injured military personnel and make the system much more efficient as well.

• Mr. MCCAIN. Mr. President, today the Senate adopted, by unanimous consent, legislation that will make a significant difference in the lives of America's wounded warriors and veterans. I

applaud the passage of the Dignified Treatment of Wounded Warriors Act and the 3.5 percent across-the-board pay raise for the men and women of the U.S. military.

This legislation bridges the gap in health care coverage for the severely wounded, and ensures their access to the broadest possible range of health care services. It authorizes additional care and support for families who are caring for the wounded. The bill increases traumatic brain injury care for veterans, and access to mental health evaluations. It requires the Secretaries of Defense and Veterans Affairs to develop and implement new policy to better manage the care and transition of our wounded soldiers. It also empowers a special board to review disability ratings of 20 percent or less, and to restore to wounded soldiers, if appropriate, a higher disability rating or retired status. And, it authorizes additional funding for traumatic brain injury and post-traumatic stress disorder.

The disability evaluation systems of the Departments of Defense and Veterans Affairs are out of date and in need of reform. This legislation advances that reform by requiring the immediate initiation of pilot projects to fundamentally change and streamline those antiquated systems. The bill also improves benefits related to administrative separation from the military due to injury, increasing severance pay and eliminating the requirement that severance pay be deducted from VA disability compensation for injuries incurred in a combat zone.

The legislation requires the Secretary of Defense to inspect and improve medical treatment and residential facilities, and to study the accelerated construction of new facilities at the National Military Medical Center at Bethesda, MD.

This legislation is an important step toward restoring trust for America's wounded soldiers and veterans. The Senate can be proud that it has put the needs of wounded warriors and our selfless service men and women ahead of partisanship, jurisdictional boundaries and disagreements over policy. We are now ready to move foward to conference with the House of Representatives and make overdue improvements for our soldiers, their families, and our veterans.

While I am pleased we have been able to take this action today, very critical improvements to defense policy and programs remain in the unfinished work on the National Defense Authorization Act for 2008, which the Democratic Senate leadership pulled from the Senate floor last week because of policy disagreements on Iraq.

Failure to pass the Defense authorization bill will curtail many needed initiatives to support our military personnel and their families and to continue the fight on the global war on terror. Our military forces deployed throughout the world, including Iraq and Afghanistan, need the resources, training, and equipment that this bill would provide. Examples of the important authorities that are being held hostage to the contentious debate on policy in Iraq include: increasing in end-strength for the Army and Marine Corps; providing combat-related special compensation to serve members who are; medically retired because of a combat-related disability; paying over 25 special pays and bonuses designed to improve military recruiting and retention; improving military equipment needed to protect deploying forces, including $4.0 billion for mine-resistant vehicles known as MRAPs; updating Army combat systems and additional funding for armor and aviation survivability equipment; building five warships and funding for Virginia class submarines; increasing the number of Department of Defense and Department of Energy programs to help reduce the threat of nuclear materials from the former Soviet Union falling into the hands of terrorists; encouraging more focused competition for the billions of dollars that the Department of Defense spends on contract services; and providing critical authorities to combatant commanders to address security priorities and support allies, coalition partners, and others in the war on terror.

I call on the Senate leadership to resume consideration of the Defense authorization bill at the earliest possible time, so that these and many other critical pieces of the legislation will become law for the benefit of our troops. Swift passage of the National Defense Authorization Act for 2008, coupled with support for our wounded warriors and hard-working troops together represent the full measure of support for our military forces that they need, and that they unquestionably deserve.●

Mr. WARNER. Mr. President, Senator LEVIN, along with Senator MCCAIN, have forged a comprehensive, bipartisan legislative package to ensure that wounded and injured members of the Armed Forces receive the finest care and benefits, which they richly deserve.

I thank Senators on both sides who participated in this legislation, on the basis of their own legislative initiatives and their amendments—10 of which were agreed to when the bill was considered by the full Senate on July 12, 2007.

I want to underscore that this bill is—in no way—a reflection of concern about the quality of acute medical care that our soldiers, sailors, airmen, and marines receive when they sustain wounds or illness in the field of battle.

Our men and women in uniform receive the best treatment anywhere in the world, and that fact has been sustained by every outside panel studying the problems arising from the disclosures at Walter Reed last February.

In fact, just today, the President's Commission on Care for America's Wounded Warriors, the Dole-Shalala Commission, found that the survival rate of those seriously injured has markedly increased compared to the rate in Vietnam and previous wars.

The report of a commission appointed by Secretary Gates, and led by two distinguished former Secretaries of the Army, Togo West and John Marsh confirms this by stating: Through advances in battlefield medicine, evacuation care, the Department has achieved the lowest mortality rates of wounded in history.

Let us never doubt the bravery and skill of our medical personnel.

This bill, approved by the Senate this morning, addresses the failure of systems—again, quoting from the Department of Defense Commission report—failures which included the: product of bureaucratic behavior, inability to reconcile institutional disparities, and leaving the wounded warrior and family to untangle that which government agencies cannot.

It is with great humility that I recall that I was the first Member of the Senate to visit Walter Reed—on February 23, 2007. It happened to be the same day that Secretary Gates visited Walter Reed to conduct his own inspection.

In the intervening months, many encouraging developments have taken place. I applaud the leadership of Secretary Gates in promptly taking action to correct deficiencies at Walter Reed, and insisting on accountability for failures in leadership that contributed to unacceptable conditions for our soldiers.

Our committee has also have received assurances from the Secretary of the Army Pete Geren, Deputy Secretary of Defense Gordon England and the Deputy Secretary of Veterans' Affairs Gordon Mansfield, that each will work tirelessly to improve the consistency and effectiveness of their management of all soldiers and veterans.

The bill which has now been passed by unanimous consent is comprehensive and deserving of our support. It incorporates many of the findings of completed studies and reviews, as well as the constructive ideas of Members of the Senate.

This legislation will ensure that wounded and injured members of the Armed Forces receive the care and benefits that they deserve.

It will improve physical and mental health benefits for the severely wounded, to ensure that they have the broadest possible options for care from military, veterans and private sector health care resources.

It includes significant initiatives in the areas of traumatic brain injury, TBI, and post-traumatic stress disorder, PTSD, for soldiers and veterans. This addresses the Dole-Shalala findings that over 52,000 Iraq and Afghanistan returning veterans have been treated for PTSD symptoms by the VA.

This legislation also creates a special review board to reexamine disability determinations which fall below the 20 percent threshold if a former member

of the armed services feels that he or she received an unfair rating.

Additionally, the bill requires the Departments of Defense and Veterans Affairs to rapidly move to fundamentally change and improve the disability evaluation systems within the two departments.

I am pleased that the legislation will ensure that as policies and programs are developed to improve care and management of wounded soldiers and veterans, that such policies and improvements will apply equally to members of the Active and Reserve components.

The bill also requires that military personnel continue to receive the best possible care at Walter Reed Army Medical Center until equivalent medical facilities are constructed at the National Naval Medical Center, Bethesda, MD, and the Fort Belvoir, VA, Army Community Hospital—and requires the Department of Defense to study the feasibility of accelerating the relocation of medical capabilities in the National Capital Region required by the Base Realignment and Closure Act of 2005.

The Senate can be proud that it has put the needs of our wounded warriors first and set forth bipartisan jurisdictional boundaries.

I want to thank my colleagues—especially Senator AKAKA, chairman of the Senate Committee on Veterans Affairs, and Senator CRAIG, the ranking member, for their cooperation, and for the work of both our committee staffs—working together—in the preparation of this legislation.

It is my hope that we will proceed expeditiously to conference with the other body on wounded warrior legislation and promptly resume consideration of the National Defense Authorization Act for 2008 when Congress reconvenes in September.

We owe this to our men and women in uniform and their families stationed throughout the world. They deserve nothing less than our full support.

## 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 of morning business for 60 minutes, with Senators permitted to speak therein up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, and with the Republicans controlling the first half and the majority controlling the second.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I wish to proceed on my leader time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## HONORING OUR ARMED FORCES

### SERGEANT FIRST CLASS JASON LEE BISHOP

Mr. MCCONNELL. Mr. President, most of the men and women who wear our country's uniform would not call themselves heroes, but I am afraid I would have to disagree with that. Those who fight abroad for our freedom here at home are, indeed, heroes. I rise to honor one special Kentuckian among them who was lost to us in the line of duty.

SFC Jason Lee Bishop of Covington, KY, was killed by a car bomb while on patrol operations in Siniya, Iraq, on New Year's Day of 2006. A member of the 1st Squadron, 33rd Cavalry, 3rd Brigade Combat Team, 101st Airborne Division, based in Fort Campbell, KY, he was 31 years old.

For his outstanding service as a soldier in the U.S. Army, SFC Bishop was awarded the Bronze Star Medal and the Purple Heart, as well as many other medals and honors of distinction.

Jason was the first of four children born to his parents Frank and Brenda Bishop in the northern Kentucky town of Covington. His mother remembers Jason as a young child standing on the seat in the family car and singing along with the radio, especially to Kenny Rogers.

Riding in the car with his father was a different experience. Frank taught young Jason how to drive by putting him in the driver's seat at the top of a hill, disengaging the parking brake, and issuing one command: ''Drive.'' On a stick shift, no less.

Jason and his dad enjoyed deer hunting and fishing together, something they did whenever the opportunity arose. Playing cards was another way the two enjoyed each other's company. His family says Jason learned to count using playing cards.

Jason graduated from Covington Holmes High School in 1993 with 4 years of junior ROTC experience. He entered the Army immediately upon graduation.

After basic training and assignment at Fort Knox, also in my State of Kentucky, Jason was sent to the Republic of Korea. He also was deployed to Bosnia for a 10-month tour. Later assigned to Fort Campbell back in Kentucky, Jason was promoted to sergeant first class.

Completing Drill Sergeant School was one of SFC Bishop's proudest accomplishments. Earning that drill sergeant badge was physically and mentally grueling, perhaps the toughest of all of his assignments.

Jason became a darn good drill sergeant. A fellow drill sergeant who served with him at Fort Knox, SFC Daniel Webster, says he is not aware of any combat deaths among the 1,000 men Jason trained at Fort Knox—a remarkable record. ''There is no doubt in my mind soldiers are coming back from Iraq and Afghanistan alive because Jason was so committed to their training,'' SFC Webster added.

In July of 1999, while stationed at Fort Knox, Jason met the woman he would marry, Katrina Bishop. They took their vows in 2002. ''He and I were soulmates,'' Katrina says.

They had a son, Matthew Franklin Bishop. Only 1½ years old when Jason deployed for the last time, he idolized his father. Matt ''quickly became his shadow,'' Katrina says. ''Wherever Daddy was, Matt had to be too.''

In September 2005, Jason and his unit deployed to Iraq. They would come home without him in September of 2006.

Jason is loved and remembered by his parents Frank and Brenda Bishop; his sisters Jamie, Lacey, and Julia Bishop; his wife Katrina Bishop; his son Matthew Bishop; his daughter Morgan Bishop, as well as many other beloved family members.

A wall that stands at Fort Knox to honor all of the fallen heroes in Iraq and Afghanistan has been named for the soldier who once served there. It is called ''Bishop's Wall of Remembrance.''

There is also a Sergeant First Class Jason Bishop Memorial Park at Covington that sits directly across from the house in which Jason grew up.

But the tribute to Sergeant First Class Bishop I can speak to most is this medal.

This medal, this coin was sent to me by Katrina Bishop. The Bishop family had it made in honor of their son. On one side it lists Jason's dates of birth and death, his assignment in the 101st Airborne Division, and his service in Operation Iraqi Freedom.

On the other side of the coin it reads: ''Sergeant First Class Jason Lee Bishop'' and has a picture of his sergeant's stripes. It also lists seven attributes that the Bishop family chose to remember their son, husband, and father by: loyalty, honor, duty, integrity, respect, selfless service, personal courage.

Mr. President, this medal is the Bishop family's reminder of Jason's life, which was tragically ended, and of their love for him, which will never end.

I thank Katrina Bishop for this gift, and I will be honored to keep it in my office. It will serve as a reminder to me, as well, of how much we owe the men and women of our Armed Forces whose highest calling is to fight for the freedom of others.

I ask the Senate to pause for a moment today and hold the family and friends of SFC Jason Lee Bishop in their prayers. They certainly will be in mine.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

DEFENSE AUTHORIZATION

Mr. KYL. Mr. President, first, I want to compliment the distinguished minority leader for not just recalling the sacrifices of the family and members of the U.S. military today, but for his efforts to do that for a long time now on the Senate floor. He focuses on Kentuckians who have a long history of service to their country, and rightly so. I know he would add to that the service of those members of our military and their families from all over this country and add them to our prayers and thoughts as well. We spend time in Washington debating policies that affect them, and they are living it every day, every minute of every day. I appreciate the words he brought to the Senate floor not just on this occasion but on previous occasions as well.

Mr. President, I will talk about the action taken earlier by the majority and minority leaders. We have now, by unanimous consent, approved two key provisions of the Defense authorization bill by unanimous consent in a period of 3 or 4 minutes. Yet it took the last 2 weeks to debate the Defense authorization bill, only to have it pulled from the floor so that we could not vote on it. It was used by the majority leader as a surrogate for the debate on Iraq policy. We have had something like seven or eight different resolutions—perhaps more, I have forgotten the count this year—on policy relating to Iraq. There is no more important national security issue facing our country than the war against terrorists, and certainly the central battle field in that war is the Iraq war.

Republicans do not shy away from the debate about what to do. It is an extraordinarily important debate. On the other hand, I would have two arguments with the way this has been done. First, the time of the debate right now is misplaced because after the Senate unanimously confirmed General Petraeus, after the President had changed his course and consulted with General Petraeus and others about a new strategy, and that strategy was developed, we sent General Petraeus to Iraq to begin executing that strategy. We put together five brigades to represent a surge in troop strength to accomplish the mission, the last of which went into the theater about a month ago.

When we did that, we made a commitment to the soldiers, marines, airmen, and all the Navy personnel to back them in what we sent them to do, not to immediately begin questioning whether they could succeed in their mission. We heard a lot of calls from the other side of the aisle that were very defeatist in nature, saying it was already lost and there was no way they could win. That is, obviously, not a good sendoff for the young men and women you are putting in harm's way to accomplish a mission that is important to the American people.

So the timing of the debate was off. General Petraeus and Ambassador Crocker will report back here in September. It is an interim report on this new strategy. But we have an idea that it will tell us a lot about the future course of action we should pursue. I think most Americans believe, even though all of us would like to have the troops come home and have our engagement there ended as much as it can, the reality is that Americans don't want to lose, don't want to be defeated. They certainly don't want to see the consequences of that defeat, with al-Qaida having a base of operations in Iraq, perhaps millions of Iraqis slaughtered in the ensuing chaos, and U.S. policy in the war against terror undercut dramatically in that very important region of the world. So the timing was off.

Secondly, using the Defense authorization bill as the surrogate for that debate was wrong. This is a little bit of an inside-the-beltway discussion, but the American people need to know why this is wrong. Each year, for 45 years, the Senate has passed a Defense authorization bill setting the policy for our national security for the following year and establishing the authorization for troop strength, military weapons acquisitions, policy related to missile defense, and you name it. The President has signed the Defense authorization bill. That then enables the Congress to appropriate the money to pay for the things that we believe are necessary for the military.

But this year, instead of having the debate and amending that bill and passing it, it was simply used as a vehicle to debate Iraq. Then when the last Iraq resolution was defeated, the bill was not passed. It was pulled from the floor. That left extraordinarily important policy hanging—policy on which our military troops rely.

This is not the first time the Democratic majority has had second thoughts about action it has taken on the Senate floor. I am glad it is having second thoughts about this bill. But by the action that has been taken, we are still not going to be adopting good policy in the right way. There are consequences to this piecemeal approach.

Let me illustrate my point. What we have just done this morning is to do two very important parts of that bill: to adopt a 3.5-percent, across-the-board pay raise for uniform military service personnel, and to adopt the language from the Dignified Treatment of Wounded Warriors Act, both of which were critical components.

Senator JOHN MCCAIN, my colleague from Arizona, spoke eloquently regarding both matters on this floor on numerous occasions. I know were he here now, he would be pleased at the action the Senate has taken.

Let me cite a few of the things that have been left on the cutting room floor as a result of not passing the Defense authorization bill, but rather simply taking a couple of provisions that are obviously popular with our constituents and leaving the remainder behind. Here are a few of the things we are not adopting as a result of this piecemeal approach: Senator JOE BIDEN noted that the MRAP, or Mine Resistant Ambush Protected vehicles, ''are the best available vehicle for force protection'' for our troops. He is right. There was $4.1 billion in the act to authorize payment for this equipment. Not adopted.

It authorizes the new hiring and bonus authorities to assist the Defense Department in recruiting and retaining needed, quality health and mental care professionals in the military. Not adopted.

It authorized $50 million in supplemental educational aid to local school districts affected by the assignment and location of military families. That is something all military families know about. Not adopted.

It authorized payment of combat-related special compensation to servicemembers who are medically retired due to combat-related disability. Not adopted.

It included provisions to examine and strengthen security forces at defense sites storing weapons-grade nuclear materials. That is a very important provision relating to nuclear deterrent. Not adopted.

It would have satisfied the Army Chief of Staff's unfunded requirements list by authorizing an additional $2.7 billion for items such as reactive armor, aviation survivability equipment, combat training centers, and machine guns—a variety of things the Pentagon said were necessary to support the missions of our men and women in the military. Not adopted.

My point here is that when you use the Defense authorization bill for the purpose simply of having a debate on Iraq, there are a lot of bad consequences to not passing that bill. You cannot cure them by simply picking a couple of the more politically popular items, such as we have done today, and getting those adopted by unanimous consent. I am delighted that we have done it, but that is not the end of the story if we are really going to support the mission of our troops.

Mr. President, let me conclude on this thought. To some extent, this debate we had in the last 2 weeks just on the Iraq war is a manifestation of what has gone on in the Congress for the last 200 days. It is hard to believe that 200 days is gone. What does this Congress have to show for its actions and being in session for these 200 days? I cannot say nothing because the reality is, we have approved and named 20 post offices. That is a post office every 10 days. It is not exactly heavy lifting, but it is something. As a matter of fact, it is the main thing this Senate can point to in terms of accomplishment. The only other thing of substance was the minimum wage increase, which, unfortunately, did not include the benefits to small businesses that have to pay the minimum wage in terms of tax relief, which Republicans

tried to have included. Of course, we had to pass the supplemental appropriations bill to fund the war effort. That is it.

I apologized yesterday for calling this a ''do-nothing Congress.'' After all, we have named 20 post offices. Let's call it the ''post office Congress.'' Perhaps in the remaining time this year we will pick up the action. Perhaps we will find ways to accomplish things that the American people really want us to do.

One of the big problems we can see is because we have not done the appropriations bills to fund everything from the military to the Departments of Justice and Commerce, all of the other departments of Government that serve the American people are going to be facing a trillion-dollar-plus Omnibus appropriations bill this winter. That is the worst of legislating. It is kind of the opposite of what we are doing with the Defense authorization bill where we don't pass the bill, but we pick two or three items that are politically popular and do them by unanimous consent.

In this case, you don't do anything to fund the Government until the last few days, and then you ball it up into one giant bill, thinking nobody can vote against it because, after all, it is either all or nothing.

That is very bad legislating and something I think we are going to resist because it represents not just an increase in spending but will undoubtedly represent bad policy as well.

Mr. President, my hope is that this ''post office Congress'' can get on to some other business. I am delighted we have been able to select two items from the Defense authorization bill to adopt by unanimous consent today. But that will not correct the deficiencies. I hope my colleagues, in the remaining time before the August work period, and in the months of September and October, will roll up their sleeves and work on the problems the American people sent us here to resolve.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, how much time remains on this side in morning business?

The ACTING PRESIDENT pro tempore. There remains 17½ minutes.

## RECENT SENATE ACTIONS

Mr. CORNYN. I thank the Chair.

Mr. President, last week was not a great week in the U.S. Senate. We had an overnight session that was designed to highlight the efforts by the majority to pass a timetable for withdrawal in Iraq, regardless of the consequences of that timeline and that withdrawal.

We then had another episode where I think both sides of the aisle were sort of forced to look in the abyss and to pull back because, as I am sure the Chair and other colleagues will recall, there was an amendment clearly offered to embarrass the President and this side of the aisle based upon the commutation of the sentence of Scooter Libby. There was an amendment offered highlighting the dozens of pardons issued by President Clinton. As you will recall, Mr. President, people paused at where we had gotten to in this debate—the acrimony and incriminations—and decided to figuratively lay our guns on the table and walk away.

That vote on the Scooter Libby commutation was actually vitiated, something I have never seen happen before, but I guess anything can happen by unanimous consent in the Senate, and it did. And there was no vote on the amendment to deal with the Clinton pardons.

I mention those because I think, unfortunately, the Senate has gotten to a bad place, not only in the eyes of the American people, where 16 percent, according to the most recent poll I have seen, believe the Senate is doing a good job, but we have gotten to a bad place in terms of the hyperpartisan atmosphere and the point-scoring that seems to take precedence over all other matters. That is not the kind of Senate I ran to serve in, and I know that a number of colleagues feel exactly the same way.

On Tuesday mornings, thanks to Senator LAMAR ALEXANDER of Tennessee and Senator JOE LIEBERMAN of Connecticut, we have instituted a new breakfast meeting each week. It is a bipartisan meeting. This was the subject of some conversation—the amendments, the hyperpartisan atmosphere, and really the episodes I just mentioned that occurred last week.

Again this morning, on Wednesday morning, one of the highlights of my week, I attended the Senate Prayer Breakfast. It is also bipartisan, obviously. This was brought up again, although I am not going to go into any detail since both of those meetings occur without any policy statements and, obviously, press is not invited; it is a private meeting where Senators can come together on a bipartisan basis, both at the Wednesday breakfast and the Tuesday breakfast, and talk about issues we care about, trying to do things for the American people, in the case of a prayer breakfast to share stories and get to know each other a little bit better.

I will say that there is some recognition that the Senate has too many team meetings—and by that I mean with Republicans meeting with other Republicans trying to figure out how we can win or score points against Democrats and Democrats meeting with Democrats thinking about ways they can score points against Republicans—and not enough meetings where we get together on a bipartisan basis to try to figure out what we can do to get business done for the benefit of the American people.

Senator KYL mentioned the woeful record of accomplishments so far this year. I note that beyond the unanimous consent requests that were proffered this morning that passed the Wounded Warrior legislation and the pay raise for our men and women in uniform, the minimum wage increase is the only substantive legislation that has passed so far this year, notwithstanding that being part of the ''6 for '06'' part of the campaign our friends on the other side of the aisle made part of their agenda.

I note, as Senator KYL has pointed out, that since taking power more than 200 days ago, the new majority has renamed 20 post offices. But my point is that it has opened more than 300 investigations and held more than 600 oversight hearings. Unfortunately, this has resulted in an effort to try to score political points by looking backward, conducting investigations about matters that have happened in the past or, I fear, too often partisan purposes and at the loss of our ability to look forward and figure out how do we work together to solve problems.

I guess one of the most recent manifestations of this hyperpartisan atmosphere and the kind of point-scoring we see going on, to the detriment of passing good bipartisan legislation, the Senator from Wisconsin, Mr. FEINGOLD, announced recently his intention to submit two resolutions to censure the President, one for his handling of the war in Iraq and the other for antiterrorism policies the administration has established. Of course, if he does follow through with his stated intention to submit these censure resolutions, that would prompt debate on what I believe would be meaningless political gestures and would further delay substantive legislation we should be considering.

Senator KYL mentioned the most direct example of the kind of game-playing we have seen recently with the Defense authorization bill. Of course, that served as the platform for the debate on the withdrawal resolutions and the sense-of-the-Senate resolution offered by Senator LEVIN and Senator REED, but when that did not pass, of course, that legislation was pulled from the Senate's agenda. Of course, as Senator KYL pointed out, there are a lot of important parts of that bill which will not be enacted because it was pulled down.

I am glad to see that the Wounded Warrior legislation, which I have worked on as part of the Senate Armed Services Committee, has now passed, as well as the 3-percent across-the-board pay raise. But other important parts of that legislation have not been passed, including a $4.1 billion authorization to procure Mine Resistant Ambush Protected vehicles. These, of course, are a new design of vehicles that are designed to defeat improvised explosive devices, which have been one of the most deadly weapons used against our troops in Iraq. Unfortunately, many of these weapons have been shipped, especially explosive foreign penetrators, from Iran to Iraq.

There are other important parts of this legislation: For example, adding $2.7 billion for items on the Army Chief of Staff's unfunded requirements list, including money for reactive armor and Stryker requirements; $207 million for aviation survivability equipment; $102 million for combat training centers, and funding for explosive ordnance equipment, night-vision devices, and the like.

There is also $50 million in supplemental educational aid to local school districts affected by the assignment or location of military families, so-called impact aid, which affects my State. A lot of school districts depend on that money which is provided to local school districts because, of course, Federal property cannot be taxed for purposes of local education, and when you have a Federal military installation there with a lot of children going to those schools, the only way they can pay the bills is to get this impact aid.

I could go on and on. Unfortunately, because of what we have seen in this hyperpartisan atmosphere, those important provisions of the Defense authorization bill have not been passed, although I am glad that the Wounded Warrior legislation and the 3-percent pay raise did pass this morning by unanimous agreement.

Then, of course, we see another casualty of the hyperpartisan atmosphere where it took more than 100 days for the new majority to allow the passage of an emergency war funding bill for our troops in combat. This delay caused a lot of dislocation and hardship for our men and women in uniform and their families, the very people we ought to be trying to lighten the burden for rather than burden them further with the political theater and the political wars in the Senate.

Then there is the issue of judicial nominees. The last 2 years of President Clinton's term of office, with a Republican-controlled Congress, there were, if memory serves me correctly, 15 to 17 circuit court nominees confirmed. So far, we have only had a handful confirmed by this Congress, and we have judges stuck in this slow walk of a process—for example, judges such as Leslie Southwick, a nominee for the Fifth Circuit Court of Appeals.

Judge Southwick's qualifications and credentials are outstanding. The American Bar Association has given him its highest rating. He was approved unanimously by the Senate Judiciary Committee for a life-tenured position as a U.S. district judge during the 109th Congress. Although he is from Mississippi now and serves on the State courts in Mississippi, he graduated from the University of Texas in 1975. After completing law school, he clerked for the presiding judge of the Texas Court of Criminal Appeals and then for Judge Charles Clark on the Fifth Circuit Court of Appeals. After a few years in private practice, Judge Southwick reentered Government service in 1989 when he became a deputy assistant attorney general for the U.S. Department of Justice. In 1994, Judge Southwick was elected 1 of the first 10 judges on the Mississippi Court of Appeals. He remained on the bench, except for a military leave of absence from 2004 until 2006. During that time, he served as a staff judge advocate for the 155th Brigade combat team in Iraq.

Despite his stellar qualifications and strong support from his two home State senators, so far it has been the demonstrated intent of our colleagues on the other side of the aisle to block his ability to get a vote in the Senate Judiciary Committee and to prevent him from getting an up-or-down vote on the floor of the Senate.

I should correct that. In fairness, the chairman of the Judiciary Committee has offered to give Judge Southwick a vote in the committee, but we know committee Democrats are poised not only to tarnish the good record of this judge but then to perhaps send him here with a negative vote in committee. I know there are talks that are ongoing.

Unfortunately, I think this is a demonstration again of the hyperpartisan atmosphere that unfortunately poisons relations, not only between colleagues in the Senate but turns off so many people across the country. It is regrettable.

My hope is, as we did last Thursday night, that we can walk away from this hyperpartisan atmosphere, seeing that basically no one wins when congressional approval hovers at 16 percent. It is hard to imagine that it could go much lower. Unless we turn away from the kinds of practices we have seen for the first 200 days under this new majority and unless we try harder to work together, have less team meetings and have more bipartisan meetings where we talk about what we can do to pass legislation for the benefit of the American people, I fear Congress will continue to be held in low esteem by the American people.

It is important that we wake to what should be a wake-up call that is provided by these low poll numbers and the recognition that this serves no one's best interests, certainly not the best interests of the American people.

My hope is that rather than just naming more post offices, rather than passing one or two bills, such as the minimum wage bill and now these bills by unanimous consent this morning, we will seize this opportunity to try to do what is in the best interest of the American people. That is why most of us came to the Senate. Unfortunately, we have been captivated by the partisanship that is insisted upon too often by narrow special interest groups that seem to spend a lot of time at the Capitol and have way too much influence, in my view.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

## DIGNIFIED TREATMENT OF WOUNDED WARRIORS ACT

Mrs. MURRAY. Mr. President, earlier this morning, the majority leader, Senator REID, asked unanimous consent for the Senate to pass a significant piece of legislation, the Dignified Treatment of Wounded Warriors Act. That was agreed to, and the Senate has now accomplished a major step that I wish to take a few minutes to highlight this morning.

All of us were astounded earlier this year when the Washington Post ran a series of articles about the treatment of our soldiers, our men and women, at the Walter Reed facility. They outlined the horrific conditions that some of our soldiers were living in as they received treatment for their wounds from a war far away. After that, we talked to and heard about many soldiers who were in medical hold units not only at Walter Reed but across the country who were waiting not a few weeks, not a few months, but months on end—and even almost 2 years—to get their disability ratings so that they could be discharged from the military and continue on with their lives once they had been wounded.

I went up to Walter Reed with our majority leader and members of our leadership team to talk to some of the soldiers who were in medical hold at Walter Reed. They expressed complete frustration at what they found themselves in. It was not just the physical part of their living conditions, but it was the fact that they had other wounded soldiers who were their advocates trying to help them work through a disability system that made no sense to them, their advocate or to any of us who were listening.

They talked about their family members who were literally left on hold not knowing when they would be able to come home, get a job, go back to work, and resume being a part of their family again. They talked about long lines. They talked about paperwork that had gotten lost. They talked about not knowing they had traumatic brain injury even a year and a half after they had been wounded and came home.

No one had taken the time to ask them if they had been near an explosive device and perhaps they had some kind of brain injury. Yet they knew that they couldn't find their keys that they had set down, they couldn't remember the dates of their kids' birth, they couldn't remember what they had done a few years ago, much less today. They knew something was wrong, but no one had taken the time to ask them what they had seen on the ground in Iraq or what they had been involved with that might have caused a brain injury.

I went home to the State of Washington and talked to some of our soldiers who were in medical hold at one of our facilities in Washington State. I invited anyone who would like to come. I expected maybe a dozen, two dozen men and women to come over and talk to me. Over 200 showed up, expressing anger, frustration, and telling story after story after story of long delays in getting their disability ratings, in being unable to get their lives put back together, in not being diagnosed correctly.

Well, I am proud the Senate, in a few short months, has stood up and said: Not on our watch. Not anymore. This morning, in passing the Dignified Treatment of Wounded Warriors Act, we are moving forward in an aggressive way to make sure the men and women who have served our country so honorably are treated well when they come home. We are making sure those men and women who were asked to fight a war for this country, no matter how we felt about that war personally, those who went to the war and fought for our country don't have to come home and fight their own country to get the health care they so deserve and should get without having to fight someone for it.

This Senate acted in an aggressive way. Two of our committees, the Veterans' Affairs Committee, headed by Senator AKAKA, and the Armed Services Committee, headed by Senator LEVIN, in a bipartisan way, put together, for the first time, a historic joint committee to bring in experts to talk to us about what the needs were and what we needed to do. From those excellent recommendations from that joint hearing, we worked together in a bipartisan way to craft legislation that would require the Secretary of Defense and the Secretary of Veterans Affairs to develop a comprehensive policy by January 1 of next year on the care, management, and transition of our servicemembers from the military to the VA, or to civilian life, so our brave men and women don't fall into that transitional trap between the DOD and the VA anymore and feel like they have come home and been lost.

This is critically important. It is an aggressive action that, for the first time, will require the Department of the Defense and the Department of the VA to work together. Soldiers, men and women, too often feel like when they are in the service—in the Army, in the Navy, in the Armed Forces—there is a completely different system that doesn't even talk to our VA, which has a totally different disability system. Their paperwork doesn't go back and forth between each regarding how they are rated as disabled. The Army is completely different than how they are rated by the Veterans Affairs Department. That means their care is not adequate, it means they are frustrated, it means they are angry, and we say: No more. We are requiring now the Secretary of Defense and the Secretary of Veterans Affairs to jointly come back to us with a policy that makes sense for this country's men and women who have fought for all of us.

In this legislation, we also dealt with enhanced health care for our men and women who have served us. Too often they find their health care cut off long before they are able to get back and get a job. We authorize disability ratings of 50 percent or higher to receive health care benefits for 3 years. For some of the family members of a spouse—husband or wife—who have been injured, they lose their own health care. So we make sure we aggressively move forward and not allow our families to be left without health care while their servicemember is being cared for at one of our medical facilities.

We also focus dramatically on TBI, traumatic brain injury, and post-traumatic stress syndrome, two significant wounds of this war. We establish new centers of excellence within the Department of Defense, one for TBI and one for post-traumatic stress syndrome. We require the Department of Defense to analyze soldiers so they do not go home and end up like the young man who told me he had been discharged from the Army and for 18 months was at home. No one asked him when he was discharged whether he had been around any kind of IED explosion in Iraq. No one asked him how he was doing. For 18 months, he sat at home in a rural community in my State and wondered why he could no longer talk to his friends; wondered why he couldn't remember what he learned in school a few years ago; wondered why, as a young man of 22, he felt his life had changed dramatically and he didn't know who he was anymore. Eventually, he tried to take his own life. That should not happen to a service man or woman who has served us honorably.

What happened to him has happened to many other soldiers who have served us in Iraq. He had been around not 1, not 5, not 20, but more than 100 explosions while he was on the ground in Iraq. As a result, he had severe traumatic brain injury that was not diagnosed when he left. No one asked him when he was discharged whether he was having any problems. No one followed up when he got home, to see if he was adjusting okay.

We say, no more. We say the Department of Defense looks at every soldier when they come in and when they leave, asks them what kind of action they have seen on the ground in Iraq, and follows up with them and gives them the care so they can perform and come back to normal life as quickly as possible. This is the least we can do.

It has taken the Senate just a few months to aggressively go after this, to pass a bill through committee, to bring it here to the floor of the Senate and, very importantly, the full Senate this morning supporting that legislation and passing it to the House, hopefully quickly to conference and to the desk of the President of the United States. That is what our soldiers deserve. I am sorry it happened 4½ years after this war started. It should have happened before this war started with the preplanning that I will not go into this morning that obviously we did not have. But I will say as a Senator who did not vote to go to war in Iraq, I have said consistently—no matter how we felt about that war then or how we feel about it today—that we have an obligation, as leaders of this country, to make sure the men and women who fight for us get the care they deserve. The passage of this bill today is part of that commitment, and I am very proud of the Senate.

Later this morning, the commission the President has put in place, the Dole-Shalala commission, will also come forward with their recommendations. I look forward to seeing what they have to say, but this Senate is not going to sit around and wait for a report from anybody. We are moving, and moving aggressively. I hope whatever recommendations come out in the Dole-Shalala commission report that we see today do not end up on a dusty shelf in the White House, as the 9/11 Commission recommendations did or as the Iraq study commission recommendations did. I hope the White House works aggressively to make sure these recommendations—both from Congress and from their commission—are put into effect because whatever laws we pass will only be managed efficiently and effectively and work if the White House joins us in a partnership to make this happen.

I wanted all of our colleagues in the Senate to know, and for the country to know, we are moving aggressively forward to make sure the men and women who serve us are served as well by this country, and I am proud of the action of the Senate this morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator has that right.

## HOMELAND SECURITY APPROPRIATIONS

Mr. MENENDEZ. Mr. President, I am pleased to rise today to talk about a bill that I am proud of, and of which all Americans should be proud.

I first want to commend the esteemed chairman of the Appropriations Committee, Senator BYRD for his commitment to drafting a bill that is in our Nation's best interest. I also would like to convey my respect for Senator BYRD and the ranking member, Senator COCHRAN, for the exemplary bipartisan they have shown in negotiating this bill and bringing it to the floor.

The Homeland Security Appropriations bill that will be before us later

today is a clear indication that our priorities have changed. After years of neglecting key homeland security initiatives, this bill ends a trend that has been straining our first responders, forcing our States to come up with more, and leaving us more vulnerable than we should be 6 years after September 11.

This bill is part of a framework that we have created this year to restructure our priorities—and it is clear that homeland security is at the top of the list. I am proud of the levels we set in the budget resolution we passed earlier this year. As a member of the Budget Committee, one of my top requests to Chairman CONRAD was that we provide enough to the Appropriations Committee so that it could not just reject the President's cuts to key homeland security funding, but go above and beyond what has been funded in recent years. I thank Chairman CONRAD, for his commitment to homeland security funding in the budget resolution and for understanding what those funds mean to a State like New Jersey.

This year we have set the tone. The message is clear—when it comes to homeland security, the status quo just won't cut it. This bill says that loud and clear. By increasing overall funding by 8 percent over last year, we recognize that those on our front lines need our support. In this bill, they will get it.

For New Jersey, the funds in this bill mean the difference between having what we need to protect our high-risk areas and leaving our infrastructure vulnerable. The grants this bill provides means millions more for our ports to increase site security and implement key initiatives.

The increases for next year mean our fire departments will have the resources they need to hire new firefighters, to upgrade their equipment, and to reduce the long shifts far too many of them are working. The focus on first responder funding means our law enforcement will continue to have support to carry out key terrorism prevention efforts in our cities.

Perhaps most importantly, this bill does not take the approach that we can do what is minimally required and pretend that is enough. For all of the President's talks about how critical security at home is, for all the administration continues to warn us about how at risk we are for an attack, I am just dumbfounded because no matter where I look, I cannot find where he makes supporting our first responders a priority. No matter how hard I try, I cannot see how he expects our ports to be as secure as they should be 6 years after September 11. For all the reminders this administration likes to give the American people that we are at war, that we are vulnerable, that we must be vigilant, I do not see where we are matching that rhetoric with dollars.

This bill is about more than rhetoric. It is about providing what is needed.

I am proud that this bill rejects the President's cuts to first responders, and actually increases funding by $644 million. Nearly 6 years after September 11, would seem unfathomable that we would actually cut funding for first responders, but that is exactly what the President's budget called for.

In this bill, we provide more than $400 million than the President for firefighters. We increase funding for FIRE grants by $25 million more than last year so that fire departments can purchase new equipment. When nearly a third of firefighters are not equipped with a self-contained breathing apparatus or portable radios, I think there is no question that these funds are sorely needed. One of the grant programs I hear about the most, as I am sure do many members, is the SAFER grants. I have listened to firefighters from my State far too many times plead for the SAFER grants not to be cut. And yet, every year, this is a fight we have had to have with the administration. I truly hope this is the last year. These grants help departments increase their staff, often so they can cover more 24-hour shifts. Our bill increases funding by $13 million over last year.

I am also extremely proud of the direction this bill takes us for improving key grant funding to States and our most at-risk areas. This bill restores the two major grant programs, the State Homeland Security Grant Program and the Law Enforcement Terrorism Prevention Program, and increases funding for urban area security grants. For reasons I cannot explain, the President sought to cut State homeland grants in half, and practically eliminate the law enforcement grants.

For States like New Jersey, these funds are not just an added bonus—they are essential. These grants allow States to purchase equipment, train first responders, put in place response plans, and a whole host of other critical activities. By restoring cuts to these programs, officials in New Jersey will have the confidence that we are working to provide them every last dollar, and that we understand how critical this funding is.

Our bill also provides an increase for the Urban Area Security Initiative, the only fully-risked based funding of its kind, designed to help the most high-threat urban areas. I have spoken on this floor before about the unique threats that our UASI—Urban Area Security Initiative—region in northern New Jersey faces. As one of the most densely populated areas in the Nation, we face the complexity of populous neighborhoods nestled among high-profile infrastructure, including the largest port on the east coast, a major international airport, and a string of chemical plants—which makes up what is known as the ''2 most dangerous miles'' in America. When people back home hear that, they ask me what we are doing to protect that area, because those 2 miles are not isolated—thousands drive by it every day, and many live close enough to call it their backyard. When we pass this bill, I can tell them that yes, we are working to make more funding available, yes, we are addressing those areas most at risk.

Our bill also seeks to end the trend of pouring our resources into aviation security and spending pennies in comparison on rail, mass transit, port, and chemical security. This bill more than doubles funding for rail and transit security, and far exceeds what our past funding bills have done for port security. We provide $400 million for port security grants, a level which our ports have been calling for for some time.

Anyone who knows the Port of New York and New Jersey understands the daunting task of securing the perimeter of the port. The port is surrounded by storage facilities and warehouses, with waterways on one side, and a major highway and an airport on the other, and rail lines and a major pipeline running along side it. So, for a site as complex as our port, perimeter security is no easy feat.

Our Nation's ports have a long to-do list, and I guarantee you, every one of the improvements they want to make costs money. In the wake of the SAFE Port Act, which the President signed into law last year, our ports have even more requirements they are supposed to carry out. Yet the President did not call for any funding to implement these initiatives. Our bill does.

We double port security grants, to the level authorized in the SAFE Port Act.

We provide $15 million for the Coast Guard so they can increase the number of inspections at facilities, conduct vulnerability assessments, and develop long-range vessel tracking systems.

We provide $60 million for operational centers as called for in the SAFE Port Act that will help coordinate information sharing, intelligence gathering, and support cooperation among Federal, State, and local agencies.

And, we provide $15 million to help ports implement the TWIC port worker ID program, which has been delayed again and again. It is past time for us to have something as simple as uniform, technologically advanced ID cads for those workers at our ports.

This bill also contains a very short, but very crucial provision that is well known to people in New Jersey. It allows States to have more stringent chemical security standards. If you have ever been to Newark's Liberty Airport, than you were within a few short miles of the Kuehne plant in South Kearny, in a range that would without question be devastated by an attack at that facility. Because plants like this one are uniquely sandwiched between highways and neighborhoods, in an area that rises to the level of being called the ''2 most dangerous miles,'' New Jersey has taken action to make sure we are doing everything possible to keep these plants secure.

Because it is far ahead of the curve when it comes to chemical security, the notion that the Department of Homeland Security can issue regulations that could preempt New Jersey's, and possibly be weaker than our standards, turns logic on its head. The bottom line is, when it comes to the security of things uniquely New Jersey, like the location of this chemical plant, no one knows what we need better than our State. And that is the position that this bill takes. I applaud my fellow Senator from New Jersey, Mr. LAUTENBERG, for ensuring this language is part of this bill, and I thank Senator BYRD for realizing how essential preserving New Jersey's standards are for the future of chemical security.

When this Homeland Security appropriations bill is passed and signed into law, we will be able to definitively say we have passed legislation that makes us smarter and stronger when it comes to our Nation's security.

The bill ensures we are protecting, not neglecting, our critical infrastructure; our first responders have more, not less, to do their jobs; and our States will have the critical resources they deserve.

I urge all my colleagues to support this incredibly sound bill and take this important step to getting our homeland security funding where it should be in finally meeting the challenge of securing our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that I be permitted to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ATTORNEY GENERAL GONZALES

Mr. WHITEHOUSE. Mr. President, yesterday, as you will recall, in the Senate Judiciary Committee, Attorney General Gonzales appeared. I spoke with him about a seemingly simple concept, the impartial administration of justice.

But, as is so often the case with this administration and with this Attorney General, the simple is often confused, and what should be impartial is often tainted with politics.

I asked the Attorney General about the administration's policy regarding communications between staff at the Department of Justice and at the White House, about ongoing investigations and cases. This kind of conversation, of course, should be very limited in scope. Until recently, it was.

Attorney General Janet Reno wrote, in a 1994 letter to White House Counsel Lloyd Cutler:

> Initial communications between the White House and the Justice Department regarding any pending Department investigation or criminal or civil case should involve only the White House Counsel or Deputy Counsel (or President or Vice President), and the Attorney General or Deputy or Associate Attorney General.

That is seven people, total. Four in the White House, three in the Department of Justice.

As I pointed out to the Attorney General, this administration has dramatically expanded this policy to allow literally hundreds of people at the White House to discuss sensitive case-specific information with dozens of people at the Department of Justice. Even worse, a further revision to this policy signed by Attorney General Gonzales specifically added the Vice Presidents's Chief of Staff and the Vice President's Counsel, David Addington, to the list of those empowered to have these conversations. Karl Rove, by the way, is also on the list.

Why in the world would it be appropriate to give the Vice President's staff a green light to muck around in sensitive Department of Justice affairs? Based on my experience as a U.S. attorney, I can think of no reason.

So why did the Attorney General himself issue a memo specifically authorizing that? Well, the Attorney General himself seemed to have no idea. When I asked him about it yesterday, he said:

> As a general matter, I would say that that's a good question. I'd have to go back and look at this. On it's face, I must say, sitting here, I am troubled by this.

Well, Mr. Gonzales, I am troubled by this too. Troubled but, unfortunately, not surprised.

Not surprised because this administration has, at almost every turn, done everything possible to enhance the power of the President and the Vice President to dismiss Congress's essential constitutional oversight responsibilities, to disrupt the balance of power crafted by our forefathers and to thwart those who would stand up and say: Enough is enough.

But now a chorus of Senators is finally saying: Enough is enough.

When I ran for the Senate, I spoke often about the need for a check on the Bush administration's relentless abuse of power. Now, after having served in this great institution for only 6½ months, I feel more strongly than ever that it is vital for our Democratic majority to serve as an essential bulwark against an imperial executive branch.

Without 60 votes, we cannot get things done over objection from the other side as often as we would like. But with a majority, we can at least stop some of the mischief. We can stop them from politicizing everything from Government-funded scientific research to U.S. attorney's offices, Government functions that have historically operated entirely free of partisan influence.

We can spotlight their efforts to undo our system of checks and balances, their penchant for unneeded secrecy, and often, disregard for the law and our American principles.

We can call them out when they use national security as a shield against legitimate oversight and as a weapon against political adversaries, against attempts to conduct Government in secret and in darkness and sometimes in defiance of the law.

In the process, the administration has done grave damage to the principles and values that have made this country an example for the world. The writ of habeas corpus? Adherence to the Geneva Conventions? The independence of Federal prosecutors? The principle of judicial review? The notion that a citizen in a democracy has a right to know what their Government is doing in his name?

Each of these, in ways great and small, has been eroded by this administration. Then, when you think they cannot possibly push the envelope any further, they do. I am referring to two recent episodes: First, the Vice President's now infamous and incredible assertion that his office is exempt from an Executive order designed to protect classified information because it is not, get this, it is not an entity within the executive branch, and the Attorney General's apparent complicity with this theory.

Executive Order No. 12958, as amended by President Bush, regulates the classification, safeguarding, and declassification of national security information. It also requires the National Archives' Information Security Oversight Office to, among other things, conduct onsite inspection of Federal agencies and White House offices to ensure compliance with these important regulations.

Despite cooperating with the National Archives in 2001 and 2002, in 2003, the Vice President abruptly decided he was above complying with an Executive order, even one signed by President Bush.

Repeated attempts by the National Archives to secure the Vice President's cooperation or at least an explanation for noncompliance were met with silence and then, apparently, an effort to abolish the office that had dared try to enforce the law.

In the meantime, in January 2007, the National Archives referred the question to the Department of Justice for clarification, as to whether the Vice President is an executive branch entity required to comply with an Executive order. You might think that in 6 months the Department of Justice would produce a memo stating the Vice President must comply with Executive orders and that he is, in fact, as we all know, in the executive branch.

Well, you would be wrong. The Vice President makes an argument that would flunk an elementary school civics test so he may circumvent safeguards on national security information. The Attorney General goes along with this by refusing even to respond to a letter seeking clarification of the law, which is a core function of the Department of Justice Office of Legal Counsel.

What is going on here? Second, in this ignominious list is the President's

personal intervention to deny security clearances to investigators from the Justice Department's Office of Professional Responsibility, or as we call it, OPR, who were looking into the administration's warrantless domestic surveillance program.

This is the first time ever an OPR investigator was denied necessary clearances to conduct their investigation. Of course, the denial of security clearances had the intended effect: The investigation by OPR was shut down.

Now, as we all know, the distinguished chairman of the Senate Judiciary Committee, Senator LEAHY, has been forced to issue subpoenas to the White House, the Office of the Vice President, the Department of Justice, and the National Security Council, in order to obtain information Congress has sought for months related to the administration's legal justification for the warrantless wiretapping program.

If the White House's refusal to honor earlier congressional subpoenas and turn over information on the U.S. attorney firings is any indication of things to come, we can expect more stalling and more stonewalling by this administration as Congress seeks to learn the truth.

Again, what is going on here? What is going on, I believe, is a systematic effort on the part of the Bush administration, to twist, to partisan and political advantage, threats to our national security as justification for conducting Government in secret and in darkness, shadowed from congressional oversight and far from the light of public scrutiny.

If this requires making preposterous arguments, such as the Vice President's, in their view, that is fine. If this requires taking unprecedented action to deny clearance to Government investigators, fine by them. If this requires dispensing with many years of tradition and practice, distorting the plain language of Executive orders and abdicating the Department of Justice's watchdog role, again, fine with them. If this requires attempts to a evade even a congressional subpoena, well, that is apparently fine too.

I will end where I began, with the issue of communications regarding ongoing cases and investigations between the White House and the Department of Justice. As Mr. Gonzales acknowledged yesterday, the greatest danger of infection of the Department of Justice with improper political influence comes from the White House.

Along with Chairman LEAHY, I have introduced a bill to set the Reno-Cutler policy for White House contacts as a baseline and to require the Department of Justice and the White House to report to Congress any time they authorize someone else to have these sensitive discussions.

It is my sincere hope this bill will have bipartisan support. But this bill is only one small part of a larger effort to restore checks and balances to our Government. We must and we will continue this effort, challenging the administration to work for the Democratic Congress, to stop playing politics with national security, and to end the secrecy and abuse of power that have become the hallmark of the Bush era.

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. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NOMINATION OF JUDGE LESLIE SOUTHWICK

Mr. DURBIN. Mr. President, one of the more challenging tasks for a Senator is not to stand in judgment of a bill or even a law or a policy but to stand in judgment of a person. I served in the House of Representatives for 14 years before coming to the Senate. It is the one dramatic difference between the two bodies. Time and again we are called on in the Senate, in our capacity to advise and consent to Presidential nominations, to stand in judgment of people. It is not an easy assignment. You have to, in a matter of a short period, maybe meet a person, read about their background, and try to think ahead whether they are ready for the job they are being sent to do. For some it is only a temporary assignment. It might be for a year or two or more in a Federal agency with an important responsibility. I look at those judgments and assignments seriously, but not nearly as seriously as the task of picking Federal judges. A Federal judge, that man or woman, is appointed for a lifetime. The decision you make about a person has to be done more carefully. There has to be more reflection. If questions are raised about a person, their judgment, their values, their background, their veracity, their integrity, those questions are taken more seriously because that judge on that bench will be the face of America's law for the rest of his or her natural life.

As a member of the Judiciary Committee, I come face to face with these decisions on a regular basis and try to do my best to not only help pick good judges for my own State of Illinois but to be fair in judging those the President, whether a Democrat or Republican, sends to us for approval.

There is a controversial nomination now pending for the U.S. Court of Appeals for the Fifth Circuit, the nomination of a local State judge in Mississippi named Leslie Southwick. I came to the Southwick nomination with no advance knowledge of the man or anything he had done. I truly had an open mind. I attended his nomination hearing and tried to give him the benefit of the doubt. Today I am sorry to report I have only doubt about his appointment to this lifetime position. There are too many questions about whether Judge Southwick would bring a measure of fairness in cases involving civil rights and the rights of ordinary people in his court. This perception as to whether he will be fair or evenhanded is determinative in my mind. Whether you agree with that perception, it is there.

It is sad but accurate to report that Judge Southwick has lost the confidence of the civil rights community in the State of Mississippi and across the Nation. There is one case I wish to mention which may help explain why this has occurred. The case is called Richmond v. Mississippi Department of Human Services. Because of the wording in the case, it is unfortunate, I will be unable to read it into the RECORD; it would be inappropriate. But suffice it to say, in this 1998 case, the Mississippi State Court of Appeals ruled 5 to 4 to reinstate and give back pay to a White employee who had been fired for calling a Black employee the ''N'' word. Judge Southwick was in the five-person majority and thus was the deciding vote in that case.

Here is the background. The plaintiff, Bonnie Richmond, was a White employee who worked at the Mississippi Department of Human Services, a State agency with a 50-percent African-American workforce. After referring to an African-American colleague as a ''good ole'' ''N'' word, Bonnie Richmond, the white employee, was fired. She appealed her termination and was successful. A State hearing officer reinstated her. That decision was affirmed by the full Mississippi Employee Appeals Board, then reversed by the State court trial judge. Judge Southwick's court reversed it again, ruling for the White employee who had used the offensive racial epithet. Finally, the Mississippi Supreme Court weighed in. The Mississippi Supreme Court unanimously reversed the majority opinion which Judge Southwick had signed his name to, ordering the case to be remanded to determine an appropriate punishment short of termination for the White employee, Bonnie Richmond.

Mr. Southwick's defenders point out that he didn't write the opinion he signed on to. That is certainly true. But he didn't have to sign on to it, if he didn't agree with it. He could have filed a concurrence agreeing in the judgment but not the reasoning. He chose not to do so. The opinion Judge Southwick signed stated that the White employee who used the ''N'' word in this case ''was not motivated out of racial hatred or animosity directed toward her co-worker or toward blacks in general.''

I don't believe that is a mainstream view in America. I don't believe it is a mainstream view to say that the ''N'' word is ''not motivated out of racial

hatred or animosity.'' The Southwick majority also affirmed the determination of the hearing officer who said the use of the term good old ''N'' word was intended to mean a ''teacher's pet'' and was in this context about as offensive as calling someone ''a good old boy or Uncle Tom or chubby or fat or slim.'' Again, is that a mainstream view in America?

Recently a civil rights organization had a symbolic ceremonial burial for the ''N'' word, saying it is time it be removed from the American language, it is so offensive. For someone in Judge Southwick's court to be so dismissive of this term is truly to be insensitive. I don't believe the opinion which Judge Southwick signed on to reflected the type of racial sensitivity we need in a Federal judge.

The dissent in the case was eloquent and powerful. It said:

> The [''N'' word] is, and has always been, offensive. Search high and low, you will not find any non-offensive definition of this term. There are some words, which by their nature and definition are so inherently offensive, that their use establishes the intent to offend.

I certainly agree with that powerful dissent. I am sorry Judge Southwick does not.

At his May 10, 2007 hearing, Judge Southwick was asked if he still stood by his vote in that case. He said he did. I find that very troubling.

This is particularly important given the context of this nomination. This Fifth Circuit covers the States of Mississippi, Texas, and Louisiana. Those three States have the largest percentage of minority residents of any Federal circuit in America—44 percent. The State of Mississippi has the largest percentage of African Americans of any State in the Union—36 percent.

There are 19 judges on the Fifth Circuit. Of those 19, only one is African American. That would be Judge Carl Stewart of Louisiana.

Now, some have suggested that recent nominees to the Fifth Circuit reflect a deliberate design to protect this imbalance. Others say it is a conscious disregard of the obvious unfairness. The most generous view is that it is only a coincidence.

Two previous nominees to this Fifth Circuit seat—Charles Pickering and Michael Wallace—were not confirmed because of their anti-civil rights backgrounds.

Judge Pickering had unethically tried to lower the prison sentence for a convicted cross burner. Mr. Wallace defended the discriminatory policies of Bob Jones University and was so notorious for his hostility to civil rights that the American Bar Association gave him a rating of ''not qualified.''

The Southwick nomination has become a controversial nomination, with more focus than any other current circuit court nomination I can think of on the racial issue. Time and again, the nominees sent by the White House to the Senate Judiciary Committee fail the most basic test as to whether they will fill this lifetime position on the Federal bench and rule fairly on issues involving race.

It is critical that members of the Fifth Circuit have an open mind when it comes to issues of race. In a letter sent to the Judiciary Committee, the Congressional Black Caucus opposed the confirmation of Judge Southwick and said:

> Our Caucus is most concerned about Mr. Southwick's ability to afford equal justice under law in the Circuit where racial discrimination has always been most pronounced.

In another letter of opposition sent to the Judiciary Committee, the NAACP, the NAACP Legal Defense Fund, National Urban League, and the Rainbow/PUSH Coalition said:

> This position is a lifetime appointment. If confirmed, Southwick will often provide the final word on the civil rights of millions of minority residents within the Fifth Circuit.

Historically, there have been some judicial giants in the Fifth Circuit who have served with great courage. Alabama used to be part of that Circuit. A few years ago, I went to Alabama for the first time as a guest of an organization known as the Faith and Politics Institute on Capitol Hill. It is a bipartisan group, and it tries to blend some views toward values with political decisions.

Under the leadership of JOHN LEWIS, the Congressman from Atlanta, GA, who was a pioneer in the civil rights movement, we went down to visit some of the key places where the civil rights struggle occurred.

We went to Birmingham and Montgomery and Selma, AL. I had to leave a little early, and so it appeared I would not have a chance to visit the Edmund Pettus Bridge, the notorious bridge where the march from Selma was stopped with violence. John Lewis, typical of what a fine person he is, said: I will get up extra early Sunday morning. I will drive you over there. You and I will walk across the bridge together.

Well, Senator SAM BROWNBACK joined us, and I am sure Senator BROWNBACK felt as I did, that it was an extraordinary day. That early, cool Sunday morning, JOHN LEWIS took us across that bridge and showed us the point where he had been clubbed and almost killed, as he tried to walk on that civil rights march.

I will never forget that scene. As a college student, I thought that maybe I could be there at that march. As luck would have it, I was not. I have regretted it ever since. But to be there that moment with JOHN LEWIS a few years ago really was a touching experience.

As we were driving back from the Edmund Pettus Bridge, JOHN LEWIS said to me: Do you know who the real hero was that day? It was Federal Judge Frank Johnson of Alabama. Johnson ordered the integration of Montgomery buses after Rosa Parks' protest in 1956, and he was the one who allowed that march in Selma to take place. Because of Judge Johnson's courage, he was shunned by his community, ostracized. His mother's home was bombed. He was threatened many times because of his courage when it came to the issue of civil rights.

So when we speak of the Fifth Circuit, and its history, and Federal judges, I think of Frank Johnson and what he meant to America's history because of his courage.

At Judge Southwick's nomination hearing, I wanted to be fair with him, and I asked him a question which was maybe one of the easiest questions you could ask of a nominee. I asked him to name a single time in his career or in his life when he took an unpopular point of view on behalf of the voiceless or powerless. He could not name a single instance.

I thought, perhaps that was not fair. The judge should be allowed to reflect on that question. I will send it to him in writing and ask him: Was there a time in your life when you sided, for example, with a civil rights plaintiff when your court was split? He could not name a single case in his judicial career.

There has been a heavy focus placed on Judge Southwick's votes in the so-called ''N'' word case—which I have discussed—and a custody case in which he voted to take an 8-year-old girl away from her lesbian mother.

I disagree with Judge Southwick's position in these cases. I think, sadly, they show an inclination toward intolerance and insensitivity. But I am sympathetic to the argument that these are only two cases out of thousands in which he has taken part. However, it is not the end of the story.

A business group in Mississippi looked at 638 cases during an 8-year period of time and rated Judge Southwick as the judge on the Mississippi Court of Appeals most likely to rule against common, ordinary people, employees suing their employers. Another study showed he voted with companies and employers, businesses and powerful interests, in 160 out of 180 cases in which there was a split decision.

Many groups that do not normally take a position on a Federal judge have spoken out against Judge Southwick. There are many positive things about this judge's life. He has served his country. He has served in the military. And I am sure he has done many good things. But when a Senator has to make a decision about a lifetime appointment to a critical circuit court position, in a controversial area, where we have had a string of controversial nominees, you have to take that very seriously.

There is just too much doubt about whether Judge Southwick will have an open mind when it comes to civil rights and the rights of ordinary people in his court, and that is why I will oppose him if he comes before the Judiciary Committee.

A final word. Senator PATRICK LEAHY, the chairman of the Senate Judiciary Committee, has said he will

call Judge Southwick for a vote whenever Senator SPECTER and the Republican minority want his name to be called. I do not know how my colleagues on the Democratic side will vote. I know many of them share my misgivings.

Judge Southwick has had a hearing, which is more than can be said for many nominees from the Clinton administration—over 60 judicial nominees were bottled up in the Senate Judiciary Committee during those years, never even given the dignity or courtesy of a hearing and vote. Judge Southwick had his hearing. He had his opportunity to speak and answer questions, unlike dozens of Clinton nominees who never had that chance.

Now his record is there for everyone to view, and his name is there if the Republicans decide they wish to call him for a vote. This is not obstructionism. This is the process as it should work. I urge my colleagues, particularly from the State of Mississippi, if Judge Southwick does not prevail, I hope they will be able to find in that great State someone who can be brought to this nomination who will not incur the wrath and doubt that Judge Southwick has over his decisions and over his testimony before the Senate Judiciary Committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

## HOMELAND SECURITY

Mr. GRAHAM. Mr. President, a bit later I will be calling up an amendment to the Homeland Security appropriations bill pending before the Senate. I would like a moment, if I could——

The PRESIDING OFFICER. If the Senator will suspend.

Mr. GRAHAM. Yes, I certainly will. I believe Senator BYRD wants to make a statement first.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2638, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Byrd/Cochran amendment No. 2383, in the nature of a substitute.

Bingaman amendment No. 2388 (to amendment No. 2383), to provide financial aid to local law enforcement officials along the Nation's borders.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my friend and colleague, the very able and distinguished Senator from South Carolina, for his characteristic courtesy.

Mr. President, this morning, we return to the consideration of the fiscal year 2008 Homeland Security appropriations bill. The Appropriations Committee, by a vote of 29 to 0, produced a balanced and responsible bill.

The bill includes significant resources for border security, for enforcing our immigration laws, and for improving security at our airports. We include—we include, may I say—significant new resources for implementing the SAFE Port Act. We also restore cuts in the first responder grants program.

Last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. Hear me now. I will say that again. Last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. That is right here, the U.S. homeland. I will quote from the report. This is not just ROBERT BYRD talking.

Let me say that again. Last week, the administration released its latest—I am talking about the administration, the Bush administration, the administration in control of the executive branch—the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. I will quote from the report:

> We judge the U.S. Homeland will face a persistent and evolving terrorist threat over the next three years.

That ought to make us sit up and take notice. I am going to say it again. Hear me.

Last week, the administration released its latest National Intelligence Estimate concerning the terrorist threat to the U.S. homeland. I will quote from the report:

> We judge the U.S. Homeland will face a persistent and evolving terrorist threat over the next three years. The main threat comes from Islamic terrorist groups and cells, especially al-Qa'ida, driven by their undiminished intent to attack the Homeland and a continued effort by these terrorist groups to adapt and improve their capabilities. . . .
>
> [W]e judge that al-Qa'ida will intensify its efforts to put operatives here.

Let me repeat that word—here, H–E–R–E.

Yesterday, in light of this latest threat assessment from the Government's most senior intelligence analyst—I better read that again. Yesterday, in light of this latest threat assessment from the Government's most senior intelligence analyst, I urged the President to reconsider his veto threat of this bill. This morning, we received the White House's response. The President has said he will veto this bill because he, the President—President Bush—regards the additional spending for border security, port security, aviation security, and for first responder grants as excessive.

The President has every right to make this threat, but, in my view, the view of this West Virginia mountaineer, the threat is irresponsible. Let me say that again. In my view—and I am a U.S. Senator—the threat is irresponsible.

If the President is going to scare the Nation by issuing intelligence estimates that say the threat of a terrorist attack is persistent and evolving, he, the President—President Bush—has a responsibility to back it up with resources to deter that threat. The Appropriations Committee recognizes the threat, and the Appropriations Committee of the Senate has responded responsibly.

I ask unanimous consent to have printed in the RECORD the Statement of Administration Policy dated July 25, 2007.

Mr. President, I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY, S. 1644—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

(Sponsor: Senator Byrd (D), West Virginia.)

The Administration strongly opposes S. 1644 because, in combination with the other FY 2008 appropriations bills, it includes an irresponsible and excessive level of spending and includes other objectionable provisions.

The President has proposed a responsible plan for a balanced budget by 2012 through spending restraint and without raising taxes. To achieve this important goal, the Administration supports a responsible discretionary spending total of not more than $933 billion in FY 2008, which is a $60 billion increase over the FY 2007 enacted level. The Democratic Budget Resolution and subsequent spending allocations adopted by the Senate Appropriations Committee exceed the President's discretionary spending topline by $22 billion causing a 9 percent increase in FY 2008 discretionary spending. In addition, the Administration opposes the Senate Appropriations Committee's plan to shift $3.5 billion from the Defense appropriations bill to non-defense spending, which is inconsistent with the Democrats' Budget Resolution and risks diminishing America's war fighting capacity.

S. 1644 exceeds the President's request for programs funded in this bill by $2.2 billion, part of the $22 billion increase above the President's request for FY 2008 appropriations. The Administration has asked that Congress demonstrate a path to live within the President's topline and cover the excess spending in this bill through reductions elsewhere. Because Congress has failed to demonstrate such a path. if S. 1644 were presented to the President, he would veto the bill.

The President has called on Congress to reform the earmarking process that has led to wasteful and unnecessary spending. Specifically, he called on Congress to provide greater transparency and full disclosure of earmarks, to put them in the language of the bill itself, eliminate wasteful earmarks, and to cut the cost and number by at least half. The Administration opposes any efforts to shield earmarks from public scrutiny and urges Congress to bring full transparency to the earmarking process and to cut the cost and number of earmarks by at least half.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

SECURING OUR BORDERS

The Administration has requested a total of $11.8 billion in FY 2008 for border security and interior enforcement measures, representing a nearly 50 percent increase since FY 2006. The Administration is pleased that the bill supports the requested funding for strengthening border security by adding 3,000 new Border Patrol agents, enhancing interior enforcement efforts, and providing $1 billion for fencing and other infrastructure improvements through the Secure Border Initiative. The Senate is asked to support other key elements of the Administration's effort to control our border as well.

The Administration strongly objects to the $100 million reduction to the US–VISIT budget. While the Administration appreciates the Senate's support for the Unique Identity program, US–VISIT cannot collect and analyze 10-print or move towards completing IDENT/IAFIS interoperability without the full request, as these funds are necessary to critical support operations and key program management and support functions, such as data center operations and fingerprint examiners. This shortfall will deny DHS and the FBI the ability to search each other's databases using a full 10 fingerprints, to assist with terrorism and criminal investigations.

The Administration opposes any provision delaying Western Hemisphere Travel Initiative (WHTI) implementation at our land and sea borders to June 2009. The Administration is committed to working with Congress and the public to implement WHTI in a manner that will cause as little disruption as possible, while providing Americans with the enhanced security that they expect. Recently, the U.S. Departments of State and Homeland Security announced that U.S. citizens traveling to Canada, Mexico, the Caribbean, and Bermuda, by air, who have applied for but not yet received passports can nevertheless temporarily enter and depart the United States with a government issued photo identification and proof of application for a passport from the Department of State through September 30, 2007. The federal government is making this accommodation for air travel due to longer-than-expected processing times for passport applications in the face of record demand. In addition, earlier this summer, DHS announced that it will accept an expanded list of secure documents at land and sea ports of entry when WHTI becomes effective on January 31, 2008.

The Administration is concerned by the decision to significantly reduce funding for the Secure Flight program, which addresses critical vulnerabilities in the Nation's aviation security system. The program has been delayed for many years, and lack of sufficient funding in FY 2008 would further delay it beyond the current target deployment of 2010. TSA has provided all requested information on the program and continues to work closely with Congress and the Government Accountability Office (GAO) to meet the ten mandates specified in P.L. 108–334. Hence, the Administration asks that Congress fund the Secure Flight program at the requested level while providing TSA authority to transfer sufficient funds, if needed, after Congressional notification, to meet the ten requirements as soon as possible.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The Administration strongly opposes the dramatic increase of $1.8 billion for State and local homeland security grant programs. By the end of FY 2007, DHS will have provided over $23 billion in direct preparedness support to State and local agencies of which approximately $8.5 billion will be unspent and available for preparedness projects in FY 2008. Rather than appropriating additional unjustified dollars, Congress should work together with the Administration to ensure that existing dollars are being appropriately spent and to develop a better understanding of what reductions in risk and increases in State and local capabilities will be achieved with these unspent funds. The Administration strongly believes that the FY 2008 request level of $2.2 billion is appropriate and allows the Federal Government to meet national priorities and stand together with State and local first responders in preparing for terrorist attacks and other major disasters. Further, the Administration is opposed to the creation of a new regional preparedness grant program, which would be duplicative of current programs. While the Administration strongly supports efforts to enhance preparedness on a regional scale, existing grant programs currently offer strong incentives for regional collaboration through State homeland security strategies and programs.

CHEMICAL FACILITY SECURITY

The Administration opposes section 531, which would prevent the Department of Homeland Security (DHS) from establishing and enforcing, for the first time, a single, national performance-based standard for enhancing the security of high-risk chemical facilities. Allowing State preemption of Federal law could thwart DHS's efforts to establish a national chemical facility security framework. Separately, while the Administration would prefer that Congress not restrict the Department's authorities in this manner, the Administration notes that the approach taken by this bill would cause less disruption to the chemical security program than language contained in the House version of the bill, H.R. 2638 which in addition to allowing State preemption, would also lessen the protection of sensitive information relating to the security of these facilities.

SECRET SERVICE

The Administration strongly objects to the elimination of $3.1 million for presidentially designated Secret Service protection for Executive Office of the President (EOP) personnel, which leaves these costs unfunded for FY 2008. In addition, beyond FY 2008, the uncertainty of who will be protected and how much the Secret Service protection will cost would create an unnecessary burden for the EOP.

The Administration also strongly objects to section 516(b) that would limit the Secret Service's protective mission by creating a burdensome reimbursable mechanism in lieu of the appropriate flexibility needed to protect these officials. The Secret Service is better equipped to manage these costs.

PRINCIPAL FEDERAL OFFICIAL (PFO)

The Department of Homeland Security supports the Senate bill's omission of language previously included in the House bill, H.R. 2638, which would prohibit funding PFOs during disasters or emergencies. The Secretary of Homeland Security serves as the principal Federal official for domestic incident management. The PFO plays a valuable role as the representative of the Secretary in the field by coordinating Federal operations to respond to and recover from terrorist attacks, major disasters, and other emergencies. The Administration understands the need to clarify the chain of command for incident management and is currently revising the National Response Plan to address this need.

MANAGEMENT

The Administration strongly supports funding provided in the bill for the design and buildout of the St. Elizabeths campus, which is the first critical step toward a consolidated DHS headquarters.

The Administration is strongly opposed to any effort to reduce, limit, or delay funding for DHS human resources initiatives. The bill provides only $5 million of the $15 million requested for a human capital system, whi?h would severely impact support to basic human resource services and development of practices designed to meet the Department's diverse personnel requirements.

While the Administration understands the need for prompt delivery of reports to Congress, the requirement to deliver reports on complicated matters before receiving funding could inhibit the Department's efforts to carry out its mission. Congress already requires more than 1,000 appropriations-related DHS reports and is urged to ease the administrative burden upon DHS and reduce the additional reports required in the bill.

The Administration objects to the provision that would prohibit the use of funds for further data center development until the National Center for Critical Information Processing is fully used. The Department is consolidating its data center operations into two primary facilities and this provision would limit the Department's ability to improve and streamline its data management capabilities.

The Administration appreciates the importance of GAO's ability to conduct inquiries efficiently and effectively, and DHS is taking action to speed its response to GAO requests. However, the Administration objects to the requirement that DHS revise departmental guidance regarding relations with GAO in consultation with the Comptroller General. Congress's directing the adoption of certain truncated deadlines and procedural hurdles is inconsistent with the principle of separation of powers, because it would interfere with the time-tested process of accommodation between the Executive and Legislative branches.

The Administration strongy objects to section 502, which would suspend for FY 2008 the DHS Secretary's authority to reorganize the Department to rapidly meet changing mission needs.

NATIONAL COMMUNICATIONS SYSTEM

The Administration is concerned with the level of funding provided for Next Generation Network priority telecommunications services. Without the full request, the Wireless Priority Service and Government Emergency Telecommunications Service would lose coverage as communications carriers migrate from circuit-switched networks to packet-switched networks, preventing national security decision makers from receiving prioritized bandwidth for emergency communications.

UNITED STATES COAST GUARD (USCG)

The Administration objects to section 529, which prohibits alteration of the Civil Engineering Program of the Coast Guard. This language would severely limit USCG's administration of its engineering programs, including its ability to make such programs more cost-effective, and undermine the Commandant's authority under 14 U.S.C. 632. It would also significantly affect the Commandant's efforts to realign the USCG's mission support organization, of which civil engineering activities and elements comprise only one part.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)

The Administration is disappointed that the bill does not include a provision necessary to clarify fee authority with respect to the USCIS Systematic Alien Verification for Entitlements (SAVE) program. The

SAVE program serves the needs of numerous Federal, State and local agencies that need to verify immigration status for the purpose of determining eligibility for a wide variety of public benefit programs by providing them the necessary information from DHS records.

COMPETITIVE SOURCING

The Administration strongly opposes sections 515 and 528, which impose restrictions on competitive sourcing for work performed by the Immigration Information Officers at the U.S. Citizenship and Immigration Services and the Federal Law Enforcement Training Center instructor staff. Depriving DHS of the operational efficiencies gained by competition limits its ability to direct Federal resources to other priorities. Management decisions about public-private competition and accountability for results should be vested with the Department.

CONSTITUTIONAL CONCERNS

Several provisions of the bill purport to require advance approval by congressional committees prior to the obligation of funds. These include sections 504, 505, 509, and 534; and under the headings, ''Border Security Fencing, Infrastructure, and Technology,'' and ''Air and Marine Interdiction, Operations, Maintenance, and Procurement,'' U.S. Customs and Border Protection; ''Salaries and Expenses,'' United States Secret Service; ''Management and Administration,'' National Protection and Programs Directorate; and ''Indicator Technology,'' United States Visitor and Immigrant Status.

Section 513 of the bill, which purports to prohibit the Executive Branch from screening certain airline passengers, should be stricken as inconsistent with the President's constitutional authority as Commander in Chief to take steps necessary to protect the Nation from foreign attack.

Section 518 purports to prohibit the use of funds with respect to the transmission of certain information to Congress. This section could impede communications within the Executive Branch and could undercut the President's constitutional duty to ''take care that the Laws be faithfully executed.'' The Administration urges the Senate to delete the provision.

The PRESIDING OFFICER (Mr. CARPER). The Senator from South Carolina is recognized.

AMENDMENT NO. 2412 TO AMENDMENT NO. 2383

Mr. GRAHAM. Mr. President, I offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. GREGG, Mr. SESSIONS, Mr. KYL, Mr. CORNYN, Mr. MCCONNELL, Mr. DOMENICI, Mr. MCCAIN, Mr. SUNUNU, Mr. MARTINEZ, Mr. COLEMAN, and Mr. SPECTER, proposes an amendment numbered 2412.

Mr. GRAHAM. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. GRAHAM. Mr. President, this amendment builds a little bit on what Senator BYRD is talking about. How the threats to the Nation are real, how to handle those threats, how much money we need, and where to put the money are all honest and genuine debates. But I think we found some common ground here as a nation from the last immigration debate.

Senator JUDD GREGG has been one of the leading advocates for stronger border security since I have been in the Senate.

During the last immigration debate in terms of a comprehensive approach to solving immigration policy, one of the things we seemed to find common ground on was the idea of providing additional border security. So the amendment I have just offered, which will be cosponsored by Senators GREGG, SESSIONS, KYL, CORNYN, MCCONNELL, DOMENICI, MCCAIN, SUNUNU, MARTINEZ, COLEMAN, SPECTER, and many others, seeks to build on what we did in the last debate—to make it a reality in the area in which we have common ground.

The amendment has $3 billion in terms of spending, emergency funding. I would argue that the border security situation in this country and visa overstays are emergencies and that we have lost operational control of our border. We have lost the ability to track people who come here on visas in terms of when their visas expire and whether they left, and we will pay a heavy price, not only economically and socially but from a national security perspective. Of the ''Fort Dix Six'' people who were caught conspiring to attack Fort Dix, NJ, I think three overstayed their visas and three came across the border illegally earlier on in their life. So this amendment puts the Senate and the American people's money where our mouth has been, and $3 billion will go a long way.

The goal of this amendment is to provide complete operational control of the U.S.-Mexican border. It will increase the number of Border Patrol agents to 23,000. It will allow us to appropriate four new unmanned aerial vehicles, 105 ground-based radar camera towers, 300 miles of vehicle barriers, 700 miles of border fencing, and a permanent end to the catch-and-release policy with 45,000 new detention beds.

This is a comprehensive border security amendment. It also authorizes things we need to have authorized from the last debate where we were not able to pass a comprehensive bill. It takes some of the stronger border security measures and makes them part of this amendment. As I said, it will increase the number of border security agents to 23,000. It adds 14,500 new Customs Border Patrol agents through fiscal year 2012, increasing the overall number to 30,000. The Sanctuary City problem Senator COBURN identified—he has modified his original proposal, and that is in this amendment.

This amendment authorizes a continued National Guard presence. It strengthens our laws to deny immigration benefits to aggravated felons, gang members, sex offenders, and child abusers. It really goes into our law and cleans up what is pretty much a mess by making sure we have the ability to detain and deport people who are dangerous, who have been convicted of serious offenses.

It gives State and local law enforcement authorities the ability to detain illegal aliens and transfer them to the Department of Homeland Security. It basically allows them to take money from Homeland Security grants and apply it to the cost of detaining and turning over illegal immigrants they may run into and apprehend.

As to visa overstayers, the 19 hijackers who came into America who perpetrated the acts of 9/11, I believe all of them—if not all of them, most of them—were visa overstayers. Forty percent of the illegal aliens in this country never come across the border; they overstay their visa. This will allow the Department of Homeland Security to come up with a tracking system to better identify visa overstayers, who have proven to be in the past some of the most dangerous people in terms of threat to the homeland. It will allow the agency to coordinate with local law enforcement mandatory detention and deportation.

It also gets tough on those who keep coming back across the border. There is this catch-and-release concept which needs to end. That is why we have 45,000 new bedspaces to detain people, give them the hearings required by law, and under this amendment, if you are caught coming back into the country after you have been deported, it has mandatory jail time.

One reason we have 12 million people here is that no one seems to take our laws too seriously, including ourselves. So now it is time to tell the world at large and those who would violate our laws that there will be a price to be paid, unlike the current system; that if you are caught coming back into the country after you have been deported, there will be mandatory jail time. This has been tried in some areas of the border, and it has been enormously successful.

There are many parts in this bill regarding employment eligibility and verification. The pilot program to have biometric cards to determine employment will be expanded, and those who tell us about possible threats to our Nation's transportation system or homeland, we are going to protect them from civil lawsuits. If you are trying to identify a problem and you call your government and say: I think there is a problem here, we are going to make sure you don't get sued for doing your civic duty.

So it is a comprehensive approach. It is a $3 billion dollar appropriation, and within that appropriation, we have some change in policy that will secure the homeland in a better fashion than the current system does. If this is not an emergency, I don't know what would be in terms of our national security interests.

The one thing the Congress—the Senate and the House—should agree on immediately, in my opinion, is gaining operational control, regaining operational control of our border and controlling the visa program that allows millions of people over time to come to the United States.

I would just make one point here. RAHM EMANUEL, one of the Democratic House leaders, was quoted recently as saying that his party will not attempt comprehensive immigration reform until at least the second term of a prospective Democratic President. That is a chilling statement. I think that is a very dangerous thing to be saying at a time when our Nation is under siege, and to suggest to the American people that the Democratic leadership in the House is going to put this topic off until the second term of a prospective Democratic President misses the point and really, literally, misses the boat. This is an emergency if there ever was one, and the idea of putting this off for 6 or 7 more years I think would be a national security nightmare. It would be an economic and social mistake for the ages in terms of the role the Congress would play.

So I urge my colleagues in the Senate not to go down the road that Congressman EMANUEL has laid out for the Democratic-controlled House; that is, putting this whole discussion off until the second term of a prospective Democratic President. I couldn't find a better issue to show difference between myself and my colleagues in the House at the Democratic leadership level than this issue. Not only should we do this now on this bill at this moment, we should have done this years ago.

This is one of the issues facing the American people where there is broad consensus by Republicans, Democrats, and Independents. People want operational control of their borders. They want more money spent to secure their borders and to control who comes to the country, and for those who violate our laws and commit crimes, a better process to detain them and deport them. That is exactly what this amendment does.

I believe our thinking on this amendment is very much in line with the American people. They see this very much as something we should have done a long time ago. Let's not forgo this opportunity. We tried just a few weeks ago, and that failed; a chance of having comprehensive reform failed. I feel an obligation to join forces with people who were disagreeing with me on a comprehensive approach to find common ground. I think the country is urging us to find that common ground. I believe this is a great place to start.

The Border Security First Act of 2007 has been a product that has been bipartisan in nature. It is a collaborative effort between people who have a common view of our border security needs, and it is good legislation. It is needed money at the right time. It is policy changes that will make us safer as a nation.

I would like to recognize Senator JUDD GREGG's efforts over many years to push the administration—and the Senate particularly—to deal better with the lack of control on our borders.

I look forward to talking about this amendment further. I appreciate all the cosponsors and the effort to do something constructive now. Let's, for heaven's sake, not wait 6 more years before we do something. Let's seize the moment, and the moment is now.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I ask unanimous consent that at the conclusion of my remarks, the Senator from Maryland be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, before congratulating the Senator from South Carolina for bringing forward this extremely important amendment, let me begin by congratulating the Senator from West Virginia and the Senator from Mississippi, the senior members of the Appropriations Committee, chairman and ranking member of the Appropriations Committee, who also are chairman and ranking member of the Subcommittee on Homeland Security, for bringing forward a bill which makes major strides toward addressing our needs as a nation to protect ourselves and to make sure our borders are secure.

This has been a very integral issue for both of these leaders for many years. Senator COCHRAN, who chaired this committee before the Democratic majority took over, and Senator BYRD, who was the ranking member on this committee for years and has been intimately involved in the effort to try to make sure we adequately address things like port security—their leadership is extraordinary, and this bill is a reflection of that. I do not want this amendment to in any way imply they have not made an extraordinary and a very effective effort to move forward with border security because within the context of the dollars they had available to them, they have done excellent work.

What this amendment does, however—and I congratulate the Senator from South Carolina for bringing it forward—is acknowledge the fact that we have an emergency here. It is as big and important an emergency relative to national security as the war in Iraq is. I look at them pretty much as the same type of national emergency. The issue of controlling our borders is an issue of national security, of making sure that we as a country are safe and we maintain our viability as a nation. A country that doesn't control its borders is not safe and will lose its viability as a nation. So nothing is more important to us from the standpoint of protecting national security and making sure we get operational control over the borders, which the Senator pointed out effectively, as this amendment moves forward.

Some have said: Why would the former Budget Committee chairman, and now ranking member, be willing to offer an emergency resolution which brings this bill up by $3 billion? That is the reason. I have voted to make sure our troops are fully funded in Iraq. I am voting for this amendment because it will make sure we have the people we need on the border to assure that our national security is maintained. In maintaining security over the border, this amendment, once and for all, will put into place the necessary funding—this isn't an authorizing event, remember—to be sure we have the boots on the ground, the technology in place, and the detention capability in place in order to manage the border.

It takes the present situation where we are ramping up the 20,000 border agents and increases that number to 30,000 by 2012, and prefunds it, for all intents and purposes. In addition, it gives us 45,000 detention beds, which is what we need to stop the catch-and-release process. So when the border agents apprehend someone whom they deem to be in this country inappropriately, they have a place they can put that person, where they can find them until they make a final determination—when the court system makes a final determination of whether that person is illegally in this country and should be returned.

The way the law works now, unfortunately, we don't have enough beds. What happens is the person gets detained and the court system says return in a couple weeks and we will dispose of whether you are here legally. For the most part, they don't show up for court. This amendment will end that practice of catch and release, and I congratulate the Department for having worked hard to try to do this with the resources they presently have.

In addition, this amendment will fully fund the commitment that we as a Congress made at least 2 years ago now to put into place the necessary hard fence and the virtual fence so that we know who is crossing the border, or when someone is crossing illegally, and we can stop, as well as possible, those who attempt to enter illegally. We know we need hard fencing in urban areas and we need virtual fencing along the less populated areas. We put out a plan and hired a contractor to put up the virtual fencing. This amendment guarantees that that virtual fencing, which involves a lot of electronics and air observation through Predators and the equipment necessary, such as helicopters and vehicles, will enable the people on the ground to apprehend these individuals who come in illegally where the crossing occurs, and it involves the necessary resources and capital investment to accomplish all of that, which is absolutely critical.

It has the capital resources in it necessary to get the job done of protecting our borders, and the American people, if this amendment passes, will be able to look at the dollars that have been put into the pipeline, which will accomplish what is the first thing the American people want relative to immigration reform, which is secure borders.

I supported the last comprehensive immigration bill. I was one of the few members on our side who voted for that bill. I believe we need to do something in a comprehensive way. But I also recognize the reality of the situation, which is that the American people will not move forward or will not accept movement in the area of comprehensive immigration reform until they are confident we have regained control over our borders. This amendment accomplishes that.

In addition, there are a number of authorizing events in here. I recognize that authorizing appropriations is anathema to many of us. As was pointed out eloquently by the Senator from South Carolina, we don't have effective immigration reform. So the vehicle for accomplishing very targeted law enforcement reform—and this is law enforcement reform—in the area of protecting our borders is going to have to fall to the Appropriations Committee. It has not been unusual for the Appropriations Committee to assume the role of taking on an authorizing event when it is narrow and aimed at an issue of doing something that delivers a better service, and in this instance it is protecting our borders. That is not an unusual event for the Appropriations Committee. It is a lift, but it is something the Committee has done in the past and done rather well. I have chaired a couple of committees where that has been done.

This is the time to do it. This is the time to put into place the authorizing language necessary to do the demonstration programs on US–VISIT, which we absolutely need, to address the issue of how you deal with criminal aliens who have committed a felony, a rape, or are child abusers—that language is in here—and to address the issue of how you deal with sanctuary cities, and especially give State and local law enforcement individuals the authority to be an adjunct to the law enforcement effort being put forward by border control and Customs in the area of making sure our borders are secure.

When someone comes through the northern border, for example—we don't have a lot of security on the northern border in the sense that we have it on the southern border because it is mostly forest or terrain that is not open. People can cross that border fairly quickly and easily and always have been able to. We don't have the same problem on the southern border. We have waves of people coming in there. Most of the first individuals coming in at the northern border will usually meet people of a law enforcement nature, but not our Customs and Border Patrol agents. It is probably going to be somebody south of there, in Epping, NH, or in New Ipswich, who says I want to know if you are here legally, and they have to have some authority to be able to raise that issue. They have to have probable cause. They have to have the authority to step forward when they have probable cause. This bill gives that authority.

This is a good and appropriate piece of legislation for us to take up at this time. I recognize it puts the bill in further jeopardy because it is emergency funding and it adds $3 billion to the bill. But this is a national security issue and it needs to be done. I also recognize the Senator from West Virginia pointed out that this bill has received a letter from the administration saying they may or may not—but implying they would—veto it because it is over their allocation.

Like the Senator from West Virginia, that concerns me a great deal because I, again, must state that I don't see a whole lot of difference between fighting the war in Iraq and fighting the war on the border to protect ourselves from people coming into this country who may do us harm. Those are two issues which merge in this entire question of how we fight the war on terror. I can separate this bill from the other appropriations bills that may be over the administration's request—maybe in agriculture, or in foreign operations, or in education and labor, or maybe in transportation, which is the actual day-to-day operations of the Government. But when it comes to fighting the war on terror and protecting national security, I believe we have to do everything necessary to accomplish that, and that means, in this instance, fully funding the necessary people to go on the border and the capital resources necessary to support those people on the border.

AMENDMENT NO. 2415 TO AMENDMENT NO. 2412

Mr. GREGG. Mr. President, at this time, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 2415 to amendment No. 2412.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

This division shall become effective one day after the date of enactment.

Mr. GREGG. This amendment simply changes the date, Mr. President. It is a technical amendment. I appreciate the courtesy of the Senator from Maryland in allowing me to proceed and, obviously, the Senators from West Virginia and Mississippi.

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first, I yield to the chairman of the committee, the Senator from West Virginia, who I understand would like some time to respond to the amendment offered.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Maryland, the able Senator, for yielding.

I rise to discuss the Graham amendment. In total, in fiscal year 2008, the bill includes $11,377,816,000 for border security programs within U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement. This is $1,288,302,000, or 12.7 percent, above fiscal year 2007, and $338,846,000 above the President's request. That is 3 percent over the President's request.

With these funds, by the end of fiscal year 2008, there will be a total of 17,819 Border Patrol agents, 31,500 detention beds, and more than 12,700 immigration enforcement and detention personnel. Additionally, the combined funding in fiscal years 2006, 2007, and 2008 for border security fencing, infrastructure, and technology is more than $2.5 billion.

Including the funding provided in this bill, since 2004, on a bipartisan basis under the leadership of Senators BYRD, CRAIG, and GREGG, Congress will have increased the number of Border Patrol agents by 7,000, the number of immigration enforcement personnel by 2,546, and the number of detention beds by 13,150.

The President has threatened to veto this bill because of what he considers to be ''excessive'' spending. However, it is not ''excessive'' when we provide funds to secure our borders. I support continued bipartisan efforts to provide funding for real border security. We do not yet have the amendment, but I look forward to reviewing it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first, I thank Senator BYRD and Senator COCHRAN and the members of the Appropriations Committee for the fine work they have done on this 2008 Department of Homeland Security appropriations bill.

As has been pointed out, this will provide $2.2 billion more than the President's request for homeland security. I note that it received the unanimous support of all members of the committee, and for good reason: It is an important investment in the security of our Nation. It provides the needed resources so we can deal with the security concerns in our own country, whether they be at our airports, seaports, rail stations, or in our home communities. That is what we should be doing. It should be our highest priority. I congratulate the committee for the manner in which it considered this legislation and has brought it forward. I urge us to move it forward as rapidly as possible.

Two weeks ago, Michael Chertoff, the Secretary of the Department of Homeland Security, said he had a gut feeling our Nation is at an increased risk of a terrorist attack this summer. While I hope his warnings would be based on more than a feeling, the National Intelligence Estimate released last week

supports Secretary Chertoff's instincts. Based upon the facts before it, the National Intelligence Council judged that ''the U.S. homeland will face a persistent and evolving terrorist threat.'' Al-Qaida has ''protected and regenerated key elements of its Homeland attack capability'' and is now as strong as it was in 2001. The NIE states that ''the United States currently is in a heightened threat environment.''

Based upon that, it is disheartening that while the intelligence community is discovering evidence of an increased threat to this country, President Bush has recommended cutting funding to grant programs that secure our ports, airports, and bolster local law enforcement and fire departments around Maryland and our Nation.

The increased funding in this bill for our port and aviation security and first responders will have a profound impact on my State of Maryland.

Let me start with the Port of Baltimore. It is one of our country's most important ports and a significant economic engine for our entire region, providing more than 33,000 jobs in Maryland and generating $1.5 billion in revenue every year. It is the Nation's eighth largest port, handling about 2,000 ships and 31 million tons of cargo each year.

With the size of the Port of Baltimore, proximity to Washington, workload, and productivity come increased risks. That is why I was a strong proponent of the Security and Accountability for Every Port Act of 2006, the SAFE Port Act of 2006. This bill authorized more funding for programs that are critically important to the security of our ports, including risk-based port and cargo security grant programs, the development of a long-range ship-tracking system, the development of a biometric transportation security card for port workers, and development of a system to identify high-risk containers.

These were all programs that, after hearings in the Congress, we felt were critically important to secure our seaports.

You can imagine my dismay and the distress of the public safety officials and emergency planners in Maryland when President Bush, who signed the SAFE Port Act, did not propose to fund many of the new activities that legislation authorized. I am grateful to the Appropriations Committee for recognizing the risk to the Port of Baltimore and other ports around the country. It provided the funds so we can move forward with those initiatives.

The bill will provide $15 million above President Bush's request to hire additional port security inspectors, conduct vulnerability assessments at 10 high-risk ports, and develop a long-range vessel-tracking system so we can monitor ships as they travel around the world.

Most importantly, this bill provides $400 million in port security grants, $190 million above the President's request as authorized—as authorized—by the SAFE Port Act of 2006, which the President signed. These grants will provide Maryland with critical support to improve perimeter fencing, underwater detection capability, and enhanced video surveillance systems.

I am pleased the committee recognizes the importance of the Coast Guard's presence at Curtis Bay, MD, and notes it is a ''critical component of the Coast Guard's core logistics capability'' and ''directly supports fleet readiness.''

The committee further recognizes the vital role the yard has played in ''the Coast Guard's readiness and infrastructure for more than 100 years'' and recommends ''that sufficient industrial work should be assigned to the Yard to maintain this capability.'' I agree, and I intend to do my best to make sure the committee's recommendations are, in fact, followed.

The bill provides $15 million above President Bush's request to address a shortage of Coast Guard boats and qualified personnel to allow the Coast Guard to enforce security zones and protect critical infrastructure.

The bill provides $60 million above the President's request for the establishment of Coast Guard interagency maritime operational centers authorized, again, by the SAFE Port Act of 2006, which will improve collection and coordination of intelligence, increase information sharing, and unify efforts among Federal, State, and local agencies.

The bill gives equal attention to transportation security, providing $3.7 billion for transportation security improvements, $764 million more than the President's request. This funding includes $400 million for rail and mass transit security grants, $529 million for explosive detection systems, and $41 million for surface transportation security. The bill provides the needed funds for passenger and luggage screening.

These grants will provide much-needed funding to protect airports in Maryland and across the Nation. In the past, I have worked with the Transportation Security Administration, TSA, to bring the latest high-tech devices to Baltimore, including state-of-the-art equipment to scan baggage and passengers for explosives. I am proud the BWI Thurgood Marshall Airport was the first airport in the Nation to have a fully federalized screening workforce after the 9/11 terrorist attacks.

Despite continued threats to aviation security, President Bush sought to cut funds to purchase and install explosive detection equipment at airports by 17 percent. Once again, I thank the committee for not following the President's recommendation in that area.

This bill provides $66 million for TSA air cargo security, $10 million above the President's request. When combined with the $80 million included in the fiscal year 2007 emergency supplemental appropriations bill, these funds will put TSA on a path to screen all cargo placed on passenger aircraft, and that is what we should be doing.

The bill provides nearly $530 million, almost $90 million above the President's request, to purchase and install explosive detection equipment at airports around the country. We need to do that. We need to have the latest equipment for explosives at our airports.

I am disappointed the committee was forced to shift $45 million from container security to secure pathways, such as airfreight. We should not be in a position where we have to make those kinds of choices.

We must do more to ensure the safety of the Nation's chemical facilities. Enhanced security requires strong regulatory standards and policies attuned to the risks faced by the communities surrounding such facilities. In December 2006, the Bush administration proposed regulations to preempt State and local governments from adopting stronger chemical security protections than those proposed by the Federal Government. While the Federal Government must ensure chemical facilities meet minimal safety standards, States must retain the ability to set stricter standards to address the unique needs of their local communities. This bill ensures the essential ability of States to pass and enforce tougher chemical site standards than existing Federal standards, and it provides an additional $15 million to help States meet those standards.

Again, I applaud the committee for providing that help. It is very important to the area I represent in Maryland, where we have so many chemical plants.

Despite tragically ample proof in the wake of Hurricane Katrina that State and local governments were unprepared for a major natural disaster or terrorist attack, the President's budget proposes a $1.2 billion cut in vital homeland security grant programs that provide critical support to local law enforcement and firefighting departments.

I know we all talk about how important these agencies are, our local firefighters, our local first responders. The President's budget cuts those funds. I am pleased the Appropriations Committee did not follow the recommendation of President Bush but instead increased funding by $1.8 billion over the President's request for our States and cities to improve their ability to respond to attacks and natural disasters.

These allocations include $560 million for firefighter equipment grants, $525 million for State homeland security grants, $275,000 more than President Bush's request, and $375 million for law enforcement and terrorist prevention grants.

The committee also provided FEMA with $100 million to rebuild its core competencies and improve management. I hope the Agency will make wise use of these additional funds.

Emergency preparedness officials in Maryland are especially happy to see

increased allocations in FEMA's budget for predisaster mitigation. Increased preparedness funding will lead to long-term savings by decreasing subsequent damage claims. Most importantly, increased preparedness ensures we are ready to keep our people out of harm's way.

I am pleased the bill contains critical resources to develop and implement improved detection and communications technology, improve communications, and improve and streamline intelligence-gathering agencies. Better technology and intelligence are a critical part of us being prepared against threats. We need to do better on intelligence gathering, and this bill provides help in doing that.

Congress can provide resources, but we cannot legislate appropriate action by DHS officials. All of us remember with outrage how DHS officials placed the Washington, DC, and the New York City metropolitan areas in a low-risk category for terrorist attacks or catastrophe. That decision was ridiculous. That decision, if it had been allowed to stand, would have cost those regions millions of dollars of antiterrorist funds and would have had a devastating impact on their ability to respond to attacks. Last year, many of DHS's grants were not released until December 29, 2006, the day before the end of the fiscal year. When the money Congress appropriates sits around in Washington for more than 11 months, Americans certainly are not any safer. The delay in releasing funds undermines the budget and plans of emergency response agencies in all our communities. The appropriations bill will penalize DHS for releasing grants late—a reduction of $1,000 per day when mandated timelines are not met. Local officials are hamstrung waiting for guidance and grant moneys from DHS. Once again, I thank the Appropriations Committee for putting that provision in the bill.

This bill takes other unusual measures, such as requiring the Department to submit expenditure plans for key programs to the committee for review before funds will be released. We saw the devastating results of incompetent management in the disastrous days before, during, and after Hurricane Katrina hit the gulf coast in 2005.

At the beginning of this month, the Washington Post reported the Bush administration had failed to fill roughly one-quarter of the top leadership posts at DHS, ''creating a 'gaping hole' in the nation's preparedness for a terrorist attack or other threat.'' These are serious problems the administration needs to address immediately.

Earlier this year, the Senate passed S. 2, a bill implementing many of the remaining 9/11 recommendations. Ever since I served on the House Select Committee on Homeland Security, I have strongly supported the 9/11 recommendations that we distribute homeland security money based on risk and ''be mindful of threats'' increased security measures will pose ''to vital personal and civil liberties.'' In other words, put our money where it is needed based on risk assessment, but be mindful of civil liberties.

S. 2 increases the amount of grant money distributed based on risk, and it strengthens protections for all our most cherished liberties. I hope the Senate will get a chance to pass the conference report to this bill before the August recess. I look forward to sending it to President Bush for his signature. It nicely complements the appropriations bill we are poised to pass in the next day or two.

Nearly 6 years ago, on a sunny September morning, Americans received a terrible wakeup call, telling us we can be attacked here and we need to do more to protect ourselves. Congress took that responsibility to heart, passing legislation empowering the President to protect our Nation.

I am proud to offer my support for this critical bill. Given the current state of our national security and the most recent NIE report, it is imperative we pass this bill immediately. There is no time for delay.

Once again, I thank the leadership of the Appropriations Committee for bringing this bill forward. It deserves our support. I hope we will have a chance to vote on it within the next day or two so this bill can become enacted in a timely way to meet the needs of our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I ask unanimous consent to be recognized for up to 10 minutes and then immediately thereafter for my colleague on this issue, Senator NELSON, to be recognized for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2400

Mr. VITTER. Mr. President, I call up the Vitter amendment No. 2400, which is at the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending matter?

Mrs. MURRAY. Mr. President, at this time, I object to setting aside the amendment. Certainly, the Senator can speak on the amendment, but we are working through the process on the first amendment and are unable to, at this point, set it aside. Certainly, he is welcome to speak.

The PRESIDING OFFICER. Objection is heard. The Senator from Louisiana is recognized to speak on his amendment.

Mr. VITTER. Mr. President, that is disappointing because we have been in communication with all the floor leaders of this bill to actually call up the amendment, but I will certainly proceed to speak on it. It is amendment No. 2400, which is at the desk, which would amend the Homeland Security Appropriations Act to allow the reasonable reimportation of prescription drugs from Canada only.

I am joined in this very important amendment by Senator NELSON of Florida and Senator STABENOW of Michigan, and I thank my colleagues, and many other colleagues, who are supportive of this idea. This will be a continuation of a very important, very productive policy we began last year. Last year, I again joined with Senator NELSON of Florida, Senator STABENOW, and many others in coming forward with this specific amendment on last year's Homeland Security appropriations bill.

We had a full and healthy debate on the topic. After that full and healthy debate, it passed the Senate floor 68 to 32. After it was retained in the conference committee and passed through the House and the Senate in the final version of the appropriations bill, this amendment and the policy was signed into law. Because of that, we effectively ended the practice by Customs and Border Patrol of seizing from Americans what are otherwise lawful, safe, prescription drugs that happen to be purchased from Canada—drugs which are identical to those that can be purchased in the United States.

Again, Mr. President, I want to make clear to all my colleagues that this amendment merely continues the important work we began last year, which received a very resoundingly positive vote of the full Senate—68 to 32. Why do we need to continue that? Well, everybody knows—everybody who buys prescription drugs, everyone who has an elderly parent, grandparent, or aunt whom they are helping in terms of those very real needs and costs—we are burdened with sky-high prescription drug costs in this country, while virtually the rest of the world pays far greater reduced prices for exactly the same prescription drugs. That is the system we are trying to break up and break through. That is what we are trying to end in order to allow Americans to have access to safe and cheaper prescription drugs from Canada, and elsewhere.

It is very important that we take this step forward to continue the policy we started last year, to continue it for this fiscal year, in order to allow Americans this opportunity. Again, I want to underscore several things, at the risk of repeating myself.

No. 1, this is a continuation of what we did last year by a vote of 68 to 32. No. 2, this applies to individuals only, and individual amounts of prescription drugs for individual use. We are not talking about wholesalers, we are not talking about businesses getting into the business of buying from Canada. And, No. 3, this does apply to Canada only. We are not talking about any other country.

Now, let me say straight off that I support much broader and stronger reimportation legislation. I have supported that position consistently since I came to the Senate and before that while I was in the House, and I am very hopeful that I will be successful, working with others on this issue, in passing

that broader reimportation language this year. But in the meantime, this is a very important step forward that we must preserve into the next fiscal year.

Mr. President, I yield the floor and invite Senator NELSON to share his remarks.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I want to discuss this bipartisan amendment, which we overwhelmingly passed last year as an amendment to the Homeland Security appropriations bill. It basically gets at one little thing that we can do to protect against the rising cost of prescription drugs.

At the end of the day, what we are going to have to be able to do, on a big program such as Medicare and the Medicare prescription drug benefit, we are going to have to give that negotiating power to the Federal Government, through Medicare, to negotiate, through bulk purchases, the price of the drugs in order to bring them down. Until we can get that—and we tried earlier this year and we were not successful in getting 60 votes to cut off debate. So until we can get that, we have to go at whatever avenue we can.

One way is to allow citizens to order, through Canadian pharmacies, the very same drugs they get from American pharmacies. And it is not only the same drug, it is manufactured in the same place—indeed, with the same packaging. They can order from Canadian pharmacies where they get that drug, in many cases, at half the retail price they are paying in pharmacies in the United States. I am talking about not only going across the border and bringing it back, but I am talking about also being able to order by mail, by telephone, and by the Internet without having U.S. Customs intercept and confiscate these packages.

We went through this whole discussion a year ago, and we pointed out the history of this program. We pointed out how Customs had gotten into it and were confiscating these packages. Yet the Acting FDA—Food and Drug Administration—Commissioner said it wasn't a safety factor if the drugs were coming from Canada. I want to underscore Canada. I didn't say another country. I said Canada—if the drugs were for the personal use of the person ordering the prescriptions, and if they were for a limited supply. And they defined that limited supply as 90 days or less—3 months. And, of course, that is what a lot of our constituents have been doing for years, and getting their prescriptions at less than half the cost.

So we passed that amendment last year overwhelmingly. What happened was, the pharmaceutical lobby got hold of it when it got into the conference committee with the House and it got watered down so you could do it as long as you traveled into Canada and brought the drugs back. Well, for somebody who lives in Detroit, maybe that helps them, or somebody who lives on the northern end of any of the northern States that have a border with Canada, maybe that helps them, but it doesn't help our constituents who live elsewhere in the country, particularly in a State such as mine, Florida, where they are trying to make financial ends meet.

I recall for the Senate the fact that there are senior citizens in America today who cannot afford the cost of their prescriptions and the cost of their food as well. They go in and they cut their prescription tablets in half, which, of course, does not solve their problem. So what we are trying to do is, in one little way here, to get at the cost of these drugs to be able to bring them down.

What we want to do is pass this amendment. If we can get it up for a vote, it will pass the Senate. What Senator is going to say to a senior citizen: You cannot order prescription drugs from Canada at half the price. Every Senator is going to vote for it, and then we will have to protect it again when it gets down in the conference committee with the House to see that it doesn't get watered down. And we will have to protect against the putting in of such limitations as they have in the past, saying: Oh, well, the White House will approve this amendment if they make it subject to the Secretary of HHS determining that it is safe.

Well, of course, they never make that determination, so, in effect, it doesn't ever happen. In point of fact, if you ask these officials privately, they will admit that it is safe because it is the same drug, made by the same manufacturer, even with the same packaging.

So Senator VITTER and I will be offering this amendment later, at a time that we are allowed under the parliamentary procedure to offer it, just as we offered it last year, and I would then encourage the Senate to pass it overwhelmingly, just as we did last year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL DELEGATION TO GREENLAND

Mr. GRASSLEY. Mr. President, I understand we are going to have a group of Senators visiting Greenland this weekend to see the effects of global warming on glaciers. I am sure they will visit areas where you can see icebergs breaking off glaciers, presumably more frequently than normal, due to global warming, although this phenomena has always occurred to some extent.

Perhaps these Senators will also visit with local residents, such as farmers who have been able to graze their sheep longer during this warmer weather that now seems to be there.

However, I wonder if, for a little historical perspective, the group will be visiting the Viking ruins on the southern tip of Greenland. As someone interested in history, I think such a visit would be very fascinating. I have always believed that we can learn a lot from history, so I am sure some value could be found in such an excursion to the Viking ruins at the southern tip of Greenland.

As many of my colleagues may be aware, archeologists have dug through the permafrost to excavate the remains of Viking farms, part of two major settlements that at one time may have had up to 5,000 inhabitants, and those settlements, presumably, lasted for over 400 years.

As we all know, Greenland was first settled by Erik the Red, who encouraged fellow Norsemen to join him in colonizing the empty land that we call Greenland today. These men grew grain and grazed sheep and cows in pastures. They prospered, at least at first, building structures like a great hall and a cathedral, as well as homes and barns. The remains of about 400 stone structures still exist on Greenland.

For reasons I am not sure are fully understood, sometime around the end of the 15th century, the Viking settlement in Greenland disappeared. No one knows precisely why the Vikings disappeared from Greenland, but it appears from the archeological evidence that life got somewhat harder and the climate became cooler and the land more difficult to farm, until Greenland could no longer sustain the Viking settlements.

I had an opportunity to be reminded of this as I saw on the Discovery Channel this week where they were talking about a small ice age overcoming the Northern Hemisphere during the late 1400s, 1500s, and 1600s. Maybe that had something to do with the Viking settlements disappearing from Greenland. But 500 years later, we are able to catch a glimpse of what their life must have been like by digging through a farm buried in that permafrost on Greenland. Only a little more time has passed since the Viking settlements disappeared until today, than from the time they were established there in Greenland until they were abandoned.

Contemplating the passage of time over centuries humbles us by putting our own short lifespan in historical perspective. It makes us realize that God is ultimately in control and the activities of human beings today are one tiny part of that divine plan. I think, from time to time, we need to reflect that way, which is why I hope my colleagues visiting Greenland this weekend have an opportunity to take time out of their schedule to visit the Viking ruins.

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. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to share some thoughts on the Graham-Gregg-McConnell amendment that has been offered this morning and to support it. It is the Border Security First Act. It includes actual funding which would be emergency funding. I think this is justified.

I know my colleague, Senator GREGG, is a former chairman of the Budget Committee. He is very astute and alert that we do not abuse emergency funding, and he believes this is a justified emergency—and I do too. In other words, how much longer can we continue to have lawlessness at our borders? This bill would go a long way in fixing that. Certainly, every aspect of the bill, I believe, is a positive step in returning us to a lawful system of immigration in America.

One reason actually funding this project, these efforts, through this bill and through emergency spending is so important is because we have a history of promising things and not doing them. Not this year but last year the bill came forward in the Judiciary Committee to comprehensively reform immigration. I realized we had a shortage of border enforcement officers, Border Patrol, and I offered an amendment to do that as part of that authorization bill, that immigration reform bill. It was readily accepted.

I offered an amendment that added bed spaces, and it was readily accepted, because I knew we needed more if we were going to be effective.

I offered more funding to train State and local law enforcement. It was accepted.

I offered amendments on fencing which were accepted as well—at least some of them. More on the floor were accepted.

Then I had an insight that hit me. That insight was that when we pass an authorization, what occurs is we authorize certain legal changes. Those legal changes take place at once. For example, the guaranteed path to citizenship in that immigration bill—it passed, it became law, it was guaranteed, it would happen no matter what. But I realized it was real easy for my colleagues to agree to things that involved enforcement that required money, real dollars, to carry out because I realized they may have no intention of seeing that effort be funded. Or, if they did have an intention to see it funded, there are so many steps, hurdles, and loopholes to go through before it is ever funded it may never get funding because it would have to go through the appropriators and they would have to appropriate the money.

To authorize money for a fence is not to build a fence. That is the point. You have to appropriate some money to build a fence. That was the gimmick, I believed all along, and that led to a suggestion I made about having a trigger. Senator ISAKSON went into that in some depth and offered the amendment to have a trigger. The trigger said: Before any of these other law changes about amnesty or legalization of those here illegally could occur, some other things had to happen first. If you didn't spend the money on the others, this would never happen. There was a trigger. That was a good idea, it was. It dealt with the problem we were dealing with.

There is cynicism that is out there because of what happened in 1986. Let's be honest about it, what happened in 1986 was amnesty occurred. They didn't deny it was amnesty. They were giving people legal residence and path to citizenship in 1986. But they promised to do the things necessary to create a lawful system in the future and that it would not happen again. Three million people in 1986 were provided amnesty. But as we all know, the promises were never fulfilled. We did not create a lawful system of immigration. We did not do the things necessary to enforce our laws at the border. As a result of that, we now have 12 million people illegally in our country. Right? That is what happened. There is no mystery about this. This is actually fact.

We had this bill that came up, the so-called comprehensive reform bill. I absolutely believe it did not get us there. That is why I opposed it. I made up my mind I was not going to participate in a legislative process that would tell our people of America, and my constituents, we were going to create a lawful system in the future, if we were not going to do it. That is why a number of people suggested we should have a border security first bill. That is what the House of Representatives said last year. They said they were not even going to consider our bill because they believed we ought to prove to the American people we could create a lawful system of immigration first.

In this amendment, Senator GREGG and Senator GRAHAM and Senator KYL and MCCONNELL—many of those who had supported the comprehensive reform—are saying let's get some credibility with the American people. I thank them for that. I believe this is a step in the right direction.

Senator GRAHAM and Senator GREGG—we discussed it recently with members of the press and they made the point: The American people want to see we are serious about what we promise first. That is why they support that.

For example, this legislation would fund 23,000 border agents. The bill that is on the floor today, the basic Homeland Security bill, would fund a little less than 18,000 agents. We need more agents. We have to get to that tipping point. We don't need a whole unlimited number of agents. In my opinion, somebody who has been involved in law enforcement most of my career, I believe we can get to a point where the word is out worldwide that our borders are not wide open, and if you come to the United States, you are likely going to be caught, unless you come legally. If we do, we could see a substantial reduction in the number of people attempting to come here illegally. But we have to get other agents out there to get to that point—so 23,000 would help a lot. It is more than this bill has in it.

Another thing you have to have is detention beds. In other words, if you arrest someone for illegally entering our country, if you are in a position where they are released on a promise to come back for some proceeding because you do not have a prison bed, a detention bed in which to put them, they do not show up. We have examples of the catch-and-release policy, where 95 percent of the people released on bail on a promise to come back for their hearing didn't show up—surprise, surprise. They were willing to come to the country illegally. Who thinks they are going to show up legally to be deported? How silly is that? It was an indication to me and the American people that this Government was not serious about immigration. We were not serious. Any government that allows such a silly, worthless, no-good policy as that is not serious about it.

So this bill would add detention beds. The underlying bill is at 31,000. This would take us to 45,000. Hopefully, that will take us to that tipping point, so then we can say to a person who has been apprehended: We are not going to release you, we are going to hold you until you are deported. Sometimes it is difficult, if they are from foreign countries, distant countries, not our border countries, to get them back to their countries. It takes some time to get a plane or a boat to ship them out.

Another thing that is a part of this—certainly, if we are serious about immigration, one of the things we want to do is welcome legitimate help from our State and local law enforcement agencies. There are only a few thousand Federal immigration agents inside the United States—not at the border, I mean inside the United States. There are 600,000-plus State and local law enforcement agents. They basically have been blocked from being able to participate in any way.

There is, however, a program called a 287(g) provision that gives training to State and local officers so they don't mess up, and they treat everybody exactly properly and help in an effective way to partner with Federal officers to enforce immigration laws.

If you don't want immigration laws enforced, you don't want the 600,000 State and local law officers participating. See? If you don't want the law enforced, you don't want these people to participate in any way because right now we only have several thousand

Federal agents—not on the border, inside the whole United States of America. The only people we can rely on would be voluntary State and local support.

What we learned in Alabama, my home State, we trained 60 State troopers in this program. It took far too long, in my view. The State had to pay their salaries. It cost the State of Alabama $120,000 to be a partner with the Federal Government to enforce laws that they have authority to enforce—but to enforce laws of the Federal Government on an issue, immigration, that should be primarily a Federal responsibility.

This bill, the amendment that was offered, this border security first amendment, would provide some grant programs to enable more States to participate in this program.

It also funds—actually puts the money out to fund the fence. We have had a half dozen votes on the fence, and it has still not been built. They are building some now, they say. They are doing some. But it is still not on track to be completed, and it is not funded according to what we voted. We voted to build 700 miles of fencing. The underlying legislation, this appropriations bill, only funds 370 miles. That is not what we voted to do.

You see what I am saying? It is one thing to authorize and vote to do something. We all go back home and we are so proud: I voted to build a fence. But nobody ever comes around to provide the money to actually do it. So this bill would fund that.

On the question of our local facilities to apprehend people for serious crimes, people who are in the country illegally, who are subject to being deported as soon as they are released from jail occurs—under current law, that is not working well at all.

This bill would allow local facilities, detention facilities, to detain them for up to 14 days, to give the Federal Government the right to do that, to get them deported, as they should be, if they committed felonies in the United States.

Last September, 80 Senators voted to build 700 miles of fencing along our border. Ninety-four Senators voted for the amendment I offered for $1.8 billion to be appropriated. It eventually got reduced in conference to $1.2 billion to build the fence we said we were going to build. This bill, the underlying bill, calls for an additional $1 billion toward construction of the fencing. But that is not enough. The Gregg-Graham-Kyl amendment would provide the money sufficient to do that and get us on the right track.

I will mention briefly a couple of other things in the legislation that I strongly favor. Senator GRAHAM has advocated previously that we need to have penalties for people who come back into the country illegally. I mean, how silly is it to have persons enter the country illegally, you apprehend them, you do not prosecute them, you do not put them in jail—you could, because it is a crime—and you deport them, and here they are the next week, or even the next day coming back into the country. You have got to, at some point, if you are serious about law, have a penalty extracted.

So this bill would require penalties for people who reenter a second time, at least, in our country illegally. Certainly that is a good step, but it is not happening today. There is a deal going on among certain judges, and it has gotten to be a real problem for our immigration enforcement system. That is, local State judges, if they have an individual who is about to be deported, often will cut the sentence and not make it the required sentence, and that would obviate their deportation from the country for being convicted of a felony. This would keep judges from going back and manipulating the criminal justice system to try to prevent a result that should naturally occur in the future.

It has institutional removal program funding. This is important as a practical matter. It does not work to wait until a person has completed their jail time for a serious criminal offense, and then have the Federal Government start up a proposal to deport them. They run away; they do not show up to be deported. It is so obvious that that is happening. So we have a program, the institutional removal program, that does allow the Federal Government to take those people before they are released from jail and do the paperwork and commence the hearing so at the time of their departure, they are released into State prison for the serious offense they have committed, they would directly be deported. That only makes sense. We are doing some of that now, and this bill would provide extra money for that.

In every aspect of the legislation, it is a step in the right direction. It does not get us there if the executive branch or if the Government does not want to enforce these laws. It does not get us there if the House or conferees fail to put this money in the bill. There are still a lot of loopholes. We should not pat ourselves on the back. But these are all critical steps toward creating a lawful immigration system. If we can do that and regain some confidence among the American people, we will be able to talk about many more of the issues in favor of that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 2392, the Isakson-Chambliss amendment, be called forward.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I regretfully inform the Senator at this point we are not setting aside amendments until we have disposed of or determined how we are going to dispose of some of the other amendments that are in front of us. I would be happy to let the Senator speak on the amendment at this time. We are going to object until we have a way to proceed forward with the amendments that have been offered.

The PRESIDING OFFICER. Objection is heard.

Mr. ISAKSON. Mr. President, I thank the Senator from Washington. I ask unanimous consent—I am going to speak briefly—Senator CHAMBLISS be allowed to speak immediately after me.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2392

Mr. ISAKSON. Mr. President, I associate myself with the remarks that I have been able to hear this morning by Senator GREGG, Senator SESSIONS, Senator GRAHAM, and others. I rise to bring forward—I cannot bring it forward because they will not let me call it up, but at least talk about amendment 2392 offered by myself and Senator CHAMBLISS from Georgia. To that end, I ask unanimous consent to have printed in the RECORD our joint letters—Senator CHAMBLISS and my joint letters—of June 12 and July 12.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ISAKSON. Mr. President, the reason I entered these two letters is they reflect precisely what the amendment does. The amendment offered is a sense-of-the-Senate amendment. It is the sense of the Senate that expresses the following: This is a team sport. It takes the executive and the legislative branch to get our Nation secured, our homeland security, and in this case, our borders secured. The letters I submitted by Senator CHAMBLISS and myself are letters to the President of the United States—one submitted during the debate on immigration, one submitted 2 weeks following the debate on immigration—asking the President of the United States to send an emergency supplemental to the floor of the House and Senate to fund all of the border security measures we have passed, such as the fence bill, which we authorized last year, and the five key provisions of the immigration bill that were lost that deal with border security. That is Border Patrol agents; the unmanned aerial vehicles and ground positioning radar; it is detention facilities; and, most importantly, most importantly, it is the biometrical secure ID which gives you the redundancy to see to it that we finally stop the forged document business, close the border, remove the attractive nuisance to come to America, and motivate people to go back and come in the right way and the legal way.

Some may say, well, an emergency supplemental is not the way to go. I would submit it is the only way to go. If anybody doesn't think this is an

emergency, I don't know about your phone system, but mine broke down with the volume of calls we had last month. The Senate broke down with the volume of calls and the weight and the complexity of this issue. But, most importantly of all, we broke down because the people of the United States do not have the confidence in this Congress or the President that they will secure the border.

There is no question that this country needs an immigration policy system that works for high skilled, moderately skilled and lower skilled. There is no question that we need to review our entire immigration system. There is no question it needs fixing. But there is equally no question that is never going to take place until the American people feel we have secured the homeland and, in particular, have secured the border to the South with Mexico.

We know what it takes to do it. It is delineated in the bill that was on the floor of the Senate a month ago. We know what it takes to do it. We know how to do it. In fact, in the last year, we developed an entire new system of building fences that has allowed us to accelerate barrier construction along the border. It is being done right now at San Luis, between San Luis and Yuma, AZ. I have been there and seen it. It speeds up the system, and it is foolproof. It gets the redundancy we need in our security system to make it work.

I am not asking the Senate to do anything I have not asked the President of the United States to do. I think every day we wait is a serious mistake. We know it will take a minimum of 24 months to do the biometric ID, train the number of Border Patrol officers we need to add, build the 30,000 detention cells, put the unmanned aerial vehicles in the sky, and get the ground positioning radar and ground sensor systems in. We know it is going to take 24 months. But it is going to take 24 months from when we finally have the political courage and will to fund the money. The only way to ensure that is for us to join hands with the President, pass a singular bill without any other subject on it, that appropriates the emergency funds necessary to accomplish those things.

It is not complicated, and I do not think it should be controversial. It is my hope when the majority reads this amendment and decides on whatever their posturing would be on this bill, that they understand this is a clear, concise message that a unanimous Senate should send to the President of the United States to see to it that we start that 24-month clock by funding the money and appropriating it and getting the job done. This issue is too critical; it is too important. It is job one and we must do it now.

EXHIBIT 1

U.S. SENATE,
*Washington, DC, June 12, 2007.*

President GEORGE W. BUSH,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: Although the Senate's effort to reform our nation's immigration laws through the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 is stalled, illegal immigration remains our nation's number one domestic issue. We therefore believe it is incumbent upon us and our colleagues to tackle this issue and not leave this problem for future generations to solve.

As we travel around Georgia and continue to hear from our constituents, the message from a majority of Georgians is that they have no trust that the United States Government will enforce the laws contained in this new legislation and secure the border first. This lack of trust is rooted in the mistakes made in 1986 and the continued chaos surrounding our immigration laws. Understandably, the lack of credibility the federal government has on this issue gives merit to the skepticism of many about future immigration reform.

We believe the way to build greater support for immigration reform in the United States Senate and among the American public is to regain the trust in the ability of the federal government to responsibly administer immigration programs and enforce immigration laws. There is bipartisan agreement that we need to secure our borders first, and we believe this approach will serve as a platform towards addressing the other issues surrounding immigration reform.

To that end, we believe that you and your administration could alleviate many of the fears of our constituents by calling for an emergency supplemental bill to fully fund the border and interior security initiatives contained in legislation currently pending in the Senate, as well as any outstanding existing authorizations. Such a move would show your commitment to securing the border first and to stopping the flow of illegal immigrants and drugs into our nation. It will also work towards restoring the credibility of the federal government on this critical issue.

We urge you to carefully consider this request, and thank you for the opportunity to express the views of the people of Georgia on this matter.

Sincerely,

SAXBY CHAMBLISS,
*Senator.*
JOHNNY ISAKSON,
*Senator.*

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U.S. SENATE,
*Washington, DC, July 12, 2007.*

President GEORGE W. BUSH,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: On June 12, 2007, we wrote to you regarding our commitment to securing our nation's borders and suggesting a way forward on comprehensive immigration reform. Now that the Senate has again rejected the comprehensive approach embodied in the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, we want to underscore our belief that illegal immigration remains our nation's top domestic issue. Although the Senate has turned its attention to other legislative priorities, the American public, who daily encounters the effects of our current failed immigration system, has not forgotten the duty we have, as their federal representatives, to address the issue of illegal immigration.

Many Americans from across the nation have become engaged in this issue, and shared with us their wide ranging and passionate opinions on how we can reform our immigration system. While there is no consensus on the best approach to comprehensive immigration reform, there is near unanimity in the belief that we should secure our borders first. We sincerely believe the greatest obstacle we face with the American people on the issue of immigration reform is trust. The government's past failures to uphold and enforce our immigration laws have eroded respect for those laws and eliminated the faith of the American people in the ability of the government to responsibly administer immigration programs.

We believe there is a clear way to regain the trust of the American public in the competency of the federal government to enforce our immigration laws and manage our immigration system: We should prove our abilities with actions rather than make promises. To that end, we believe that you and your administration could alleviate many of the fears of our constituents by calling for an emergency supplemental bill to fully fund the border and interior security initiatives contained in the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, as well as any outstanding existing authorizations. Such a move would show your commitment to securing the border first, stopping the flow of illegal immigrants and drugs into our nation, and creating a tamper-proof biometric identification card for foreign workers. It will also work towards restoring the credibility of the federal government on this critical issue.

We urge you to carefully consider this request, and thank you for the opportunity to express the views of the people of Georgia on this matter.

Sincerely,

SAXBY CHAMBLISS,
*Senator.*
JOHNNY ISAKSON,
*Senator.*

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The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 2392

Mr. CHAMBLISS. Mr. President, first, I associate myself with the remarks of my good friend and my colleague from Georgia relative to this particular amendment. He is dead on target. We have been there for 2 years now encouraging this border security issue, that it be brought forward to the forefront on this issue of immigration. We are going to continue to pound at this until it is, in fact, realized by Congress and the administration and something is done.

I also associate myself with the remarks of my good friend from Alabama, Senator SESSIONS, along with Senator GREGG and Senator GRAHAM. This problem relative to illegal immigration was debated here thoroughly in the halls of the Senate a year ago as well as last month. Unfortunately, we have not come to any conclusion as to any part of this issue. The problem has not gone away. So I rise today to discuss amendment No. 2392, which is an amendment Senator ISAKSON and I have offered regarding the need for emergency spending to secure the borders of the United States.

Since September 11, our local, State, and Federal law enforcement officials

have taken great strides to make communities, air and water ports, cities, and national landmarks safer and more secure. I think it is a credit to this administration, as well as to the Congress, that we have not suffered another attack domestically since September 11. But we must continue to be vigilant. One part of that is securing our borders. We have improved our information-sharing capabilities between Federal and local first responders and law enforcement officials.

Within our intelligence community—the CIA, the FBI, NSA—we have also increased our information-sharing capabilities -both vertically within each agency and horizontally with each other.

Since the inception of our global war on terrorism, we have made numerous arrests, disrupted al-Qaida communication and planning capabilities, prevented and foiled potential terror attacks, broken up sleeper cells, and captured members of al-Qaida's top leadership.

When it comes to our national security, terrorists only have to get it right once. We have to get it right every single time. None of us can afford to take our safety and our freedom for granted. Much more still needs to be done, But there is no doubt about it, we are winning the war on terrorism.

On June 28, 2007, the Senate, by a vote of 46 to 53, rejected cloture on a bill to provide for comprehensive immigration reform. However, illegal immigration remains as a top domestic issue in the United States. The American people continue to encounter the effects of our failed immigration system on a daily basis. They have not forgotten the duty of Congress and the President to address this issue of illegal immigration and the security of the international borders of the United States. This amendment will help remind the President and Congress that the problem of illegal immigration is still with us. There is no consensus on the best overall approach to comprehensive immigration reform, but I believe, and many Americans do as well, that the first step is funding the necessary tools to defend our country. The Federal Government has the responsibility to, and immediately should, secure the borders of the United States.

Even with our best efforts, illegal entry into the United States remains a vast problem that is getting more and more out of control. This is a security breach we must address. We must commit the sufficient money for our border security agencies, including Customs and Border Patrol, Immigration and Customs Enforcement, as well as the National Guard currently on our borders through Operation Jump Start.

Many Americans from across the Nation have become engaged in this issue and shared with me their wide-ranging and passionate opinions on how we can secure our borders and resolve our illegal immigration crisis.

I sincerely believe the greatest obstacle this body faces with the American people on the issue of border security and immigration reform is trust. The Federal Government's lack of action to uphold and enforce our immigration laws and secure our borders has eroded respect for those laws and eliminated the faith of the American people in the ability of the Government to responsibly administer immigration programs and protect our citizenry.

I believe there is a clear way to regain the trust of the American people in the ability of the Federal Government to enforce our immigration laws and secure our borders. We should prove our abilities with actions rather than continuing to make promises.

To that end, Senator ISAKSON and I believe the President could alleviate many of the fears of our constituents and other great citizens of America by calling for an emergency supplemental bill to fully fund the border and interior security initiatives contained in the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, as well as any outstanding existing authorizations.

Such a move would show his commitment to securing the border first, stopping the flow of illegal immigrants and drugs into this country, and creating a tamper proof biometric identification card for foreign workers who are here legally. It will also work toward restoring the credibility of the Federal Government on this very critical issue. Frankly, Congress has not done a very good job of addressing this issue for about two decades. It is imperative that we find and implement a solution quickly. This is a national security emergency which must be addressed immediately. I certainly do not have all of the answers, but I do know that, first and foremost, what we have to do is secure the borders. This is where the problem originates, and this is where it must be halted. If we don't secure our borders, then nothing else we do relative to immigration reform or national security will really matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I rise to join my colleagues in support of the Graham amendment, of which I am pleased to be a cosponsor, and to provide my colleagues some information I found particularly revealing in the form of a four-part series in my hometown newspaper, the San Antonio Express News, written in May of 2007. The author of the series, a reporter by the name of Todd Bensman, chronicles the movement of an Iraqi individual from Damascus, Syria, to Detroit, MI. It is particularly instructive, as we are contemplating this amendment and the importance of funding border security measures, that this kind of information be brought to the attention of the Senate.

I ask unanimous consent to have the first of the four-part article from MySA.com entitled ''Breaching America: War refugees or threats?'' printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. CORNYN. Mr. Bensman, in this article, found the following in his investigation, and I will summarize. More than 5,700 illegal immigrants from 43 countries with majority Muslim populations, including state sponsors of terror, have been caught while traveling over the Canadian and Mexican border along well-established underground smuggling routes since 9/11, a traffic that continues today. Mr. Bensman estimates between 20,000 and 60,000 of these so-called special interest aliens, by virtue of their country of origin being countries where terrorism is, unfortunately, alive and well or because they are state sponsors of international terrorism, have gotten through without being caught since 9/11. These migrants, although relatively small in total numbers, are high risk because they hail from countries where American troops are actively battling Islamic insurgents, nations where radical Islamic organizations have bombed U.S. interests or murdered Americans. Unguarded U.S. borders are most certainly in the terrorists' playbooks as a means of entering the country. Since the late 1990s, at least a dozen confirmed terrorists have sneaked over U.S. borders, including operatives from Hezbollah, Hamas, Tamil Tigers, and one al-Qaida terrorist once No. 27 on the FBI's most wanted terrorist list.

On the U.S. side of the border, the FBI is supposed to interrogate and conduct a threat assessment and interrogations on every captured special interest alien, but the process is severely flawed and open to error. Often, the FBI signs off on captured special interest aliens, allowing them access to the political asylum process without conclusively knowing whether they are or are not associated with terrorist organizations. Furthermore, Border Patrol agents are simply using expedited removal processes to kick special interest aliens back over the border into Mexico, where they will certainly try to cross again, with no investigation and no FBI referral whatsoever.

This series of articles published in the San Antonio Express News will be an eye-opener for the people of this country.

Frankly, those of us who are Members of the Senate have the privilege of having classified briefings from time to time. Of course, we cannot talk about that intelligence information on which we are briefed behind closed doors. But here in the public domain are the results of Mr. Bensman's investigation in chilling detail, chronicling the movement of an individual from Damascus, Syria, to Detroit, MI, via Moscow, Havana, into Guatemala, and then up through Mexico's southern border and into the United States.

I have met with Border Patrol agents. Perhaps the current occupant of the chair and others have had the same experience I have. I asked them, out of the 1.1 or the 1.3 million people we actually detain coming across our southern border, for every person we detain, how many people do you think get across? I have heard estimates ranging from detaining maybe one out of every three to one out of every four. The truth is, nobody knows for sure who gets away. We do know that people who are detained and returned across the border likely try again. So it is hard to get good information.

This is not a matter of solely economic migrants coming from Mexico or Central or South America into the United States. The truth is, Central America and Mexico are a land bridge into the United States for anybody anywhere around the world who wants to come here, anybody who has the money to pay the human smugglers to get them here. Obviously, these could be individuals who want to work and who want nothing but a better life—what we all have and want in America—but it can also be very dangerous people who want to do us harm. That is the reason this funding, this emergency funding for border security, is so important.

It is also important that we begin to regain the lost public confidence that the Federal Government can actually deliver on its promises. We have been telling people for a long time how important it is in a post-9/11 world to know who is coming into our country and why people are coming here. Recognizing that if there is a way to separate the economic migrants and to create an immigration system that would give people an opportunity through legal immigration to come to the United States on a controlled basis, it will then allow law enforcement agencies an effort to target those who are common criminals, drug dealers or, indeed, terrorists or special interest aliens from state sponsors of terrorism.

We were reminded again about the dangers from our porous borders when, on Monday, officials with Immigration and Customs Enforcement announced that they had arrested more than 100 gang members in Texas. These 121 suspects represent 27 different gangs, including the notorious Mexican Mafia and MS–13. Of course, MS–13 is the ultraviolent Central American gang that has come into the United States through our broken borders. More than half of these gang members had criminal charges against them, and nearly half of them were arrested on administrative and immigration-related charges. So we see time and time again, as most recently as the daily newspaper, what the threat is. Yet Congress continues to do not nearly enough to fix it.

This amendment gives us an opportunity to fix the problem at the border. It is not just at the border. We need to deal with our broken immigration system because roughly 45 percent of the people who are illegally present in the country today in violation of our immigration laws came in on a legal visa but simply overstayed and melted into the vast American landscape. So we have to, as this amendment does, make sure we find ways to police visa overstayers. We need to make sure we continue to work on document fraud and identity theft that makes it hard for even good faith employers to determine the legal eligibility of prospective employees to work in America. This amendment is the first big step toward regaining the public's confidence again and demonstrating that we are actually serious about delivering on our promises, not engaged in overpromising but underdelivering, as we have in the past.

I will be offering at a later time some amendments myself. Coming from a border State with 1,600 miles of common border with Mexico, this is a personal issue to many of my constituents, particularly. While some, such as the Senator from Alabama, Mr. SESSIONS, believe strongly in the need for more fencing along the border, it is controversial along the border in south Texas. I have worked with those local officials and property owners. We have two amendments I will be talking more about later. The consultations we have conducted have been useful in coming up with creative ways to accomplish the nonnegotiable goal of border security.

I noticed most of the property abutting the Rio Grande River is private property. I am not sure the Border Patrol or the Department of Homeland Security has really thought through the fencing idea and what it would mean to condemn through eminent domain proceedings private property along the border in Texas. I am informed that in Arizona and other places, much of the property along the border is already owned by the Federal Government, so we don't have that issue. But I have found in Texas, this is a controversial issue.

I have been pleased to work with my colleague, Senator HUTCHISON, to make sure that in this amendment and in every opportunity, we have insisted upon consultation with local elected officials and property owners to achieve the most effective means of border security, recognizing that result is nonnegotiable but how we get there should be the subject of consultation and negotiation.

Getting back to the private property issue, one of my amendments will ask the Department of Homeland Security to produce a report talking about the impact on border security due to the fact that much of the property, for example, in Texas is private property and asking them to come back and tell Congress so we can make more intelligent decisions about how to effectively use the taxpayers' money to accomplish that nonnegotiable goal of border security, given the fact that a lot of that property is private property and would require, if fencing was going to be built on it, that some sort of eminent domain proceeding would go forward. Obviously, the ranking member of the Appropriations Committee, the Senator from Mississippi, and the chairman of the Appropriations Committee would want to know whether the Federal taxpayer is going to be asked to pay just compensation for eminent domain proceedings if, in fact, those were contemplated.

There is a lot of beneficial discussion going on as we talk about this with local officials and others. For example, on my many visits to the U.S.-Mexico border in Texas, I have heard local law enforcement officials and the Border Patrol talk about the problems caused by an invasive plant commonly called Carrizo cane. Carrizo cane, as it turns out, grows so big and so fast that not even the night-vision technology used by Border Patrol agents can penetrate the Carrizo cane. It serves as a safe haven for human smugglers and common criminals along the border. If the Federal Government could work with local officials and local property owners to eradicate Carrizo cane, this robust perennial grass that can grow to a height of 20 to 30 feet, multistemmed clumps that resemble bamboo and forms large colonies, it would enhance the natural barrier the Rio Grande River already provides in many places along the border. Thus, it would also assist the local Border Patrol agents by providing a clear line of sight and ready access to areas that are currently not available to them because of the dense growth of this Carrizo cane.

I am pleased to say the Border Patrol has taken the suggestion and is talking to local officials and property owners. This shows some real promise. But it demonstrates what happens when you have local officials and people who live in the community talking to Federal officials trying to come up with a solution to a common problem.

Now, when the Federal Government—folks operating in the Beltway—decide they have a better idea, and they do not care what local and State officials think about it, well, usually that creates a lot of conflict and it also creates a less perfect solution and maybe not a solution at all.

So I will be offering that Carrizo cane amendment as well as another amendment which would require a report by the Department of Homeland Security on the impact of border security measures on private property owners along the Rio Grande River a little later on.

But I close by saying the threat posed by common criminals—as a result of our broken borders—to drug dealers is very real. As Mr. Bensman's article points out, the access through our broken borders to virtually anybody in the world who has enough money to pay the smugglers to get them in is an open door to people whom we prefer not come here; namely, people who come from countries

that are state sponsors of international terror and, perhaps, people with the goals of harming innocent Americans, taking advantage of the same broken borders that yield access to economic migrants.

EXHIBIT 1

[From the San Antonio Express-News]

BREACHING AMERICA: WAR REFUGEES OR THREATS?

(By Todd Bensman)

DAMASCUS, SYRIA.—Al Nawateer restaurant is a place where dreams are bartered and secrets are kept.

Dining areas partitioned by thickets of crawling vines and knee-high concrete fountains offer privacy from informants and agents of the Mukhabarat secret police.

The Mukhabarat try to monitor the hundreds of thousands of Iraq war refugees in this ancient city, where clandestine human smuggling rings have sprung up to help refugees move on—often to the United States.

But the refugees who frequent Al Nawateer, gathering around Table 75 or sitting alone in a corner, are undaunted, willing to risk everything to meet a smuggler. They come to be solicited by someone who, for the right price, will help them obtain visas from the sometimes bribery-greased consulates of nations adversarial or indifferent to American security concerns.

The deals cut at places like Al Nawateer could affect you. Americans from San Antonio to Detroit might find themselves living among immigrants from Islamic countries who have come to America with darker pursuits than escaping war or starting a new life.

U.S.-bound illicit travel from Islamic countries, which started long before 9–11 and includes some reputed terrorists, has gained momentum and worried counterterrorism officials as smugglers exploit 2 million Iraq war refugees. The irony is that the war America started to make itself safer has forced more people regarded as security threats toward its borders.

A stark reminder of U.S. vulnerability at home came this month when six foreign-born Muslims, three of whom had entered the country illegally, were arrested and accused of plotting to attack the Army's Fort Dix in New Jersey.

What might have happened there is sure to stoke the debate in Congress, which this week will take up border security and immigration reform. But the Iraqi refugee problem provides a twist on the question of what assurances America owes itself in uncertain times: What do we owe Iraqis thrown into chaos by the war?

Politically, immigration can be a faceless issue. But beyond the rhetoric, the lives of real people hang in the balance. A relatively small but politically significant number are from Islamic countries, raising the specter, some officials say, of terrorists at the gate.

For those few, the long journey to America starts at places like Al Nawateer.

The restaurant's reputation as a meeting place is what drew Aamr Bahnan Boles.

Night after night, Boles, a lanky 24-year-old, sat alone eating grilled chicken and tabouli in shadows cast by Al Nawateer's profusion of hanging lanterns: Boles always came packing the $5,000 stake his father had given him when he fled Iraq.

Boles was ordering his meal after another backbreaking day working a steam iron at one of the area's many basement-level garment shops when he noticed a Syrian man loitering near his table. The Syrian appeared to be listening intently. He was of average build and wearing a collared shirt. Boles guessed, he was about 35 years old.

When the waiter walked away, the Syrian approached Boles, leaned over the cheap plastic table and spoke softly. He introduced himself as Abu Nabil, a common street nickname revealing nothing.

''I noticed your accent,'' the Syrian said politely. ''Are you from Iraq?''

Boles nodded.

''I could help you if you want to leave,'' the Syrian said. ''Just tell me when and where. I can get you wherever you want to go.''

For an instant, Boles hesitated. Was the Syrian a Mukhabarat agent plotting to take his money and send him back to Iraq? Was he a con artist who would deliver nothing in return for a man's money?

''I want to go to the USA,'' Boles blurted.

''It can be done,'' said the Syrian. But it wouldn't be cheap, he warned. The cost might be as high as $10,000.

Hedging against a con, Boles said he didn't have that kind of money.

The Syrian told him there was a bargain-basement way of getting to America. For $750, he could get Boles a visitor's visa from the government of Guatemala in neighboring Jordan.

''After that you're on your own,'' the Syrian said. ''But it's easy. You fly to Moscow, then Cuba and from there to Guatemala.''

The implication was obvious. The Syrian would help Boles get within striking distance of the U.S. border. The rest was up to him.

Boles knew it wouldn't be easy or quick: Not until a year later in-fact, in the-darkness just before dawn on April 29, 2006, would he finally swim across the Rio Grande on an inner tube and clamber up the Texas riverbank 40 miles west of Brownsville.

But Boles was undaunted. He cut a deal with the Syrian, setting in motion a journey into the vortex of a little-known American strategy in the war on terror: stopping people like him from stealing over the border.

RIVER OF IMMIGRANTS

Near the tiny Texas community of Los Indios, the Rio Grande is deep, placid and seemingly of little consequence.

But its northern bank is rigged with motion sensors that U.S. Border Patrol agents monitor closely, swarming whenever the sensors are tripped:

Here and all along the river, an abstract concept becomes real. America's border with Mexico isn't simply a political issue or security concern. It is a living body of water, surprisingly narrow, with one nation abutting its greenish-brown waters from the north and another from the south.

Since 9–11, the U.S. government has made guarding the 1,952–mile Mexican border a top priority. One million undocumented immigrants are caught each year trying to cross the southern and northern U.S. borders.

Because all but a tiny fraction of those arrested crossing the southern border are Mexican or Central American, issues of border security get framed accordingly and cast in the image of America's neighbors to the south. Right or wrong, in this country the public face of illegal immigration has Latino features.

But there are others coming across the Rio Grande, and many are in Boles' image.

People from 43 so-called ''countries of interest'' in the Middle East, South Asia and North Africa are sneaking into the United States, many by way of Texas, forming a human pipeline that exists largely outside the public consciousness but that has worried counterterrorism authorities since 9–11.

These immigrants are known as ''special-interest aliens.'' When caught, they can be subjected to FBI interrogation, detention holds that can last for months and, in rare instances, federal prison terms.

The perceived danger is that they can evade being screened through terror-watch lists.

The 43 countries of interest are singled out because terrorist groups operate there. Special-interest immigrants are coming all the time, from countries where U.S. military personnel are battling radical Islamist movements, such as Iraq, Afghanistan, Somalia and the Philippines. They come from countries where organized Islamic extremists have bombed U.S. interests, such as Kenya, Tanzania and Lebanon. They come from U.S.-designated state sponsors of terror, such as Iran, Syria and Sudan.

And they come from Saudi Arabia, the nation that spawned most of the 9–11 hijackers.

Iraq war refugees, trapped in neighboring countries with no way out, are finding their way into the pipeline.

Zigzagging wildly across the globe on their own or more often with well-paid smugglers, their disparate routes determined by the availability of bogus travel documents and relative laxity of customs-enforcement practices, special-interest immigrants often converge in Latin America.

And, there, a northward flow begins.

NOMINATION OF JUDGE LESLIE SOUTHWICK

Mr. CORNYN. Mr. President, I would like to, if I may, turn to one other issue; and that has to do with the nomination of Judge Leslie Southwick.

I heard the distinguished Democratic whip, majority whip, speak to the Southwick nomination earlier, and I wish to make sure, in fairness, there is a complete consideration of the facts.

Of course, Judge Southwick, the nominee to which the majority whip objects, has been given the highest marks by his peers for the qualities of fairness and compassion by both the Mississippi Bar Association and the American Bar Association on two occasions, both when he was nominated to serve as a Federal district judge and now with his nomination to the Fifth Circuit.

Regarding Senator DURBIN's concerns, of course, as a member of the Judiciary Committee, he voted to confirm Judge Southwick to a lifetime Federal bench. So I wonder why, now that he has been nominated to the Fifth Circuit, those concerns have arisen when, in fact, there were no such concerns expressed when Judge Southwick was nominated and confirmed unanimously by the Senate Judiciary Committee to the Federal district bench.

I heard Senator DURBIN criticize Judge Southwick for his participation in the case of Richmond v. Mississippi Department of Human Services. The fact of it is, Judge Southwick did not write the opinion Senator DURBIN is critical of. Of course, as a judge, unlike a legislator, a judge has no choice but to vote. He voted for the result, for the outcome of the case, but I think it is unfair to attribute the writing of the opinion to Judge Southwick, something he did not write.

Of course, we all deplore the racial slur which was the subject of that opinion. The board determined, from the evidence before it, that the racial slur was an isolated comment, was made outside of the target's presence, was

followed by an apology—which I think is significant—which was accepted and did not result in significant disruption of the workplace.

Under Mississippi law, the board's ruling could only be reversed if it was ''arbitrary and capricious, accepting in principle the notion that a decision unsupported by any evidence is by definition arbitrary and capricious.''

The court of appeals majority, including Judge Southwick, operating under a highly deferential standard of review—which is applied in the case of agency decisions routinely—upheld the board's decision and found that there was some evidence to support the board's ruling that the isolated comment did not sufficiently disturb the workplace so as to justify the employee's termination.

The majority made clear it did not endorse or excuse the slur. They said:

> We do not suggest that a public employee's use of racial slurs . . . is a matter beyond the authority of the employing agency to discipline.

In other words, they said it would be appropriate to discipline a person for using racial slurs.

Of course, Judge Southwick reiterated his disdain for the use of any racial slurs and has repeatedly told the committee that the use of the word at issue is—in his words—''always offensive''—I would hope we would all agree with that—and ''inherently and highly derogatory.'' At the hearing he said: ''There is no worse word.'' He said it was ''unique'' and that he could not imagine anything more offensive.

In response to a written question from Senator DURBIN, Judge Southwick wrote:

> Use of this word is wrong, improper, and should offend everyone regardless of the speaker's intent.

I agree.

As a legal matter, the Supreme Court of Mississippi explicitly agreed with the appellate court's conclusion that dismissal was unwarranted. That was the appeal from the Court of Appeals to the Supreme Court of Mississippi. The supreme court said:

> In this case, we find that the harsh penalty of dismissal of Bonnie Richmond from her employment is not warranted under the circumstances.

We can agree or disagree with the decision made by the board that reviewed that. We can agree or disagree with the decision of the court of appeals. But I do not know why, after the American Bar Association—the professional organization that reviews Federal nominees—after they have reviewed Judge Southwick's record, including his participation in that decision, and found him to be highly qualified, why we would come back and try to besmirch his reputation as a part of trying to defeat this nomination.

I am sure there will be more discussion about Judge Southwick as we go forward. I hope we are not heading down a very dangerous path again, which is to deny this President's nominees—or any President's nominees—an opportunity for an up-or-down vote. Right now, I know the senior Senator from Mississippi, Mr. COCHRAN, has been talking to the chairman of the Judiciary Committee, and the chairman has offered a vote for Judge Southwick's nomination in the committee.

But right now Judge Southwick is continuing to have consultation with members of the committee, in hopes he can get an up-or-down vote in the committee and then hopefully come to the floor where we can have a debate which will cover the whole range of Judge Southwick's qualifications and his resume and his record so the Members of the Senate can fairly ascertain for themselves whether he should be confirmed and then have an up-or-down vote.

But right now I hate to see Judge Southwick unfairly criticized by attributing to him something he did not even say, by joining an opinion which was ultimately upheld by the Mississippi Supreme Court in compliance with appropriate legal standards. That is what judges do. They do not decide winners and losers and then try to justify the result. They apply the law impartially to everyone who comes before them. From all appearances, Judge Southwick has been true to that requirement and that great tradition of our judiciary.

I yield the floor.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. 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.

Mr. CORNYN. My apologies, Mr. President. I will be brief. My staff reminded me there was one other amendment I was going to mention that I failed to mention. It will be an amendment I will also offer later on that builds upon the good work of Mr. BINGAMAN, the Senator from New Mexico, that was unanimously approved by the Senate earlier this week.

My amendment will actually double the amount Congress can provide for the Border Relief Grant Program that will help local law enforcement in towns and cities along our borders cover some of the costs they incur serving as the backup to Federal officials when it comes to combating illegal immigration and fighting drug traffickers and other border-related crimes.

The Senate unanimously approved this same amendment during debate on the immigration bill we considered earlier this year. It is also included in the comprehensive border security package Senator GRAHAM has offered and is currently pending, and, of course, of which I am a cosponsor.

It is the obligation of the Federal Government to adequately secure the Nation's borders and prevent the flow of undocumented persons and illegal drugs into the United States.

For far too long, local law enforcement officers—I am talking about sheriffs, I am talking about police chiefs, and others—as well as local taxpayers, have borne the burden of law enforcement, given the failure of the Federal Government to adequately fund the Border Patrol and to demonstrate its willingness to secure the border. So now it is time not only to add to the Federal law enforcement officials—by increasing the number of Border Patrol—but it is time for the Federal Government to own up to its responsibilities and fund local law enforcement through this grant program to the extent they are willing and able to support the Federal Government's efforts to secure the border.

This Border Relief Grant Program will give the men and women in law enforcement, who are on the frontline of securing America's border, the necessary support to do their jobs and ensure that local taxpayers do not have to foot the bill. These funds can be used to obtain equipment, hire additional personnel, and upgrade law enforcement technology.

It is my hope my colleagues will support this amendment again, as they have before.

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. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered. The Senator is recognized.

Mr. SPECTER. Mr. President, I further ask unanimous consent that I may be permitted to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JUDGE LESLIE SOUTHWICK

Mr. SPECTER. Mr. President, I have sought recognition to reply to a floor statement made earlier today by the senior Senator from Illinois concerning the pending nomination of Judge Leslie Southwick for the Fifth Circuit Court of Appeals.

The Senator from Illinois asserted that ''there are too many questions about whether Judge Southwick would bring a measure of fairness in cases involving civil rights and the rights of ordinary people in his court.'' But in the course of the speech of the Senator from Illinois, he only raised one question. That one question was about a specific case.

The Senator from Illinois went on to say:

> This perception as to whether he will be fair or evenhanded is determinative in my mind. Whether you agree with that perception, it is there.

I begin by disagreeing categorically with the Senator from Illinois that it is a matter of perception. It is a matter of fact. When he says this perception as to whether he will be fair or even-handed is determinative, I disagree strongly. What is determinative is what are the facts of his record taken in totality.

The one question which the Senator from Illinois has raised involves a case where the Mississippi intermediate appellate court upheld a finding by an administrative board that an employee should not be fired under the circumstances which I will now describe.

The employee had made a racial statement which was a one-time comment. The slur was not in the presence of the targeted coworker. The employee apologized to the coworker. The coworker accepted the apology. The incident did not produce any significant workplace disruption.

The administrative board then made the determination that the incident did not warrant dismissal of the employee. The question then presented to the court on which Judge Southwick sat, the intermediate appellate court, was whether the finding by the administrative board was arbitrary and capricious; that is, whether there was sufficient evidence for them to find to that effect.

When Judge Southwick testified before the Judiciary Committee, he was emphatic in his statement that the slur was unacceptable, that he did not agree with that kind of conduct, and that it was the worst kind of word to use—the so-called ''N'' word—but that his role as an appellate judge was to make a legal determination on whether there was sufficient evidence to uphold the decision or whether the administrative board was arbitrary and capricious.

The Senator from Illinois then said that the Mississippi Supreme Court unanimously reversed the majority opinion. But, the fact is—and this is implicitly acknowledged by the Senator from Illinois—that the only reversal was on the very narrow ground of whether there had been sufficient findings by the administrative board to come to its conclusion.

The Mississippi Supreme Court agreed with the Mississippi intermediate appellate court that dismissal was an inappropriate remedy. That was really the core of the case. But the State supreme court said there ought to be more facts stated by the administrative board in coming to that conclusion, which was a highly technical modification as to what the appellate court had said.

The Senator from Illinois further made a very brief reference, a one-sentence reference, in his speech, to a custody case in which ''he voted to take an 8-year-old girl away from her lesbian mother. I disagree with Judge Southwick's position in these cases.'' That is the only thing he had to say about the custody case which has been cited against Judge Southwick.

Here again, as in the case involving the racial slur, Judge Southwick did not write the opinion. He concurred in the opinion. I think fairly stated as a legal matter, when someone writes the opinion, there is full responsibility for everything in it. In a sense, one might say the same thing about someone who concurs. That person could write a separate concurring opinion. But unless there is something extraordinarily wrong, out of line, that is not a common practice.

In the second case to which the Senator from Illinois referred—only one sentence—there were many factors which led to the award of custody to the father, such as he had a steady job, he had a higher income, he owned a large residence, and he had roots in the community. Although the Senator from Illinois did not refer to one sentence in the opinion—again, which Judge Southwick did not write but concurred in—there was a reference to a ''homosexual lifestyle'' which has been used frequently, including the Lawrence v. Texas decision. It is perhaps not the most sensitive kind of language, and perhaps there could have been a substitution for it, but it certainly does not rise to the level of a disqualifier.

The Senator from Illinois has said that Judge Southwick could not be fair to run-of-the-mill litigants in the courts and cited a couple of studies, which are not identified, which do not specify any authors, and on their face, in the statement by the Senator from Illinois, I think fairly stated should be entitled to really very little, if any, weight. But let's take a look at some of the specific cases that Judge Southwick has decided.

In a case captioned McCarty Farms Inc. v. Caprice Banks, Judge Southwick affirmed an award of permanent partial disability benefits for a woman who experienced a 70-percent industrial disability to her right arm and a 30-percent loss to her left. However, Judge Southwick wrote separately to argue that injured workers deserve more evidentiary options to prove damages. He would have instructed the court to consider wage-earning capacity as well as functional or medical impairment.

In the case captioned Sherwin Williams v. Brown, Judge Southwick held a 45-year-old carpet layer was permanently and totally industrially disabled due to an onsite injury and that the carpet layer made reasonable efforts to obtain other employment. Judge Southwick concluded he was entitled to permanent total disability benefits.

In a case captioned United Methodist Senior Services v. Ice, Judge Southwick affirmed the award of workmen's compensation benefits to a woman who hurt her back while working as a certified nursing assistant, despite her first employer's claim that she exacerbated the injury during her subsequent employment. In addition, Judge Southwick recognized that the evidentiary standard the employer sought to impose would have prevented many plaintiffs from receiving compensation for a work injury.

In Kitchens v. Jerry Vowell Logging, Judge Southwick reversed the Workers Compensation Commission's decision that a truck driver from a logging company did not suffer a permanent loss of wage-earning capacity, and remanded the case for further consideration.

In Total Transportation v. Shores, a 6-to-4 decision, Judge Southwick joined the other three dissenters, who would have upheld an award of workmen's compensation benefits for a truck driver's widow where the majority ruled in favor of the employer.

In Burleson v. Hancock County Sheriff's Department, a 6-to-3 decision, again Judge Southwick joined in dissent, arguing that a public employee was unconstitutionally fired, while the majority ruled in favor of the employer.

Similarly, Judge Southwick has ruled numerous times in favor of tort victims and against businesses. In Ducksworth v. Wal-Mart Stores, Judge Southwick voted to reverse a trial court's verdict against a customer who had slipped on an unknown substance at Wal-Mart.

In Breland v. Gulfside Casino Partnership, Judge Southwick voted to reverse summary judgment for a casino in a slip-and-fall action brought by a patron who had suffered multiple injuries falling down a casino staircase.

In Martin v. B. P. Exploration & Oil, Judge Southwick voted to reverse summary judgment against the plaintiff, who injured her ankle upon exiting a gas station's restroom on an allegedly poorly constructed access ramp.

In Wilkins v. Bloodsaw, Judge Southwick voted to reverse a grant of summary judgment in favor of a Pizza Hut which was sued by a mother who was injured when her disabled son fell as she tried to help him exit the restaurant.

Similarly, Judge Southwick has voted in favor of criminal defendants on numerous occasions, often in dissent. For example, in Jones v. State, a 5-to-5 decision, Judge Southwick dissented, arguing for reversing a conviction because the indictment did not provide the defendant with sufficient clarity to know with certainty what crime was being charged.

In Parker v. State, Judge Southwick dissented, arguing that a murder conviction should be reversed because the trial judge failed to give a proper jury instruction.

In Mills v. State, a 6-to-3 decision, Judge Southwick dissented from the majority, affirming a drug conviction on the grounds that the court should not have admitted a statement by the defendant's 4-year-old son, and the State failed to disclose a piece of evidence against the defendant that it had in its possession.

In Harris v. State, a 5-to-4 decision, Judge Southwick dissented from the majority opinion, affirming a drunk

driving conviction on the grounds that the trial court erroneously allowed the State to avoid proving all the elements charged in the indictment.

In Hughey v. State of Mississippi, Judge Southwick affirmed the trial court's decision to disallow cross-examination as to the victim's sexual preference, recognizing that whether the victim was homosexual was not relevant to the defense, and that such a line of inquiry could produce undue prejudice.

This Hughey v. State of Mississippi case, where Judge Southwick excluded a victim's sexual preference, is a strong indication—much stronger than the one line in the argument by the Senator from Illinois—concerning the issue of a ''homosexual lifestyle.''

There are also testimonials, and I will offer two. La'Verne Edney, a distinguished African-American woman partner in a prominent Jackson, Mississippi, law firm, a member of the Magnolia Bar Association, the Mississippi Women Lawyers' Association, and a member of the Mississippi Task Force for Gender Fairness, has shared her compelling story of Judge Southwick, who gave her an opportunity when few would. This is what she said, and I quote:

> When I finished law school . . . I believed that my chances for landing a clerkship were slim because there was only one African-American Court of Appeals judge on the bench at the time and there were very few Caucasian judges during the history of the Mississippi Supreme Court or the Court of Appeals . . . who had ever hired African-American law clerks. . . . While Judge Southwick had many applicants to choose from, he saw that I was qualified for the position and granted me the opportunity.

Ms. Edney further observed:

> It did not matter the parties' affiliation, color or stature—what mattered was what the law said and Judge Southwick worked very hard to apply it fairly. Judge Southwick valued my opinions and included me in all of the discussions of issues presented for discussion. Having worked closely with Judge Southwick, I have no doubt he is fair, impartial, and has all of the other qualities necessary to be an excellent addition to the United States Court of Appeals for the Fifth Circuit.

Now, contrast what Ms. Edney said, a prominent lawyer engaged in all of the advocacy groups—gender fairness, women trial lawyers, Magnolia Bar—compare that to the opinion of Judge Southwick in one case, where he joined in a concurring opinion, where there was a racial slur immediately apologized for, with what this woman, who was his law clerk, found in a very detailed relationship showing fairness and justice.

Patrick E. Beasley, a practicing attorney in Jackson, Mississippi, who also happens to be African-American, endorsed Judge Southwick for, among other qualities, his fairness to minorities. This is what Mr. Beasley had to say:

> I speak from personal experience that Leslie Southwick is a good man who has been kind to me for no ulterior reason. I am not from an affluent family and have no political ties. While I graduated in the top third of my law school class, there were many individuals in my class with higher grade point averages and with family ''pedigrees'' to match. Yet, despite all of the typical requirements for the clerkship that I lacked, Judge Southwick gave me an opportunity. Despite all the press to the contrary, Judge Southwick is a fair man and this is one of the qualities that makes him an excellent choice for the Fifth Circuit Court of Appeals.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. SPECTER. No. But I will be glad to respond to the Senator from Alabama when I finish my speech. I will be glad to respond to him at length.

The overall record—I have changed my mind. I will yield for a question.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SPECTER. Maybe the Senator from Illinois will change his mind, too.

Mr. SESSIONS. Mr. President, for the first time, on the question of Judge Southwick's ruling, the Senator's remarks make clear to me that he was required as a judge, as I understand it, to not reverse the administrative panel's opinion unless it was arbitrary and capricious, I believe is what the Senator said.

It seems to me that sometimes we make a mistake, and I was going to ask the Senator a question, as one of the most able lawyers here in this body for sure, about whether he thinks sometimes we ascribe to the judge who has to rule on a case following the law, that somehow we would suggest he may have approved this racial slur even though he may have ruled in a way different from that?

In other words, does the Senator think we ought to be careful in this body not to unfairly suggest that the judge approved this racial slur, which I know he did not, as a result of that ruling?

Mr. SPECTER. Mr. President, the question posed by the distinguished Senator from Alabama is illustrative of the unfairness of citing that case against Judge Southwick, because he did not sanction the slur which was uttered.

In fact, the administrative review board did not sanction the slur. The administrative review board had only the question to decide as to whether that was grounds for permanent dismissal. That is the only question they had to decide. And then when the case came before the Mississippi intermediate appellate Court, as the Senator from Alabama has noted, that court had only to decide whether the ruling by the administrative review board was arbitrary and capricious, which means that there was insufficient evidence to sustain it.

So Judge Southwick is removed by two major barriers from any conceivable approval of a racial slur: first, on the fact that the administrative board said it was bad, Judge Southwick said it was bad; and, in addition, there was sufficient evidence for the administrative board to find what it did.

Now, on the critical question as to whether there were any grounds for permanent dismissal because of what was said, everybody said no—that is, the administrative board, the intermediate appellate court, and the State Supreme Court—contrary to the bland assertion by the Senator from Illinois that the intermediate appellate court was reversed. The Supreme Court said everybody is correct, there are not grounds for permanent dismissal, but we think the administrative board should have given more details as to the reasons why it came to that conclusion.

Mr. SESSIONS. Mr. President, I thank the Senator for his effort and the time it takes to be able to examine the complexities of this situation. Most of us are too busy to do it. You do indeed have a passion for the truth, and you have done well in getting there, and I thank you for sharing those thoughts with us.

Mr. SPECTER. Well, I thank the Senator from Alabama for complimenting me for my passion for truth. It so happens that is the title of the book I wrote—Harper Collins, available online.

Back to the case, though, Mr. President, and I will be brief here. I would point to Judge Southwick's overall record. It is an excellent record: cum laude from Rice, J.D. from the University of Texas Law School, clerk for the Court of Appeals for the Fifth Circuit, an adjunct professor in the Mississippi College of Law, unanimously well qualified by the American Bar Association.

And then an extraordinary thing. When he was in his fifties, he volunteered to go to Iraq in the Judge Advocate General's Corps, and was in areas with very heavy fighting. He interrupted a 12-year service on the Mississippi appellate court to do that. That is an extraordinary act, really extraordinary, for somebody in his position to do.

I sat down with Judge Southwick at some length to talk to him, and he is an enormously impressive man. He is very mild mannered. He has been on the court, as I say, for 12 years. He has participated in 6,000 cases, he has written 985 opinions, and all they can extract out of this record is one case which, as the colloquy with the Senator from Alabama points out, doesn't establish a peppercorn. That is a legal expression for being practically weightless in terms of what their objections are.

The Senator from Illinois then went through the history of the last two nominees who were shot down. I have a reputation and a record to back it up, to have supported President Clinton's nominees, crossing party lines, when they were qualified.

The Senator from Illinois makes it a point—not that it has anything to do with this case—that the Republicans didn't give 70 of President Clinton's nominees a hearing.

That was wrong. That was wrong. But what we are doing here is we are visiting on Judge Southwick somebody else's sins. If I thought he was not qualified, I wouldn't be taking the lead that I am in this case.

When we go through these issues, it is reminiscent of the very contentious controversy which was raised on this floor in 2005 when the Democrats were filibustering judges in retaliation for what had happened during the Clinton years and the Republicans were threatening the so-called constitutional or nuclear option. We ought not go back to those days.

When you have a man with the record of Judge Leslie Southwick, he is being picked on. With the extensive record he has, to cite one case and to talk about perception—I repeat, when the Senator from Illinois says that perception is determinative, I say that this body ought to vote on the facts.

I am pleased to see that a number of Democrats are interviewing Judge Southwick, and I believe they will find him to be very impressive, as I did. I strongly urge my colleagues to look at the facts very carefully. The Senate should not function on perception. The Senate should not function on what somebody else concludes or believes. We ought not do that. We ought to look at the record and make the decision in fairness to this man and in fairness to the entire process of confirmation of Federal judges.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. I ask the manager of the bill if it would be appropriate for me to speak now on the amendment I propose to offer. Seeing no objection, I will proceed.

The PRESIDING OFFICER. The Senator is recognized to speak on the amendment.

AMENDMENT NO. 2405

Mr. ALEXANDER. Mr. President, I will not ask unanimous consent that the pending amendment be set aside because I understand from the bill's managers that at this point there would be an objection to that.

That disappoints me. I have an amendment I would like to offer. It is an amendment we discussed in the full Appropriations Committee when it was considered, and I hope I have the opportunity to offer the amendment at another time.

The amendment was filed earlier today. It is No. 2405. The amendment has as cosponsor Senator COLLINS.

I ask unanimous consent at this time that Senator VOINOVICH and Senator WARNER be added as cosponsors to amendment No. 2405.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, this amendment, the Alexander-Collins-Voinovich-Warner amendment, has to do with the law we call REAL ID.

I will describe REAL ID in a moment, but fundamentally what the amendment proposes is to offer $300 million in funding to the States to implement REAL ID. The offset would be a 0.8-percent across-the-board cut in the rest of the bill. The total bill is $37 billion, more or less. I know that offset is not one the chairman and ranking member of the committee are likely to approve of, but during our committee discussions I offered other offsets which weren't approved of, and I feel strongly that if the Congress requires the States to adopt REAL ID or something similar to REAL ID, then the Congress ought to pay for it—hence the $300 million amendment.

Someone once said about me last year—and I haven't been here very long, this is my fifth year as a Senator, but I have been around a while—they said the problem with LAMAR is he hasn't gotten over being Governor, which I was privileged to be in my home State of Tennessee for several years.

I hope when I get over being Governor, the people of Tennessee send me home because I think one of the contributions I can make is to remind the Congress and remind the country that our country's strengths begin with strong communities and strong counties and strong cities and strong States and that the central government, according to our traditions and our Constitution, is for the rest of the things that States, communities, cities and counties can't do. According to the 10th amendment and its spirit, if we require it of the State and local governments from here, we should fund it from here.

Nothing used to make me more angry as a Governor than for some Senator or Congressman to pass a bill with a big-sounding idea in Washington, DC, hold a press conference, take credit for it, and then send the bill to me to pay. Then that same Senator or Congressman more than likely would be back in Tennessee within the next few weeks making a big speech at the Lincoln Day or Jackson Day dinner about local control.

This is such an important issue that the 1994 elections turned on it, to a great extent. I remember dozens of Republican Congressmen and candidates standing with Newt Gingrich on the Capitol steps, saying:

> No more unfunded Federal mandates. If we break our promise, send us home.

That may be one of the reasons the Republican Congress got sent home last year, because we hadn't paid enough attention to that promise. I can remember Senator Dole, when he was the majority leader in the Senate in 1995. He was campaigning for President, campaigning around the country and I was often at the same events. He would hold up his copy of the Constitution and talk about the 10th amendment. That is the spirit I wish to talk about today.

The REAL ID Act began in a good way. The 9/11 Commission recommended, in some fairly vague language, that we needed to improve our identification documents in the United States. The Commission found that:

> [a]ll but one of the 9/11 hijackers acquired some form of U.S. identification document, some by fraud. Acquisition of these documents would have assisted them in boarding commercial flights, renting cars, and other necessary activities.

So said the 9/11 Commission. The Commission added that the Federal Government should:

> . . . set standards for the issuance of . . . sources of identification, such as drivers' licenses. Fraud in identification documents is no longer just a problem of theft.

The Congress began to implement the recommendations of the 9/11 Commission soon thereafter, and in December of 2004 the Senate passed the Intelligence Reform and Terrorism Prevention Act of 2004 which called for States to create secure driver's licenses and ID cards under section 7212 of the bill.

It established a negotiated rulemaking process that included State government officials, which was a direct effort to deal with the problem I discussed. Through that, standards would be promulgated that would make it more difficult to create and obtain fraudulent driver's licenses.

The purpose of the negotiated rulemaking process was so that as Congress said that our national needs called for more secure documents, the State and local governments could say let us talk with you about the realities at home, about what we use driver's licenses for, about how many there are, about what the cost would be of implementing new standards, and about how long it might take. In addition, we might have some other ideas about a different kind of secure document that might be better than a driver's license for this purpose. And there are some privacy standards we are worried about.

In addition to that, the experience with national identification cards around the world hasn't been all that promising. In Nazi Germany it wasn't a good story. Those who remember the more recent history of South Africa, when every citizen had a card to carry around which would decree what their race is and whether they were of mixed blood, that sort of ''Big Brother'' attitude is of great concern in the land of liberty, the United States of America. So the negotiated rulemaking process was to take into account all of that.

Then came along the REAL ID Act of 2005 in the midst of all this careful consideration. It was attached to the emergency supplemental appropriations bill of 2005. In other words, it was stuck in, by the House of Representatives, on the troop funding bill and it was signed into law by the President in May. We had no choice but to pass it. We had our men and women in Afghanistan and Iraq. We had to pay the bills for their service. This was just stuck in there. We had to vote it up or down and REAL ID became law. The Senate didn't hold any hearings. It was swept through Congress.

The REAL ID Act superseded that negotiated rulemaking process included in the Intelligence Reform bill, in which the States and the Federal Government were working back and forth to set minimum standards for State driver's licenses in an effort to deter terrorists. REAL ID established a de facto national ID card by setting Federal standards for State driver's licenses and making the States create and issue them.

One might say the States don't have to do it. They don't have to do it unless they want their citizens to be unable to fly on airplanes or obtain other necessary Federal services. It is a Hobson's choice. So, in effect, the REAL ID law, with no hearings, no consideration of whether there might be some other kind of card or set of different cards that would be more appropriate, became law. The States had to comply with that and that meant 245 million U.S. driver's licenses or ID holders would have to get new identification.

The Department of Homeland Security has not yet issued final regulations of this massive act, even though the States are supposed to be ready to comply with these new standards and measures by May 11 of next year, 2008. Final regulations are expected to be released in the early fall, and this will give States just months to reach the May 2008 deadline.

It is true that, thanks to Senator COLLINS and others, and our willingness to forgo an amendment earlier this year, the Department of Homeland Security agreed to grant waivers to States to delay implementation. But, still, under the present route, 245 million people in America will need to get new ID cards by May of 2013.

REAL ID is a massive unfunded mandate on the States to begin with. Last fall the National Governors Association and others released a study putting the cost of REAL ID at $11 billion over 5 years. The Department of Homeland Security itself said the cost may reach $20 billion over 10 years. To date, the Federal Government has appropriated $40 million for the States to comply with REAL ID, and only $6 million of the $40 million has actually been given to the States.

Here we go again. After a lot of promises from Washington, DC, on this side of the aisle and on that side of the aisle—we say no more unfunded mandates, but we have a real big idea, we announce it, take credit for it and send the bill to the Governors and the legislatures. We let them worry about whether to raise college tuitions, raise property taxes, or cut services over here—worry how do we pay for this new mandate?

No wonder 17 States now have passed legislation opposing the REAL ID Act, including Tennessee, which became the 16th State on June 11 of this year.

To get an idea of what REAL ID would require, first, you have to prove the applicant's identity, which would take a passport, birth certificate, a consular report—there are a number of other documents that could be used. Then you have to prove your date of birth. That might mean you have to bring in two documents. Then you have to prove your Social Security number. That might mean you have to go find your Social Security card. I wonder how many people have their Social Security card today. You are up to three documents. You need the address of your principal residence—you have to prove that. Then you have to prove you are lawfully here. That is not just for someone who is becoming a citizen or someone coming here, this is for every single person who drives a car or gets an ID; he or she has to prove they are lawfully here under REAL ID. In all the States, that is 245 million people.

In Tennessee last year, there were 1,711,000 new or renewed driver's licenses. I renewed mine by mail; 154,000 renewed theirs online. There will be no mail renewals, there will be no online renewals in Tennessee or Maryland or Mississippi or Washington State. Everybody will get to go to the driver's license office. There are 53 of those in Tennessee, and 1.7 million of us will show up at those 53 offices, not just at one time, not just in 1 week, but just in 1 month, scrambling around, trying to figure out what documents we need to have. I can imagine there are going to be phone calls coming into our offices that make the phone calls on immigration look like a Sunday school class.

We need only look at the recent passport backlog to imagine what might happen with the REAL ID backlog. We remember that the passport quagmire in which we have been in the last few months was triggered by a very well intentioned policy change designed to thwart terrorists. Specifically, new rules were implemented in January of 2007 requiring Americans to have passports for travel between the United States and Canada, Mexico and most of the islands of the Caribbean. This caused a massive surge in passport applications. There were 12 million passports issued in 2006. The State Department expects to issue 17 million this year—a 42-percent increase. Prior to the passport regulations, applications were increasing at a rate of 1 to 2 million a year. We are expecting an increase of 5 million applications from 2006 to 2007.

In March of this year, there was a backlog of 3 million passports. The current backlog is 2.3 million passports. Prior to the new regulations, turnaround time was 6 weeks on regular service and 2 weeks on expedited service. At the worst part of this year, they were running 12 to 14 weeks on regular service and 4 to 6 weeks on expedited service. This massive backlog destroyed summer vacations, ruined wedding and honeymoon plans, disrupted business meetings and educational trips, caused people to lose days of work waiting in line, and caused people to lose money for nonrefundable travel and hotel deposits and reservations.

My office has worked with the passport office over the last few months. I would compliment them for the dedication of the employees and how they were trying to deal with this massive surge, but we imposed upon them a burden they simply could not handle.

What do we say to the people of Tennessee: Show up at our 53 driver's license offices with the correct documentation; otherwise, you may wait for 2 hours, you get up to the window, and then they tell you've forgotten your Social Security card and you must come back again. If they show up over 1 month, this is going to make the passport application surge look like a small problem.

I believe we have a choice in Congress. I think insofar as REAL ID goes, we should either fund it or we should repeal it. Fund it or repeal it.

It may be that we need to have a national identification card. I have always been opposed to that, but we live in a different era now. But I would much prefer to have seen the Senate debate this in the usual way and let us consider, for example, whether a secure work card, such as the kind Senator SCHUMER and Senator GRAHAM have proposed and Senator CORNYN and I have talked about, might not be a better form of ID card.

Most of our immigration problems, for example, are related to work. Maybe a secure identification card would be better, a secure Social Security card would be better, or maybe, because of privacy concerns and our memory of Nazi Germany and our memory of South Africa, we want to be very careful about having anything that is actually called a national ID card or even a de facto ID card. So maybe we can work over a period of years and help to create several cards: maybe a travel card that some can use on airplanes or other forms of travel; maybe a work card; maybe some States would want to use the driver's license as that form of ID card. But the point would be that there would be three or four choices which could be used for ID which would be secure and would help with the terrorism threat we face.

I regret very much that we did not have a chance to take this problem, this recommendation of the 9/11 Commission, properly through the Senate and consider it. I was glad to see the legislation that created the negotiated rulemaking process that at least involved the States in what is going on.

We have an obligation in this body to recognize the fact that if we are going to have something called REAL ID—and according to our own Department of Homeland Security, it is going to cost $20 billion over 10 years—then we have a responsibility to appropriate that money or most of that money to pay for it. Today, we are at $40 million. That is why Senator COLLINS and Senator WARNER and Senator VOINOVICH and I intend to offer this amendment to the appropriations bill to provide $300 million in funding to the States to

implement REAL ID. In the meantime, I am going to work with other Senators to either reestablish the negotiated rulemaking process or to repeal REAL ID and let us move ahead with a different way of developing a secure identification card.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mrs. MCCASKILL. Mr. President, while I am not offering any amendments now on Homeland Security appropriations, I do wish to speak about a couple of amendments I will be offering.

First, we all understand that the inspector generals are the eyes and ears for not only the public and the executive branch but also for Congress within Federal agencies.

As part of a piece of broader legislation I have previously filed, I wanted to include in this bill the provisions that would relate to the Department of Homeland Security. Keep in mind, the Department of Homeland Security has been on the high-risk list as long as it has been in existence. The high-risk list is put out, in terms of management issues, by the Government Accountability Office.

There are so many areas I could go into of mismanagement and problems within FEMA and other parts of Homeland Security, but suffice it to say that my amendment is going to help the public get access to the inspector general's information. It would require that the Department of Homeland Security put on the home page of their Web site a direct link to the inspector general's report and, furthermore, provide information on the home page of how people can, in fact, turn in the Department of Homeland Security for issues of fraud, waste, and abuse.

We need to enlist the public's help. In order for them to do that, they have to know what is going on. It is my goal eventually to make sure the IG Web site is on the home page of every Federal agency, and this is a good start in the Department of Homeland Security.

The other amendment I have is troubling. In fact, it is scary. After the hurricanes in 2005, there were a number of trailers that were distributed to the victims of Katrina and Rita. Less than a year later, there was a complaint regarding the condition of these trailers, and it related to the health of the people in the trailers. There was testing done, one test, by FEMA. It found dangerously toxic levels of formaldehyde. What happened after those test results, and test results also done by independent organizations? Nothing. Toxic levels of formaldehyde in trailers the Government provided to victims of a hurricane.

Here is the scary part. The scary part is the General Counsel's Office within FEMA was advising the department: Let's keep this quiet. We don't want to own this issue.

I am quoting now from things written by the lawyers in FEMA. A man actually died in a trailer. There was a conference call. As a result of the call, the General Counsel's Office put out a directive: We are in litigation on this issue. We must be on every conference call. Nothing should be done on this without going through us. We don't want to own this issue.

All of these kinds of messages were sent throughout FEMA. Now we have a problem; we have a safety issue for American citizens living in trailers that we have given them.

FEMA finally goes out and does some testing. They open all the windows and turn on the exhaust fans and then say: We don't think the problem is that serious. We better notify people. We want to notify people, but don't put our phone number on it. Tell them there might be a problem. In other words, let's see if we can't avoid being held responsible by giving out information. But for gosh sakes don't let them ask a question about what they do to get out of the trailer, how they get a new trailer, how they can find out how the problem is being addressed.

We can take two attitudes in Government. We can take the attitude that we want to try to ''CYA'' and look good or we can take the attitude we are here to serve the public. Those people in FEMA were using Federal tax dollars, and their goal was to help people in times of need and make sure they stayed safe.

This Congress has a solemn obligation to make sure we get to the bottom of this. My amendment will require the inspector general to do an immediate and thorough report as to everything that happened in this incident and, within 15 days of enactment of this law, FEMA must report to Congress what action they have taken in response to this issue.

When, finally, this all came to light in a very well run House hearing in July of 2007, they promised swift action. We need to know what is ''swift action.'' We have to have the indoor quality testing and the root cause determination. We must make available alternative safe housing, and we obviously have to make sure the Office of General Counsel is held accountable for an attitude that is all about covering our risk instead of protecting American citizens.

Senator OBAMA and Senator PRYOR are working with me on this amendment. I anticipate it will have bipartisan support and many other Senators will join us.

There is a lot of talk around right now about whether Congress is doing its job, whether we are asserting ourselves in terms of a branch of Government that is supposed to provide oversight and accountability. I am confused as to why this did not reach the public's attention prior to January of this year. I am proud that it has now. I am proud that these kinds of hearings are going on and that we are providing the kind of oversight and accountability of the executive branch that protects the American people.

I urge my colleagues to support this amendment so we can make sure our job is to protect the people we serve and not to protect Government officials.

I yield the floor.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, I want to talk about the pending amendment to the bill. This amendment is called the Graham-Gregg-Kyl-Sessions, et al., amendment. I wanted to make a couple of quick comments about it.

Because the immigration bill failed on the floor of the Senate, a variety of States have begun to pass their own laws to enforce certain elements of immigration policy, including determining employment eligibility. My State of Arizona is one of those States.

What I noticed that at least a couple of them have done, including Arizona, is to require that employers check with the Department of Homeland Security, and the basic pilot program we have established as a pilot program, to determine the validity of the Social Security status of the prospective employee. It may well be that as States fill the gap created because the Federal Government has not adopted immigration reform legislation, especially dealing with that subject, that the Department of Homeland Security and Social Security will be increasingly called upon to provide information to the States. Because of that, they are probably going to need to be able to improve their systems; not to change what they do or create a Federal program but at least to be able to respond to those State inquiries.

My understanding from the Department of Homeland Security is that they have the capacity to deal with additional inquiries now, but they wish to improve their capabilities and make sure the accuracy level is high of the information passed back to the States and to the employers requesting information, and perhaps even to expand what it is they can provide by way of verification of the validity of the Social Security numbers. So as this process unfolds, we are going to have to make sure all of our Government agencies—primarily the Department of

Homeland Security—have what they need to respond to these requests.

To that end, one of the elements of the amendment that has been offered here authorizes the expenditure of funds for the specific purpose of improving the reliability of the basic pilot program and associated programs of the Federal Government that would respond to State inquiries. Obviously, my preference is that the Federal Government undertake that ourselves. Our responsibility is to form the immigration laws and secure the border. Having failed to pass legislation, they can help our citizens around the country by having the most robust database possible that is easy to access and, therefore, States and employers throughout the States can take advantage of.

The only other thing is that I support this amendment because it includes many of the features that were part of the immigration bill that almost everybody agreed with. What you heard in the debate was that we all agree we need to secure the border, enforce the laws, return to the rule of law, but—there was always a ''but'' and different people had different reasons they didn't want to support the bill. But the bottom line was that almost everybody here supported the essential enforcement features.

The Department of Homeland Security appropriation bill, therefore, is the appropriate place to include funding for the execution of the laws that currently exist and, almost without exception, this amendment does not add new authority or programs for enforcement but rather identifies areas in which enforcing existing law would be enhanced through greater capability achieved through the expenditure of funds that could, among other things, hire more personnel or in other ways make the system more robust.

Here is one specific example: Most folks like to refer to securing the border, and the symbol of that is the hiring of more Border Patrol. That is fine; we need them. But we also know that 40 percent of illegal immigrants in the United States didn't cross the border illegally. They came here on visas and then overstayed their visas illegally. The question is, what can we do to enforce our visa policy, as well as what can we do to secure the border?

This bill focuses on that visa overstayer problem and provides funding for the kind of particular investigators and agents for Immigration and Customs Enforcement that would ordinarily be looking at that problem. In addition, it explores ways in which the entry-exit system can be implemented and we can understand who has overstayed their visas so that can be enforced.

There is much else in this amendment that is good policy and that backs up that policy by the expenditure of funds. The $3 billion figure in here is, very roughly, an approximation of what the immigration bill that we debated provided for, minus the implementation of a couple of programs, the biggest one of which was the employee verification system. That system obviously failed along with the rest of the immigration bill. That was a pretty expensive item.

You will recall that we had mandatory spending of $4.4 billion—money that would have been collected from fines and fees. The $3 billion here represents the bulk of what that money would have been spent on, minus the employee verification system and a few other odds and ends.

That is the explanation for the particular amount of funding in the bill. I hope our colleagues will think carefully about this amendment. Its purpose is good. I think its execution is good. It is on the right bill. What it does that is a bit troublesome to some Members is provide some authorization, though that is not the primary element; it would not be the first time we provided authorization on an appropriations bill, but I can see there is some of that in here. The other aspect is the emergency funding nature. One way or another, we are going to have to get the funding to do the things the American people have insisted on. I have no objection to doing this as emergency funding. If we can fund $100 billion for the Iraq war, for example, I think we can fund $3 billion to secure our own border. If the loss of the immigration bill a month ago taught me anything, it was that the American people are very skeptical that we are committed to enforcing the law. I believe until we demonstrate to them a seriousness of purpose by actions rather than words, by the appropriation of money and by the expenditure of that money on things that they can see make a difference in enforcing immigration policy, they are not going to give us the green light to adopt a more comprehensive immigration reform bill. That is why I am supportive of this amendment as the next step toward solving the problem. I think we want to solve it. I think this is a step in that direction and I, therefore, urge my colleagues to support the legislation.

Mr. COCHRAN. 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. SESSIONS. 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. SESSIONS. Mr. President, I filed earlier a number of amendments. I want to talk about some of those and why I think that they are important. I am pleased to say many of them have been included, all or in part, in the Graham-Gregg-Kyl-McConnell amendment that I have cosponsored. I think, in effect, it represents a positive step to creating a lawful system of immigration, which I believe we owe to the American people. They expect that.

What good is it for us to pass new ideas, new laws, and new provisions concerning immigration if they will not be enforced any better than those we have had before? That is the real rub, the real problem we have. That was my fundamental concern and objection to the comprehensive bill that failed to pass a few weeks ago. It would not have done the job, it would not have been effective, and it did not accomplish what we need to accomplish.

I want to share some ideas about the amendments that I have offered and why they are important. I believe Senator KYL said that we have broad bipartisan support for this. There was some belief that if enforcement amendments are passed, then some people would never confront the other aspects of immigration that others believe need to be confronted. I think the truth is that people tried to hold hostage enforcement in order to gain support for a new idea of immigration, and an amnesty, or a legalization process that the American people didn't agree to. It didn't work. So let me share a few thoughts that I think are important with regard to having a good legal system for our borders.

First, we have to have more barriers, more fencing. The funding for the fencing that we asked for—the 700 miles of fencing—would be included in the amendment that has been proposed, offered, and called up. That is a good step in the right direction. I will offer separately an amendment asking the GAO—our Government Accountability Office—to analyze the cost. The cost factor that I have heard is about $3.2 million per mile for the fence. That exceeds my best judgment of how much that I think it ought to cost to build a fence based on my experience of building a fence in the country in the past. Fences usually do not cost millions of dollars but, this fence on the border is going to cost a lot of money. Yes, we need a lot of fencing on the border, and maybe double and triple fencing in some areas. We need high-tech cameras, and that will run the cost up. But sometimes you get the impression that the people who don't believe in fencing are running the cost up so high that maybe the American people will change their mind about the fence. We know the fence at San Diego was a great success. People on both sides of the border appreciate it. What was a rundown, crime-prone area on both sides of the border in San Diego is now making economic progress, and illegal immigration and crime in that sector is way down. Putting up a strong fence is the right thing for us to do and we must do it if we are serious about enforcement.

I ask for commonsense purposes, tell me how we can have enough border agents to cover 1,700 miles for 24 hours a day, 7 days a week? Are they just going to stand out there all day and all night? We need barriers that will multiply the Border Patrol officer's capability to respond in an effective way to

apprehend those who break into the country.

Through a combination of these efforts, we can get to the point where we go from an open border to a border that people understand to be closed, and, as a result, we could see a reduction in the number of people who attempt to come into our country illegally.

I am pleased that a good part of the State and local law enforcement provisions I have provided for will be included in the amendment. I am pleased that a good part of the National Guard provisions I have offered, including continuing Operation Jump Start, will be included, and the criminal alien provisions dealing with removing those aliens who have been convicted of crimes are deported.

I am pleased that we are moving towards ensuring that illegal entrants will be prosecuted when they come into the country illegally. This can be done by expanding the Del Rio, TX, zero-tolerance policy to other areas of our border so that illegal aliens who come across the border are not just met and greeted, given free meals, and taken back home, but actually are convicted of the crime that they committed when they came across the border illegally. We have seen good results from that program. And there are some other provisions that are important.

I have filed three amendments dealing with the fence. The first deals with a GAO study of the cost of the fencing. We need to know how much money has been spent thus far—there is a lot of confusion out there—how much fencing is now in place after all the money we have spent, how much it is costing and will cost the American taxpayers in the future, and whether there are better techniques and procedures by which we can build more fencing for less cost faster without significantly sacrificing quality. That is what that study would include. The Government Accountability Office regularly evaluates those kinds of issues, and I believe they will give us a valuable report that will help us in the future.

A second amendment calls for full funding of the fencing.

The Secure Fence Act of 2006 that I offered, which was signed into law, requires 700 miles of fencing. This amendment which I offered would fully fund the 700 linear miles of southern border fencing required by providing $1.548 billion to be used for the construction of topographical mile 371 through 700. That is what the law requires.

The Congressional Research Service and the Department of Homeland Security have told us that 700 linear miles in the act will actually require more miles topographically; so the 700 linear miles becomes close to 854 topographical miles. So my amendment will fund the remaining 484 topographical miles of fencing not currently funded for construction by December 31, 2009.

I have drafted this amendment in two ways. One is to be paid for with an across-the-board cut, and the other is designated as emergency spending.

If we are able to adopt the amendment offered earlier today by Senator GRAHAM and others, perhaps that will go a long way to solving the problems I have raised, but, in fact, we could go further and should go further.

My next set of amendments addresses State and local law enforcement's ability to assist Federal law enforcement. My amendment allows for some of the grant moneys appropriated by the bill to go for State and local training exercises, technical assistance, and other programs under the law. This would be a pot of up to $294 million to be used to reimburse State and local expenses related to the implementation of the INA section 287(G) agreements.

Under the Immigration and Nationality Act, State and local governments can sign memorandums of understanding—they are referred to as MOUs in the Government. When two foreign nations do it, they call them treaties. It is about as complex. MOUs are important—with the Department of Homeland Security to have their law enforcement officers trained to work with DHS and to enforce immigration law. That is how State and local people work together. My amendment encourages State and local governments to seek out these agreements and participate in them. The Federal Government needs to welcome State and local law enforcement's assistance at every opportunity, not discourage it.

Alabama was the second State, I am pleased to say, in the Nation to sign such an agreement. We have trained 3 classes of approximately 20 State troopers each for a total of 60 State troopers who are now ''cross-designated'' to work with the immigration agency, ICE. Each class cost the State of Alabama about $40,000. The State of Alabama had to pay to train their officers in this fashion so they could participate with the Federal Government. They have spent about $120,000 to date to help the Federal Government enforce Federal immigration laws. I think we can do better. We should encourage State law enforcement officers, and we should help fund this partnership program. I have no doubt in my mind that is the right way.

Then I have an amendment that affirms State and local authority and expands of the immigration violators files in the National Crime Information Center, that is not in the Gregg amendment. My amendment would reaffirm the inherent authority of State and local law enforcement to assist the Federal Government in the enforcement of immigration laws.

Confusion among the circuit courts, particularly dicta in a Ninth Circuit decision that appears to be somewhat contradictory to the Fifth and Tenth Circuits, is involved. That has led to a Department of Justice Office of Legal Counsel opinion that questioned some powers of State and local law enforcement. And then the Department of Justice withdrew that opinion. So there is uncertainty—the Presiding Officer knows how uncertain it can get involving the prosecution of cases in multiple jurisdictions—about what the power of local law enforcement is to participate in helping to enforce immigration laws.

The issue is very real. Just today in the Washington Times, there is an article about it. The article is entitled ''Virginia eyes plan to deport illegals. Panel suggests a statewide policy.'' It is being discussed all over the country. They say in that article:

> Other areas, such as the role of local and State police officers in enforcing immigration law, are more ambiguous. It is not clear what the State's role is in enforcing immigration law, Mr. Cleator said.

He is senior staff lawyer for the Virginia State Crime Commission. He said it is not clear what the State role is, and there is some ambiguity, less than most people understand, but there is a perception of ambiguity, and there is some ambiguity. That is why my amendment is needed and important.

My amendment will place additional information in the National Crime Information Center's immigration violators file so that critical information on final orders of removal, revocation of visas, and expired voluntary departure agreements can be readily available to State and local law enforcement officers. They need that information so they can make the right decisions when they apprehend somebody going about their normal business on matters such as speeding and the like.

The National Crime Information Center is the bread-and-butter database of local law enforcement, and they need this information properly inputted into that computer center because the State law officers will be the ones routinely coming into contact with unlawful and deported aliens during the course of their normal duties, such as a DUI charge. They want to know something about them, and the information is not being readily placed in that computer.

Everybody knows that virtually every law enforcement officer in America who stops somebody for an offense—such as DUI, theft, burglary, robbery—runs the suspect's name in the National Crime Information Center, and this is done to determine whether there are pending charges against the suspect, whether the suspect had been convicted of other crimes or if other charges will require that the suspect be held in addition to the charge for the original stop. This is done every day through tens of thousands of inquiries to NCIC. I have discovered that they are not putting a sufficient amount of the immigration violation information in NCIC. We have to do that if we want that a lawful system of immigration to work. If someone doesn't want lawful immigration to work then they will not put that immigration violators' information in NCIC.

Another issue I have raised is Operation Jump Start. This deals with National Guard funding through the end of the year 2008 and improvement in the rules of engagement. There is funding in the Gregg amendment for this matter, but it did not include rules of engagement language.

My amendment, and a similar amendment filed by Senator KYL for another bill, provides the funding, which is $400 million, needed to keep the current National Guard presence of 6,000 guardsmen on the southern border through the end of 2008. The administration's plan is to reduce those forces by half—down to 3,000—by September 2007. So by next summer, they want to have those numbers in half. The National Guard is working to deter illegal border crossings. They are big making a difference there. They are also helping us create the impression that our border is no longer open, that it is closed and it is not a good thing for someone to try to come across it illegally. Removing the National Guard members when they have been so successful would be premature.

If we take all these actions and keep the National Guard at the border, we can help reach that tipping point that I referred to earlier.

In addition, my amendment will allow the National Guard members to have a greater role in stopping illegal aliens along the border. National Guard members should be permitted to aid in the apprehension of illegal aliens crossing the border, at least until a Border Patrol agent comes on the scene. Today, they are only permitted to use nondeadly force for self-defense or the defense of others. So they cannot apprehend illegal aliens that they see crossing the border because they cannot use force unless it is to defend themselves or others. The rules of engagement prevent them from effectively apprehending illegal aliens. My amendment will allow those brave and effective National Guard members to apprehend illegal border crossers until the Border Patrol officer can come to their location.

Another big deal is that we want to make sure criminal aliens are deported. In effect, this language in the amendment I will offer and filed is included in the Gregg amendment. It deals with this problem. The American people understand the need to deport aliens, legal and illegal, who have committed crimes in the United States, crimes that make them deportable. We have laws that say that if you are here in a nonpermanent status and you commit a crime, then you are to be deported; nonpermanent status means that you do not have legal permanent status or citizenship in America. And one of the conditions of that admission is that you don't commit crimes. That is not too much to ask. That is our standard. Most countries have a similar standard.

And criminal aliens should be deported, as a matter of policy, at the end of their State or local criminal sentences. They should not be allowed to slip through the cracks and be released back into society. That is not what our laws call for, but it is happening every day.

Additionally, State court judges should not be allowed to vacate convictions or to remit sentences for the purpose of allowing the alien to escape the immigration consequences of their crimes. Those events that criminal aliens are not being deported and that some criminal aliens are avoiding the immigration consequences of their crimes are of great concern to the American people and Border Patrol agents who are out there working their hearts out.

So my amendment will double the funding—$300 million—that DHS has for the institutional removal program, a program that allows DHS to identify criminal aliens while they are in jail serving State and local sentences. Once they have been identified, they go through the paperwork, and the administrative removal process can be completed while they are in jail. This allows the criminal alien to be put directly into the Department of Homeland Security's custody at the end of their prison term, so that they can be quickly deported.

My amendment expands the criminal alien program by directing that the Secretary of DHS implement a pilot project to evaluate technology to automatically identify incarcerated illegal aliens before they are released. Manpower alone won't get this job done. But if we start correctly with technology, we can make great progress. It can be a big improvement in our current system.

In addition, my amendment ensures that when a criminal alien commits a crime, then the original conviction and sentencing will stand when DHS has determined whether the alien is deportable based on their crimes. This ensures that the trial judge's decision to change the sentence or the judgment of conviction won't be able to undermine the immigration impact of the original judgment.

Madam President, we have a real problem. We have a situation in which 27 percent of the persons in the Federal and State penitentiaries are foreign born—this is an amazing number to me—and they are there for crimes other than immigration—for drugs, fraud, sexual abuse, violent crimes. Large numbers of them—the majority of them—are persons who are not citizens. They have been involved in crimes of a serious nature, and they should be deported when they complete serving their sentence for those crimes. That is what is not occurring.

In fact, we have at this moment, we believe, some 600,000 absconders. These are people who have been apprehended and ordered deported, who are told to report for deportation, or similar orders, and have just simply absconded into the country and never shown up. That is a huge number of illegal aliens that we could eliminate, or reduce, if we could handle this process of taking care of their deportation as soon as they have finished their criminal time in jail.

Currently, the Department of Homeland Security and the Department of Justice have implemented a zero tolerance policy at the Del Rio sector of the border. This policy makes sure that every illegal alien is prosecuted for their illegal entry into the United States. It is a misdemeanor for the first offense. It is a criminal offense, but it is a misdemeanor for the first offense of coming into our country illegally. This policy has decreased illegal entry into the Del Rio sector by 58 percent.

Now, when you consider that last year we arrested 1 million people attempting to enter our country illegally, you get an understanding of what a 58-percent reduction in illegal entries means when that kind of policy is enacted. Though there are nine border sectors, Del Rio is the only one that has such a policy. My amendment would expand the success of the Del Rio project to the two border sectors with the highest crossing rates—Tucson, AZ, and San Diego, CA.

My amendment also requires that until a zero tolerance policy is fully in place, the Department of Homeland Security must refer all illegal entries along the Tucson-San Diego sector to the respective U.S. Attorneys' Offices for prosecution. The U.S. Attorneys' Offices must then provide a formal acceptance or declaration of that prosecution request, which would then allow a record so that Congress can know what all is happening—whether additional resources are needed to fully implement this highly effective policy along the entire border. I think that is a good step in the right direction.

Also, Madam President, we have the question of affidavits of support and their lack of use and my amendment deals with that. Since 1997, most family-based and some employment-based immigrants have to have, and do have, a sponsor that guarantees the immigrant will not become a public charge. In other words, they are admitted into the country, but only on the condition that if they have financial needs, this sponsor will take care of that, not the taxpayers of the United States. That is a legitimate condition, I submit, to place on entrance into the United States.

So the sponsor would enter into a contract with the Federal Government, promising to pay back any means-tested public benefits the immigrant would receive. There are some exceptions—medical assistance, school lunch, Federal disaster relief.

To my knowledge, the Federal Government has never gone after sponsors to ensure they follow through on the commitment they have made. My amendment will require a study to be done by the Government Accountability Office to determine the number

of immigrants with signed affidavits of support that are receiving or have received Federal, State, and local benefits when those immigrants really are not eligible and should have turned to their sponsors for support. A GAO study is needed to determine how much revenue the Federal Government could collect if they enforced these contracts and insisted that the individual who sponsored the person into the country actually pays what they are supposed to pay.

We need to preserve means-tested public benefits for those who are truly needy. We don't have enough money to take care of all the people in our country and shouldn't have to take care of people when they have a sponsor who promised to take care of them and promised that the sponsors would pay back the money for any benefits that the immigrants received.

So those are some of the amendments I offered. There is much that we can do to make our system of immigration at the border more effective. I would just cite that it is a matter of national security. We absolutely know that we have many people who simply want to come to America to work and don't want to cause any attack on the United States, and they are good people. They simply would like to make more money, which is available in the United States, than if they stay in their home country. But we also know that since we are not able to accept everyone who would like to come to America, we have to have rules about who can come and who cannot come and those we let come have to obey our laws.

One of the first and toughest rules should be that we don't allow people to come here who are terrorists, or have terrorist connections that could threaten our country.

Next, we need to ask ourselves how many persons should come in legally, and under what conditions, what kind of skills and abilities and education level and language skills they should have. That should be part of a good and effective immigration policy.

I will just say, however, that any such rules are absolutely worthless if we have a wide open system where people come across illegally on a regular basis and they know they have a high probability for success to come here illegally. Indeed, we know they do because we have about 12 million people here illegally.

So those are some steps I suggest we can take that will improve our legal system. I am pleased that a number of those will be included in the Gregg-Graham amendment and will not require a separate vote.

I hope we will take this responsibility seriously. I see no reason we should not undertake the actions that I have suggested, which have bipartisan support in the Congress. I hope they will not become part of some grand agreement that everything else that we can't agree on has to be a part of it. In other words, these provisions, which I think would have broad bipartisan and public support, these provisions should not be used as a vehicle to try to drag on things that people don't agree with—certainly not at this time.

So I support these amendments. I am glad we do have the Graham-Gregg-McConnell-Kyl amendment on the floor, and I support that. And I would ask these amendments be considered in due course.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, before the Senate, I understand, is a Graham amendment dealing with border security. Then there is a second-degree amendment that has been offered on top of that which effectively is where we are at the present time. I would like to make a few comments about this whole issue that has been brought up by Senator GRAHAM in terms of the security aspects at the border.

Those of us who supported a comprehensive program on immigration reform supported strong border enforcement because we know there are 400,000 or 500,00 people who have come across the border, minimally, a year. We don't know their names. We don't know where they go. They disappear into American society. There is no question, on a matter dealing with homeland security, we have to be serious about dealing with our borders. We understand that.

That is why it is so interesting to me, when I saw we had that opportunity 2 years ago, we had a great deal of fuss on the other side about building a fence along the border and then, after they got their vote, the Republicans never funded that particular program.

When we had a chance a few weeks ago to do something on comprehensive border control, again the Republicans, the other side, voted no; they voted it down. Now we have the proposal to try to, I guess, make them politically OK among the voters. We know this issue of undocumented and illegal immigration is a complex one, is a difficult one.

We know the primary reason people come across the border down in the Southwest is because of the magnet of jobs in the United States. This amendment does nothing about the magnet of jobs. We should not delude ourselves, if we say we are going to support this particular proposal and then not deal with what is the basic cause of the hundreds of thousands of people who come here, and that is the magnet of jobs. This amendment doesn't deal with the magnet of jobs. Maybe it has a good political ring to it out there on the hustings, that we are doing something, but as we have seen time and time again, as long as we are not going to deal with the magnet of jobs, the efforts we have on the border—we can build the fences, people have ladders to go over them; or you can build fences and people will burrow and go underneath them—as long as you have the powerful magnet of jobs, the efforts will fail.

We are going to have a vote on this issue, although I, for one, believe having strong border security is a key aspect of having comprehensive reform. That is why a number of us are going to support an alternative to the Graham amendment, an alternative that recognizes, No. 1, this is a complex problem—we are for border security and control, to the extent we can—but, No. 2, that we have a situation affecting millions of Americans in agriculture and that is, if we are going to have border control we are going to have to be able to provide agricultural workers. That is why I hope the Senate will consider an amendment which will have the border control provisions but also have what is called the AgJOBS provisions that will address what is the need in agricultural America.

Without it, as we have heard so eloquently from Senator FEINSTEIN, as we heard from Senator LARRY CRAIG, we are going to have devastation in major parts of our country.

If you are going to have border security, you are going to have to have some way for these workers to get in. The AgJOBS bill is the bill that has had over 60 Members of the Senate who have been supporters of that program. That seems to me to begin to make a good deal of sense.

Recognize, in dealing with this whole issue in a comprehensive way, the most vulnerable people inside our borders, those individuals who are here and are undocumented in so many instances are young people, brought here through no fault of their own because their parents brought them here when they were under 16 years of age, who are here for more than 5 years, serving 2 years in the military, graduating from the high schools of this country—it is called the DREAM Act.

I see my friend and the principal spokesperson and sponsor of that, the Senator from Illinois, Senator DURBIN, on the floor. He speaks so well to this issue. When we have the amendment before the Senate, I will review some of the great, important successes of many young individuals who came here undocumented and have worked long and hard and have graduated from high school, which is no mean feat when you have more than a 50-percent dropout rate among the Hispanic community. The fact that these individuals are here, want to be part of the American dream, want to contribute to our Nation—the DREAM Act gives them the hope and opportunity for the future, which so many who have come here as

immigrants and as children, who want to be a part of the American dream, have felt.

This will be a proposal I hope we will have a chance to vote on. It will have the border security aspects included in the Graham proposal. It will recognize, if you are going to try to close the border, you are still going to have the great agribusiness in our country that is going to demand workers. We have a way of responding to that, a way about which Senator FEINSTEIN and Senator LARRY CRAIG have spoken to this body, a familiar path that makes a great deal of sense. That will be part of the proposal. Then we say to some of the most vulnerable individuals here, we recognize the challenges you are facing.

The proposal we are going to offer is a downpayment on a day where we might be able to come to a more comprehensive approach, which will be clearly in the interests of the Nation and in the interests of those who have come here and hopefully are looking forward to being a part of the American dream—pay their fines, pay their dues but be a part of the American dream.

I also mention I was somewhat troubled by the provisions of the Graham amendment, which effectively will say, for those who have overstayed their visa—and we know that is about 46 percent of all the undocumented. You can't deal with the problem of the undocumented here in the United States and just close the border because almost half of those who are undocumented here come from overstays. So let's not confuse the American people and beat our chests and say we have taken a strong security position by dealing with the border and not dealing with the undocumented.

We have 12.5 million undocumented here. We simply do not have enough detention centers in which to detain them.

We want to deal with the terrorists. We want to deal with the drug smugglers. We want to deal with the hardened criminals. Rather than focusing our attention on those goals, we would divert precious resources to what? Jailing women and children, taking the overstays and putting them into detention? We have an undocumented problem and what are we going to do? This is not the solution. This whole scenario sounds like another plan like we had in Iraq: Al-Qaida in Afghanistan was the organization who attacked the United States and what did we do? We went into Iraq, wasting our resources. This amendment is focused on roundups and mass detention, rather than target the real threats which are terrorism and crimes. This amendment on the Homeland Security Appropriations bill is not the answer.

It seems to me an alternative approach makes a great deal of sense. This is a modest program. It is a well-thought-out program. It is a tried and tested program. It is a program where they have had hearings and the Senate is familiar with it. Let's do what is necessary at the border. Let's do what is necessary to ensure that agriculture and those workers who have worked in the fields are going to have the respect and dignity they should have. That has bipartisan support. Let's insist we are going to include the DREAM Act, which has strong bipartisan support as well.

Let's move on and accept that concept. That includes the basic thrust of the amendment of the Senator from South Carolina. Then let's move ahead with the Homeland Security bill.

I know my friend from Connecticut wishes to address the Senate.

Mr. GREGG. Will the Senator yield for a question?

Mr. KENNEDY. I will yield briefly, without losing my right to the floor, yes.

Mr. GREGG. I understand the Senator is essentially embracing the concept of moving forward independently with the DREAM Act, essentially; is that the position of the Senator?

Mr. KENNEDY. We would have an amendment that would have border security and AgJOBS and the DREAM Act together, put in together, so we will deal with border issues but also recognize, if you are going to have a strong border, if we are going to keep out agricultural workers, that we have a major agricultural industry here, and we ought to accept AgJOBS which, I think at last count, has 66 cosponsors, Republicans and Democrats. Also, we have an emergency with that particular proposal. Also, look at those who are the most vulnerable people in this country, and those are the children who have been brought here through no fault of their own, trying to be a part of our system. Many of them are in the Armed Forces of our country. It is called the DREAM Act. The Senator from Illinois has been a prime sponsor.

We think, with that combination, that will be much more responsive to the real challenges we are facing, both from a security point of view and from an economic point of view, an agricultural point of view and from a humane point of view.

Mr. GREGG. If I could simply make the point in the form of a rhetorical question: I am not sure the DREAM Act, as viable as it may be, has a great deal to do with Homeland Security's job on the border. Of course the Lindsey Graham amendment, of which I was a sponsor, is focused at Homeland Security's responsibility on the border.

But I appreciate the point of the Senator. I am not sure why he stopped there. Why doesn't he just reoffer the entire comprehensive immigration bill?

Mr. KENNEDY. This, I believe, is the downpayment. I remind my friend, and then I will yield the floor:

> Enforcement alone will not do the job of securing our borders. Enforcement at the border will only be successful in the long term if it is coupled with a more sensible approach to the 10 to 12 million illegal aliens in the country today and the many more who will attempt to migrate to the United States for economic reasons.

This is from the Coalition for Immigration Security. This is from a White House official charged with homeland security. This is a security issue, and we believe it is important.

The final point I mention to my friend from New Hampshire is a key aspect of the DREAM Act is to encourage these young people to serve in the military. At a time when we have critical needs in the military, the opportunities for these young people to serve in the military will give a very important boost to the Armed Forces of the country, and that obviously is dealing with the security of the Nation.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I rise to discuss an amendment Senator COLLINS and I intend to introduce. I gather the parliamentary situation is such that there will not be a grant of unanimous consent to set aside the pending amendment, so we did want to take this opportunity to discuss an amendment which would add $100 million to the Homeland Security appropriations bill for the purpose of funding efforts at the State and local level to make communications between our law enforcement personnel interoperable—they can talk to each other. This is a pressing need for homeland security, for disaster response.

I know my friend and colleague from Maine cannot remain on the Senate floor for long. So I yield to her for some comments about our amendment. Then I will retake the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, first, let me thank the committee chairman, Senator LIEBERMAN, for his graciousness in yielding to me.

I am pleased to be a cosponsor of Senator LIEBERMAN's amendment to add $100 million for an interoperability communications grant program. Last year, the Homeland Security Committee spent 8 months investigating the flawed response to Hurricane Katrina.

It was very disappointing for the committee to learn that the same kinds of problems in the ability of emergency first responders to communicate with one another that were evident in the response on 9/11 still existed that many years later and hampered the response to the victims of Hurricane Katrina.

When the 9/11 Commission reviewed all that went up to the attacks on our country on 9/11 and evaluated the response, it identified the tragic truth that many firefighters, police officers, and other emergency responders lost their lives on 9/11 because their communications equipment was incompatible. The police could not talk to the firefighters, who could not, in turn, talk to the emergency medical personnel.

We found exactly that same problem existing years later in the response to Hurricane Katrina. In fact, we found that within the same parish of New Orleans, police and firefighters often had incompatible communications equipment. It should be evident if our first responders cannot talk to one another in the midst of an emergency, the response is going to be greatly hampered, and in some cases that means additional loss of life. That is just unacceptable.

State and local governments recognize their problems with emergency communications, which is why the Department of Homeland Security receives more requests for funding to upgrade and purchase compatible emergency communications equipment under the State Homeland Security Grant Program and the Urban Areas Security Initiative than for any other allowable use.

The experts tell us the only way we are ever going to get a handle on this problem is if we dedicate funding for this purpose. The Homeland Security bill that is about to emerge from conference would establish a multiyear program to achieve that goal. But we need to make a downpayment on that program through this appropriations bill.

I know the leaders of the Appropriations Subcommittee on Homeland Security have worked very hard, and there are many demands on the money that is available. But I would urge them to take a look at our proposal.

Creating an interoperability emergency communications network is a complicated, expensive, and lengthy process. It is the type of multiyear project that requires States to know how much money they will be getting each year for several years in order to come up with the kind of regional plan that is needed to address this problem.

Even the most effective preincident planning will prove ineffective if first responders are unable to communicate with each other effectively in real time, on demand, during an actual incident, and in the immediate aftermath.

I would point out that Senator LIEBERMAN and I also sponsored an amendment when the budget was on the Senate floor, which was adopted just 4 short months ago, that provided $400 million for this critical purpose. Yet, unfortunately, the appropriations bill before us contains no funding for interoperability communications grants.

Now, we recognize the competing demands, and that is why the Senator from Connecticut and I are proposing a modest program of only $100 million rather than the $400 million that was adopted during consideration of the budget resolution.

I urge my colleagues to join Senator LIEBERMAN and me in supporting funding for interoperability emergency communications. This is a high priority for our first responder community, for those who are on the front lines when disaster strikes.

I yield to the Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Maine for an excellent statement.

First, I thank the leadership of the Appropriations Committee, Senator BYRD, Senator COCHRAN, Senator MURRAY, for working as hard and effectively as they have to provide funds that are critical to securing our homeland.

In fact, the committee added two and a quarter billion dollars for Homeland Security above the request of the President's budget. For that, they are to be thanked. That is exactly the right thing to do at a time when the threat of terrorism continues to be a clear and present danger for our American homeland.

Senator COLLINS and I are offering this amendment because, as she said, we believe the committee has not provided anything for one of our Nation's highest priorities, and thus an adjustment is needed and I speak of interoperability of communications systems among law enforcement personnel, first responders, the very fundamental capacity in an emergency to pick up whatever means of communication they have and speak to the firefighters, police officers, and emergency responders wherever they may be.

As Senator COLLINS indicated, just to build some history, in the Senate budget resolution conference report earlier this year adopted by the Senate, we provided for $400 million to be spent next year for this program in helping States and localities to allow their first responders to talk to each other in a crisis. That is the budget resolution. It is a first step, but it was an important step.

Senator COLLINS also referred to the conference committee on the 9/11 legislation that passed both Houses of the Congress. We have been in conference for some period of time. I am happy to say we concluded the conference successfully within the last 24 hours, and a report is now circulating among the members of the committee to have them sign it. I gather that a majority of members of the House committee have already signed, and Senators, in their wisdom, are taking a little longer to read the report. But I am confident that before the end of the day we will have a majority there, too, as well.

Well, the conference report on the 9/11 legislation, which is before us, to implement as yet unimplemented parts of the 9/11 Commission Report, or those parts that have been inadequately implemented, and/or, frankly, ideas that the respective committees in the House and the Senate have had on our own initiative to strengthen our homeland security against the threat of terrorism, which as I said earlier is clear and present, as the most recent reports on al-Qaida and its intention to strike us make painfully clear, and to create the kind of apparatus that will protect the American people in the event of natural disasters because there is an obvious overlap in what those capabilities will do.

So the 9/11 legislation conference report will be before the Senate soon. It does authorize a new interoperability emergency communications grant program. It should, hopefully, provide additional and much needed resources to help the Nation's first responders.

Now, I used the word ''hopefully'' advisedly because this new grant program the 9/11 legislation creates will not help our first responders unless we put some money into it. That is what this bill and this amendment to this bill that Senator COLLINS and I are offering would do. It would provide $100 million for the program in fiscal year 2008. It is below the $400 million authorized in the budget resolution. But this $100 million is a good start and an opportunity to essentially put our money where our promise was in the 9/11 legislation.

This actually is a very modest amount compared to the overall needs there are across the country. Yet it is a good beginning. 9/11 taught us many lessons about what we need to better protect our homeland, and one clearly was improve the ability of our first responders to talk to one another.

I know none of us will ever forget 9/11/01, that day we watched live on television as the extraordinarily brave New York City police, firefighters, and other emergency personnel raced into the doomed buildings trying to save lives, many of them not actually on duty but knowing a crisis had occurred, running to help their fellow citizens, to help their fellow first responders.

But as we watched, we could not see what was happening inside the building where another tragedy was occurring. Inside the World Trade Center buildings, the uncommon heroism of the first responders was running into unnecessary chaos. The incredible bravery of those men and women was running into avoidable confusion, all of it caused by their inability to talk to one another on the communications systems they had.

One fire chief told the 9/11 Commission:

> People watching on TV that day certainly had more knowledge of what was happening 100 floors above us than we did in the lobby of that building.

The sad, tragic fact is we know that this failure of interoperability of communications cost lives, too many lives. There were other communications breakdowns that day that hampered the response efforts at the Pentagon and in Shanksville, PA. Then, as Senator COLLINS said, during Hurricane Katrina, and the gulf coast, we saw a problem of communications that went beyond interoperability; it was the failure to operate in that crisis.

Phone lines, cell towers, and electrical systems were destroyed by the storms, making it nearly impossible at times for many first responders and

government officials on the gulf coast to talk to each other, to get the public assistance, to rescue people in danger. This massive failure was so bad that some emergency officials on the gulf coast were forced to resort to runners to communicate with their first responders in the field.

Think of that. Here we are in the 21st century, and this great American Nation that has spawned a revolution in global communications technologies, where in a catastrophic crisis, our first responders, whose duty it is to protect us, had to resort to communications techniques that we thought we had left behind on the battlefields of the Civil War, and that was to resort to runners.

This amendment would provide the $100 million for this emergency grant program created in the 9/11 bill. The funding would come from a small, across-the-board cut in all other Department of Homeland Security programs. That is the only way we can think fairly to do it. It is real small, about a quarter of 1 percent of the DHS budget, to be exact 0.27 percent, a small amount to shift into a program that is necessary to save lives when disaster strikes.

It is important to note that these funds will be provided to States only after the Office of Emergency Communications in the Department of Homeland Security has approved statewide interoperability communications plans so we are not just going to have city A or fire department B or ambulance company C apply and get their own grants. You have to be part of a plan in every State.

I note again the $400 million in dedicated funding for this program that was provided for in the Senate-passed and House-passed budget resolution earlier this year in anticipation of this new program. Perhaps because the 9/11 bill that has just been completed in conference was not finished when the Appropriations Committee met to adopt this Homeland Security appropriations bill, the committee did not include any funding for interoperability communications.

House appropriators did include $50 million to start the program. Now the Senate must do its part.

We owe it to our first responders, the men and women whose duty it is to protect us and all the people they protect in cities and towns across the Nation, to help them create the kinds of communications systems that will enable them to talk to each other in crisis so they can react swiftly, efficiently, and effectively when the alarm bell rings and duty calls them to respond.

At the appropriate moment, when it is possible to do so, Senator COLLINS and I will introduce an amendment to achieve the purposes I have stated.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, before the Senator from Connecticut leaves the floor, I appreciate his leadership on the 9/11 Commission recommendations conference report and the bill generally and, of course, the work he has done on the other conference report, the only two we have had to speak of, on ethics and lobbying reform. He has been essential to moving these things along. We have approached these two measures on a very bipartisan basis which is, I am confident, the reason we were able to get them to the floor. The work of the Senator from Connecticut has been exemplary.

Mr. LIEBERMAN. I thank the majority leader.

Mr. REID. I wish a number of things. One of the things I wish is that we could legislate the way I remember the Senate legislating. There have been editorials written, there was a cartoon this morning in the Washington Post, about all the many filibusters led by Republicans. We came to our first appropriations bill. We have two individuals who are historic in their knowledge of the Senate, Senator BYRD and Senator COCHRAN. I have lamented with my friend from Mississippi on a number of occasions how we would like to follow regular order. We try to do that as much as we can.

There are a number of ways to kill legislation. One is to get on the floor and talk forever. That is the old-fashioned filibuster. The other way is to do it by diversion, other ways. That is what we have before us today. We have here a bill dealing with Homeland Security. We all know border security is important, and we know the underlying bill is $2.3 billion more than the President requested, most of that money going directly to border security—3,000 new detention beds, 3,000 new Border Patrol agents. It is a good bill. But my friends who want to not have this bill have now done what would seem almost impossible: They want to relegislate immigration. We have spent about a month on immigration this year, about a month last year, far more than any other issue.

Now we have pending before us an amendment, the Graham amendment, that in effect relegislates immigration.

Of course, there is a piece in there for border security. We all support that. But there are also pieces in that that take away basic rights people have, people who are American citizens. So it is unfortunate we are at this juncture.

I have no alternative, and I have thought of everything I could think of to try to avoid this collision. It is my understanding the Graham amendment is pending; is that true?

The PRESIDING OFFICER (Mr. OBAMA). The Graham amendment is pending.

Mr. REID. The Graham amendment is in violation of Senate rules. It is legislating on an appropriations bill. I raise that as a point of order.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Parliamentary inquiry initially: Is the second-degree amendment the pending amendment or is the Graham amendment pending?

The PRESIDING OFFICER. Both amendments are pending.

Mr. GREGG. Is the majority leader's motion to both amendments?

The PRESIDING OFFICER. The point of order goes to the underlying first-degree amendment.

Mr. GREGG. It is a point of order that this is legislating, this is the rule XVI point of order; is that correct?

Mr. REID. Yes.

Mr. GREGG. I raise the defense of germaneness with respect to the pending amendment.

The PRESIDING OFFICER. The Chair is not aware of an arguably legislative provision in the House bill, H.R. 2638, to which amendment No. 2412, offered by the Senator from South Carolina, could conceivably be germane.

Mr. GREGG. So the amendment is germane?

The PRESIDING OFFICER. The Chair does not believe that the defense of germaneness is appropriately placed at this time.

Mr. GREGG. Mr. President, I disagree with the ruling of the Chair and, therefore, I appeal the ruling of the Chair. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GREGG. 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. I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I know we are not in debate, but I wanted to inform Senators, there has been an evacuation order issued on the Hart and Dirksen buildings. We are going to go ahead and start the vote, but when the buildings allow the Senators to come, we will make sure they have an opportunity to vote. We are not going to cut anybody off because they are locked in a building someplace.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I would like 3 minutes to quickly point out where we are.

The PRESIDING OFFICER. Is there objection?

Mr. REID. When you finish, I won't need as much time as you. I will take 2½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. So our colleagues understand the lay of the land, because it is a fairly complicated parliamentary situation, the Graham amendment, which increases funding for Border Patrol by $3 billion, I would point out that the majority leader, I believe, misspoke when he said the extra $2.2 billion in this bill went to border security. The extra $2.2 billion in this bill, the majority of it exceeds the President's request

in the area of first responders, and that is why we did not move that money out of the first responders to fund this. This is in addition to the funding in this bill to fully fund 23,000 Border Patrol agents, 45,000 detention beds, the virtual fence, the hard fence, and to make sure there are enough ICE enforcement officers. So it is a major initiative in the funding area.

There is also authorizing language in here. It is the authorizing language which I guess the majority leader has the most concerns about. But that is the underlying bill. The question before the body is, as I understand it, the underlying bill, probably because the authorizing language may not be germane. This will be a vote basically on the issue, in my opinion, of whether you want to increase funding for border security by $3 billion, fully funding what is necessary in order to make the border secure, including undertaking specific authorizing language which we think is important in order to give the Border Patrol and ICE agents the necessary tools they need in order to remove people from this country who have come to this country illegally or have done illegal acts while they are here. This is essentially a vote on the underlying amendment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I have expressed my affection for my friend from New Hampshire on many occasions. He is a wonderful Senator. I am very aware of his great record of public service—Congressman, Governor, Senator. But the statement he made is wrong. This is not a vote on immigration. This vote we are going to take today, if the Chair is overturned, will set a precedent for all future appropriations bills, all of them, lowering, if not eliminating, the legislation on appropriations threshold. So this will mean any appropriations bill that comes through here, you can put anything on it. Some of us will remember—I know Senator COCHRAN will remember—I raised a point of order against something that Senator Helms did, and it was one of the biggest mistakes I made because we overruled the Chair. It took years for us on a bipartisan basis to go back to where we were.

On appropriations bills, you will be able to put in an appropriations bill anything you want. We will get back to the days of appropriations bills just putting anything you want in them. One of the good things about the appropriations process is you should not be able to legislate on an appropriations bill. That is what this is all about.

I also say to my friend from New Hampshire and all those people who believe this is a way to vote on immigration, it is not. It will lower the standards here in the Senate significantly. I would say, the funding aspect, none of us have any problem with that. We agree. That is one of the things I said publicly, that I appreciated the President when we had our immigration debate. He provided money that was emergency, direct funding of $4.4 billion for the border. I supported that. It allowed us to pick up more votes. It was a very important thing. I applauded the President for having done that. I told the President after that legislation fell through how much I appreciated his leadership.

But we need some leadership. This is going to lower the standards of the appropriations process and the Senate. We accept the funding measure. We would agree right now. Do it by unanimous consent. We agree to that. Then let's have the immigration debate some other time. We have spent 2 months on it already. Isn't that enough?

Mr. President, I want all Senators to know, Democrats and Republicans, if the Chair is overturned, this will set a precedent for all future appropriations bills, lowering, most likely eliminating, the legislating on appropriations threshold. We should not go down that road. I want to pass some of these appropriations bills. We want to get things done. Is this the picture we are going to have?

I will use leader time at this time. I came here this morning. I felt so good because we passed by unanimous consent the Wounded Warrior legislation. The distinguished Republican leader said: Well, why don't you add to that the pay raise for the troops? I said: It is OK, we will do that. I walked out of here—if I had some muscles, Mr. President, I would flex them because we really did well this morning. But the fact is, this afternoon we are back in the bog trying to claw through legislation we should not have to.

We have filed cloture 45 times this year. Why? For this bill we have now on the Senate floor, Homeland Security appropriations, we had to file cloture on a motion to proceed to it. That is hard to comprehend, but we did. We had to file cloture.

I do not want to file cloture on this bill because the first thing that would happen is people would come and say: I have not had a chance to vote on an amendment.

So I don't want to file cloture on this bill. I want people to have the opportunity to offer amendments and vote on them. But let's try to stay within the rules. This is legislating on an appropriations bill.

If my friends on the other side of the aisle want to overrule the Chair, that is really too bad and that will go into part of the writing where people will talk about how this Republican minority—I understand our majority is pretty thin: 50 to 49. Come September, it will be 51 to 49. That is pretty close. So it is not an issue where we are bulling our way over and through everybody. Every vote we take here is close. But this is not the way to go.

This may make everybody happy, but then there will be no appropriations bills. We will just do a big omnibus at the end of the year and do away with the appropriations process because now it does not matter what bill we bring up—we can bring up the Veterans' Administration, the VA, Military Construction appropriations bill, and with that, we can put anything in that we want that does not have anything to do with the purview and the scope of that bill. That is what people are getting into here. It is a shame.

Mr. President, I ask the vote be started.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—52

| | | |
|---|---|---|
| Akaka | Feinstein | Nelson (NE) |
| Baucus | Harkin | Obama |
| Bayh | Inouye | Pryor |
| Biden | Kennedy | Reed |
| Bingaman | Kerry | Reid |
| Boxer | Klobuchar | Rockefeller |
| Brown | Kohl | Salazar |
| Byrd | Landrieu | Sanders |
| Cantwell | Lautenberg | Schumer |
| Cardin | Leahy | Stabenow |
| Carper | Levin | Stevens |
| Casey | Lieberman | Tester |
| Cochran | Lincoln | Voinovich |
| Conrad | McCaskill | Webb |
| Dodd | Menendez | Whitehouse |
| Dorgan | Mikulski | Wyden |
| Durbin | Murray | |
| Feingold | Nelson (FL) | |

NAYS—44

| | | |
|---|---|---|
| Alexander | DeMint | Lugar |
| Allard | Dole | Martinez |
| Barrasso | Domenici | McConnell |
| Bennett | Ensign | Murkowski |
| Bond | Enzi | Roberts |
| Bunning | Graham | Sessions |
| Burr | Grassley | Shelby |
| Chambliss | Gregg | Smith |
| Coburn | Hagel | Snowe |
| Coleman | Hatch | Specter |
| Collins | Hutchison | Sununu |
| Corker | Inhofe | Thune |
| Cornyn | Isakson | Vitter |
| Craig | Kyl | Warner |
| Crapo | Lott | |

NOT VOTING—4

| | |
|---|---|
| Brownback | Johnson |
| Clinton | McCain |

The PRESIDING OFFICER. The Senate sustains the decision of the Chair.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I appreciate the vote turning out the way it did. First of all, I want the record to clearly reflect that the author of this legislation, my friend from South Carolina,

LINDSAY GRAHAM, offered it because he thought it was the right thing to do. He has very strong feelings about a lot of issues and he expresses them. One of those he feels strongly about is the issue of immigration. He offered this amendment in good faith, and I want everybody to know that is how I feel.

Procedurally, though, sometimes here we get in the way of each other. In fact, that is what has happened. What I would like to do is ask unanimous consent that the money portion—the portion of the Graham amendment that funds border security for all the things he and Senator GREGG laid out—that we accept that by unanimous consent.

My friend from New Hampshire wants to look at the legislation they have. I am hopeful that sometime tonight I can offer that in the form of a unanimous consent request. I wish to make sure everybody on both sides has the opportunity to look at the legislation. In effect, I again state simply it would give more money for border security. I will not harp on this, other than to say we in Nevada have a tremendous problem. We arrest illegals, and there is no place to put them. So they are let loose. This money would allow us to build more detention beds, hire more border security officers, and it will add the first part of the legislation that is absolutely necessary—that we do something about immigration. We always talk about border security wherever any of us go. But then there are other things that would not happen today with this legislation.

Hopefully, within the next hour or so, when Senator GREGG has had a chance to look at that—and I will clear it with Senator KENNEDY and others—we can, by unanimous consent, pass that portion of the bill dealing with financing border security.

I yield the floor at this time and, again, express my appreciation for the bipartisan vote that we had.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, we are on the verge of an important bipartisan accomplishment to actually seriously begin to secure the border. I thank Senator GRAHAM for his amendment. I thank the majority leader for his willingness to pass that portion of it that clearly is directed at border security.

I think once we have had an opportunity to actually read the amendment, which Senator GREGG and his staff and Senator GRAHAM and his staff are doing, we will have an opportunity to do something important for the country later tonight.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I am not sending this up in the form of an amendment. I want this to be placed in the RECORD to indicate what we would like to have accepted by unanimous consent. If there is an agreement on both sides, we will propose the amendment together. This is not an amendment, but I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(Purpose: To appropriate an additional $3,000,000,000 to improve border security)

At the appropriate place, insert the following:

TITLE BORDER SECURITY ENHANCEMENTS

For an additional amount for ''U.S. Customs and Border Protection, Salaries and Expenses'', $1,000,000,000, to hire, train, support, and equip additional Border Patrol agents and Customs and Border Protection Officers and for enforcement of laws relating to border security, immigration, customs, and agricultural inspections, and regulatory activities related to plant and animal imports.

For an additional amount for ''U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology,'' $1,000,000,000, to remain available until expended.

For an additional amount for ''U.S. Customs and Border Protection, Air and Marine Interdiction, Operations, Maintenance, and Procurement'', $100,000,000, to remain available until expended.

For an additional amount for ''U.S. Customs and Border Protection, Construction'', $150,000,000, to remain available until expended, for construction related to additional Border Patrol personnel.

For an additional amount for ''U.S. Immigration and Customs Enforcement, Salaries and Expenses'', $700,000,000, to remain available until expended, to hire additional agents to enforce immigration and customs laws, procure additional detention beds, carry out detentions and removals, and conduct investigations.

For an additional amount for ''Federal Law Enforcement Training Center, Salaries and Expenses'', $25,000,000, to remain available until expended, to train newly hired Border Patrol agents and other immigration and customs personnel funded in this amendment.

For an additional amount for ''Federal Law Enforcement Training Center, Acquisitions, Construction, Improvement, and Related Expenses'', $25,000,000, to remain available until expended, to provide facilities to train the newly hired Border Patrol agents and other immigration and customs personnel funded in this amendment.

These amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mr. GREGG. Mr. President, if I can ask the leader a question, as I understand it, we are going to try to work out an agreement on the funding and the language which is behind the funding that didn't authorize the language——

Mr. REID. That is directed at border security, yes.

Mr. GREGG. Is that the money that increases border agents from 23,000 up to 30,000 and increases the number of beds to 45,000 and covers the fence, the virtual fence, and the number that funds ICE?

Mr. REID. We will take a look at your language, and you can look at ours, but the answer to your question is yes.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I think we are all concerned that we get border security right. The Graham amendment offered us that opportunity. It looks like we may get there tonight.

Let the Senate understand there is a Catch-22 to what we are doing. While Americans want their border security—my guess is what the majority leader is proposing we adjust to will pass by the unanimous support of this Senate. The Catch-22 is that American agriculture is now in crisis, in part because we have failed to pass an immigration bill that addresses their guest worker need problem and the border closes and the human labor flow stops. We want it stopped. We want the illegal movement to stop, but we need a legal system tied to this to solve a problem.

Last agricultural season, underemployed by 25 percent, $3 billion lost at the farm gate, the consumer picked up the bill. Then we struggled mightily to solve the problem, and we could not. Now we are heading into another harvest season, with 35 percent underemployment, with a projected $5 billion to $6 billion loss in American agriculture—fruit, vegetables, and nuts left hanging on the trees and oranges rotting in the orange groves.

The Senator from California and I have said, please, help us a little bit and reinstate a guest worker program with border security; give us a 5-year pilot temporary program to solve a near disastrous problem for American agriculture. We fumble through and we cannot do it. So what are America's farmers doing—the ones who can afford to? They are taking their capital and equipment and they are moving to Mexico and Argentina and Brazil and Chile. America's investment will move south of the border.

Here we are now, 60 percent dependent on foreign oil to fuel our cars. Are we going to become 60 or 70 percent dependent on foreign countries to produce our fruits and our vegetables? If this Senate cannot get it right within a decade, that is where we will be—maybe even less time than that.

So while we debate border security—and while we are all for it, and while I have been aggressive in moving legislation with Senator BYRD, starting 2 years ago, to tighten our borders—always in my mind tied to that was reform of the guest worker program and getting a workforce for American agriculture that was legal, that was transparent, that came and worked and went home. But we can't do that. We would not do it. We refuse to do it because of grounds of political intimidation.

Shame on us if we destroy American agriculture because we cannot get it right. So the Senator from California and I are left with no alternative. Do we object to unanimous consent to secure the border? Of course we would not. We cannot and we should not. But we will ask this Senate to vote time and time again and either say you are for American agriculture or you are against it.

Therein lies the question this Senate has yet to answer, and they must answer if we are to supply America with its fresh fruits and vegetables and the kind of abundant food supply that we have grown use to—but more important that we expect.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. If I may, I thank the Senator from Idaho for those comments. He is absolutely right in what is happening. It is happening to a great extent as well in California. Referring to this chart, I wish to show the Senate what has happened. Agriculture is moving to Baja, Mexicali, and the Nogales regions—more than 20,750 acres of agriculture have moved from the United States to this area here and more than 8,600 employees have moved to this area in Mexico. Over here, more than 25,350 acres have moved to the center of Mexico, with more than 2,460 employees.

Mrs. BOXER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mrs. BOXER. The Senator deserves to be heard.

Mrs. FEINSTEIN. I thank my colleague from California for this. I speak on her behalf as well. Agriculture is in crisis. We have a $34 billion industry. Labor is down by as much as 30 percent. What is happening is farmers are renting land in Mexico. They don't want us to know that. It is difficult to get these figures, but we got them, and this is what is happening. Now, what will happen to the land in California, Idaho, Washington, and in other places? It will lie fallow. Farmers will soon decide they would rather farm in Mexico, with fewer restrictions on pesticides and lower phytosanitary standards. Their land will be sold for development and we will lose our farmland in this Nation.

The catastrophe, the crisis, is now. The harvest system is coming up now. What Senator BOXER, Senator CRAIG, and many others ask is please pass this 5-year pilot program and enable people who have worked in agriculture, who will continue to work in agriculture, to be able to do so legally. Reform the H2–A program so it functions for the rest of us.

The fact of the matter is, 90 percent of agriculture is undocumented labor. Why doesn't the Senate recognize that? Why doesn't the Senate recognize you cannot get Americans to do this work?

Why do we want to drown American agriculture? Why do we want to send it over the border?

What Senator CRAIG, Senator BOXER, and I are saying is, with this money, you take away our leverage to get this bill done, unless we can have some kind of commitment that we can do this bill as a stand-alone bill or move it on another bill. We ought to just face that right now, that Senator CRAIG and I would like to have a commitment that we can put this bill on another bill, or move it as a stand-alone bill without amendments, and hopefully get it passed so agriculture in America can harvest their crops this fall. We ought to have a discussion because this money we all would like to do, no question about it. We all want border security. We all want to fund border security.

(Ms. CANTWELL assumed the Chair.)

Mrs. BOXER. Will the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Mrs. BOXER. I thank Senator FEINSTEIN. She and I have gone to the farms. We have seen what is happening. We have seen the fruit just fall from the trees and wither when people are hungry. This is a ridiculous situation.

The question I have for my friend is—it is rather rhetorical, given the rules of the Senate—all of us have worked so hard for so many years for the AgJOBS bill. Isn't it a fact that it has been years since Howard Berman in the House started this and we all got involved? And isn't it so that instead of being a contentious matter, AgJOBS has had strong support, not only in the Senate but all over the country? Isn't it true that AgJOBS is supported not only by the owners of the ranches and the farms but also supported by all the unions and the labor people? And isn't that a reason to pull together, to unite? Isn't it so that it pulls together Republicans and Democrats?

Mrs. FEINSTEIN. The Senator from California is absolutely correct. It does. It pulls together all of us. We believe we have 60 votes in this body for AgJOBS because we believe there are 60 Senators at least who understand what the problem is, there is no question about it.

Senator BOXER has been on this issue for at least 7 years. Senator CRAIG, the Senator from Idaho, was the original sponsor of AgJOBS, along with Senator BOXER and Senator KENNEDY. That was 7 years ago. Is that not correct, I ask the Senator from Idaho, Mr. CRAIG?

Mr. CRAIG. That is correct.

Mrs. FEINSTEIN. Seven years ago. This bill is known by everybody in this body, and everyone in this body should know there is a need. We believe we have the votes in the House to pass the bill as well if it is a stand-alone bill, a 5-year pilot that enables farmers to hire workers.

Let me say one other thing. There is a myth out there that anybody can do agricultural labor. If you stand by a freeway and watch people pick lettuce, you will see precision movements, you will see an organized crew, you will see they are trained in how to do it, and you will also see it is backbreaking labor that Americans will not do.

There is no industry in the United States that faces the crisis agriculture does right now, I say to Senator BOXER. She knows that. I know that. We know what is happening to our farms and growers. Whether they operate 50,000 acres or 50 acres, it is the same problem. It takes, in California, 40,000 workers to harvest grapes. They are grown in four counties. It takes 40,000 workers to harvest 1 crop.

Does the Senator from Texas want me to yield?

Mrs. HUTCHISON. Yes. Madam President, I was going to ask if the Senator from California will yield because I do think there is a bipartisan consensus that we need to address AgJOBS. We need to have a temporary worker program going forward that fills the need for the economy of our country to continue to thrive.

I know the Senator from California has worked for years on this issue, as has the Senator from Idaho. I hope we can have a freestanding bill that would encompass agricultural workers and other temporary workers, such as food processors.

I was visited this week by a food processor who very much wanted comprehensive immigration reform and worked very hard for it. He is trying to do the right thing. But he is very concerned about the business being able to do the job it needs to do to get its product out on the market. I think we are going to have an employer crisis in this country if we don't have a legal way for people to hire workers for jobs that are otherwise going unfilled.

I commend the Senator from California, the Senator from Idaho, and the Senator from Georgia who is on the floor as well who has worked for AgJOBS. We need a temporary worker program that, going forward, provides for our economic basis. I hope we can have a freestanding bill that will be amendable so that we can do that part of comprehensive reform.

I believe 90 percent of the people in this body want border security, which we may be able to achieve tonight, and the majority leader and the minority leader have begun to get an agreement on that issue. Plus, I believe there is 90 percent agreement on a temporary worker program and taking care of the agricultural businesses. I hope those who are saying immigration reform is dead are wrong in that we can do certain parts of it where there is an overwhelming consensus in this body.

I thank the Senator from California for bringing this issue up and sticking to it.

Mrs. FEINSTEIN. Speaking through the Chair to the Senator from Texas—I see the majority leader is going to say something. Madam President, is he going to make us an offer?

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, if I may say a few words so people know what the schedule is, first of all, this may surprise people, but we care about agricultural jobs in America. Where most people see the bright lights of Las Vegas and Reno, we specialize in garlic and white onions. We have tremendous need for agricultural workers, and they are hard to get in central Nevada. So I personally am in favor of the AgJOBS

bill. It is something that I know I have spoken with the Senator from Idaho, Mr. CRAIG, about on many occasions and the Senator from California on more occasions than she and I could ever calculate.

I am committed to doing something about AgJOBS. I hope we can do something soon. One of the bills we have to do in September is the farm bill. We have to do it. It has been 5 years. We have to renew it. Part of that has to be AgJOBS. If we can figure out a way to do it as freestanding legislation, I am willing to do that. I want all those who are concerned about AgJOBS to know that I am on their side. I will do whatever I can to help expedite this legislation.

I will also say, getting back to the Homeland Security legislation, I have conferred with the managers of this bill, Senator MURRAY, Senator COCHRAN, and Senator BYRD. It seems to me it would be in everyone's best interest not to have any more votes tonight. If there is something the managers can work out by voice vote, then we should certainly do that.

What I think we should do tonight is, if people have amendments to offer on this very important piece of legislation, do it. Tomorrow is Thursday. I remind everyone, we still have a lot to do. I spoke with Senator INOUYE. I believe he was the last one to sign the conference report on the 9/11 recommendations. That will be done. We should have something on ethics and lobbying reform. SCHIP, we have to be on that legislation next week. We have to finish this bill.

Even though there have been a lot of starts and stops today, we have had some progress.

Mrs. FEINSTEIN. Will the majority leader yield for a question?

Mr. REID. In 1 second, I will.

Unless the two managers have some objection, I would hope we could have people offer amendments tonight. If their amendments requires votes, we will set those for as early in the morning as we can. It would be wonderful if we could finish this bill tomorrow. As I said early on, I don't want to file cloture on this bill. I don't want to. This is the first appropriations bill. We have to set an example of trying to move forward.

I have just been notified that I am asked to go to the White House with the Speaker on Wednesday to talk about appropriations bills. This would be something really important to talk to him about on Wednesday, and we may be able to get one of them done.

Unless somebody has an objection to my suggestion, I think we will have no more votes tonight.

Mrs. FEINSTEIN. I believe I had the floor.

Mr. REID. I didn't want to take the floor away from the Senator from California. I wanted to let people know what we were doing here.

Mrs. FEINSTEIN. If I may, through the Chair to the majority leader, my interest was piqued in what the majority leader had to say. My question is, Would the majority leader be prepared to give Senator BOXER, Senator CRAIG, Senator HUTCHISON, and me a commitment that perhaps the majority leader and the minority leader could sit down and agree to allow a vote on AgJOBS as part of the farm bill without amendments, or some version of AgJOBS?

Mr. REID. Madam President, I say to my friend, I am happy to make that commitment. I will do everything I can to make sure it is part of the farm bill. I will do what I can. I will talk with Senator HARKIN. I will talk with Senator CHAMBLISS, who is on the floor. I am sure he is in favor. I ask through the Chair, is the Senator from Georgia in favor of the temporary worker program for agricultural workers?

Mr. CHAMBLISS. Madam President, I will respond this way: Obviously, I am in favor of a temporary worker program for agriculture. We have one now. Senator CRAIG, Senator FEINSTEIN, and I worked diligently to try to come to some accord on H–2A reform, but I have to tell the majority leader, we have never been able to reach that accord, and there are some issues that are going to require some major amending before we will be agreeable to bringing that bill up on the farm bill.

Mr. REID. Madam President, I appreciate the Senator from Georgia being so candid.

I say to the Senator from California, Senator CHAMBLISS obviously is not in agreement with her. I will make a commitment without any qualification that I will do whatever I can to make sure that is part of the farm bill. I will talk with Senator HARKIN, that is sure, the chairman of the committee. It is important we do this, and the Senator from California has my commitment—all four Senators—to do whatever I can. If it is not impossible, we may try to work something else out. Rather than have it part of the farm bill, we may try to do something freestanding.

Mrs. BOXER. Will the Senator yield further? I wish to tell my friends that I have discussed this with Senator HARKIN. We had a meeting in my office about California priorities. I talked with him about how much Senator FEINSTEIN and I would like this bill. I think he is very open. I am sorry the Senator from Georgia does not feel as we do about it, but I think we have a good chance of getting it in the farm bill, or at least getting a version of it and, if not, getting it done freestanding.

It is at a crisis point. Senator FEINSTEIN has shown us that we are losing our people, we are losing farms, we are losing workers, we are losing whole economies, and it is just the start. Seven years ago, we knew this was going to happen. It is time to act.

I appreciate Senator REID's commitments, and this is a man of his word. I hope we can all work with Senator REID and also Senator MCCONNELL to bypass some of the negativity we have heard tonight.

Mr. REID. Madam President, also, Senator CHAMBLISS is a reasonable man. You never know, he might wake up some morning and say maybe we should help those onion farmers out in Nevada.

Mr. CHAMBLISS. Will the majority leader yield for a question? First of all, I would love to invite the majority leader to Georgia to eat some really good Vidalia onions, and I look forward to trying some of his.

Mr. REID. I say to my friend, I hope it doesn't violate any of the ethics rules, but somebody sent me a box of onions, and my wife and I ate all we could and we gave some to our daughter. They were really quite good.

Mr. CHAMBLISS. That was Senator ISAKSON. We are glad you enjoyed them. My friend from California knows we have been trying to resolve this issue not for weeks and months but for years. We have been working on this issue. We have some major differences, as we have discussed. We had hoped to have an immigration reform bill on which we could resolve this issue. We moved a long ways in that direction.

Madam President, I would like to ask my friend from California a question.

As you know, I agree with everything you said, everything Senator CRAIG said about the dire straits in agriculture. We have a huge labor problem, and we are in need, in California, in Idaho, in Georgia, and in every part of the country, for agricultural labor to harvest our crops as we move toward the harvest season. The problem with the AgJOBS bill has always been it has an amnesty provision in it. It is called earned adjustment. That has been the major issue.

Does the Senator intend to include that earned adjustment provision in the 5-year pilot program that the Senator is talking about offering now?

Mrs. FEINSTEIN. If I may, through the Chair to the Senator from Georgia, what we have said is, a version of the AgJOBS bill.

The AgJOBS bill was negotiated over 7 years between the growers and the United Farm Workers Union and others. So it is a negotiated product. I actually thought that we had satisfied the Senator's concerns in many of our discussions. I am trying to recall, but I believe there were at least three areas where we made some changes specifically because of the Senator's concerns in the discussions that we had.

So I thought we had agreement on the H–2A part of the bill, which I believe was your interest, in return for which, with respect to the earned adjustment part of the bill, I would be happy to discuss this with you more. But the bill is based on, if a worker has worked in agriculture, he or she can submit documentation to that effect, for so many hours over so many years, that individual can get what we call a

blue card in the original bill and continue to work in agriculture for a substantial additional period. If they satisfied the hours, the filing, the taxes, and everything required of them, then they could apply after that period for a green card. That is as far as our bill went, the original bill.

Mr. CHAMBLISS. Madam President, if I can again ask the Senator a question. That has been the problem area.

Mrs. FEINSTEIN. I thought the problem area was citizenship.

Mr. CHAMBLISS. That is a pathway to citizenship, giving them priority on getting the green card.

But let me say to the Senator from California, I think the fact that we all recognize there is a problem and that we all want to get to the end which is a viable program that will allow all our farmers access to a quality pool of people who are here in a legal capacity under a valid temporary worker program, as long as it is truly a temporary worker program, and that those individuals are required to go back home at the time their job is completed—then we don't have an argument.

But as long as you continue to give them a pathway to citizenship, it is going to be a problem. We have just had that debate. So I would say this: I would hope between Senator CRAIG, Senator FEINSTEIN, myself, and others who are interested, that if we could come up with an AgJOBS-like, that would truly be a like version of AgJOBS, then perhaps that is a way that we could work our way through this year. It is going to take some time to get that done, and we don't have much time. Time is getting short. Here we are at the end of July almost, and harvest season is upon us.

If we could come up with some agreement to get us through this year, to give us time, maybe, to work out in the long run a more permanent program that does not include that pathway to citizenship, I would be in agreement with the Senator.

Mrs. FEINSTEIN. If I might, through the Chair to the Senator from Georgia, I would like to make one point.

I understand your concern is with the H–2A part of the bill. The other part of the bill is for different States because what happens in my State is, these crews work different produce. They go from one harvest to another to another to another because the harvests are staged at different times. So the bill has two component parts to it.

Of course, we are willing to talk. We are happy to sit down and talk. But we tried to do that with you, as you know, and I thought we had a product that we agreed to.

My understanding is the Senator from Idaho would like to ask a question.

Mr. CRAIG. Madam President, I would like, for a moment, to react to the Senator from Georgia. It is oftentimes confused that AgJOBS was two bills that were merged together—two problems solved. One was to create a new, modern, guest worker—or I should say flexible guest worker program that fits the needs of American agriculture. That was over here. We reformed the H–2A program. But over here was, what do you do with 1.2 million illegals who are here and are now working in agriculture and have been here for 4 or 5 years? That was the other side of it.

We said: If you stayed here and worked and became legal and met these qualifications, there would be something at the end of the road because we believe if you don't do that, if you say: Oh, yeah, you can stay and you can work, but you have to stay in agriculture to do so—specific to agriculture—you have created indentured servitude. You and I do not want that, nor do we want to be accused of that in any respect.

So we have to look at the two realities. The two realities are an H–2A program that does not meet the need of American agriculture today and a current workforce that is here and illegal.

How you bring legality to that workforce that is here and is illegal remains the question on which we differ. I think we have come awfully close to agreeing on a new guest worker program. And in that, the Senator from Georgia is right: It is very clear: They come, they work, they go home. That is a true guest worker program. Now, that is not today, that is tomorrow. Today is how do you meet the needs and solve the illegality problem of those currently here? Therein lies our struggle.

Somehow we have to be able to fix that and require compliance and not be accused or meet the test of not producing indentured servitude by saying the only way you can become legal is to stay in agriculture. That is not very fair either. So I guess they all have to go home. Some would like that, too.

You and I will never escape the definition of amnesty because anytime we touch an illegal and give them anything, we will be accused by the anti-immigration forces in this country of having morphed a new form of amnesty. At the same time, they are forcing us to refuse dealing with the real problem and solving it, or at least they are forcing some to run for cover in search of something that is impossible, and that is zero amnesty. You can't get there. I don't believe it is possible.

If you touch an illegal in any way, and in any way give them something that offers them some stability in the current environment, tomorrow morning Lou Dobbs will say: Amnesty. And it is a new creation he thought of overnight while in one of his 1932 labor dreams.

I yield the floor.

Mr. CHAMBLISS. Madam President, let me finally say to the Senator from California, again, we agree there is a problem. I think at the end of the day we agree what we want to do is give your farmers, my farmers, Texas farmers, and all farmers and ranchers the ability to have that quality pool of labor. And if there is a way to get there that is truly a means by which those workers who are here are temporary, I think that is going to be the key. Hopefully, we will continue the dialogue to see if we can't work something out.

Mrs. FEINSTEIN. If I may respond through the Chair to the Senator from Georgia, we had hoped, I say to the Senator, that we had worked it out. We believe there are 60 votes for the bill. We are happy, all of us—those of us who have worked on this bill—to sit down with you and go over it again and hopefully have something for the September farm bill. I think it is important.

The problem with waiting until September is part of the harvest is over, and we have lost a crop. I cannot tell you how much is going to be on the ground come September, but I can tell you in my State it is going to be a substantial amount. I worry about land lying fallow and then being sold by farmers for development and the loss of rich, great American farmland. I don't think that is what either one of us want.

We will try to work with you, Senator BOXER, Senator CRAIG and I, and, hopefully, we will be able to come up with something by September.

So I thank the Senator and the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2468 TO AMENDMENT NO. 2383

Ms. LANDRIEU. Madam President, I send an amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2468.

Ms. LANDRIEU. Madam President, I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To state the policy of the United States Government on the foremost objective of the United States in the Global War on Terror and in protecting the United States Homeland and to appropriate additional sums for that purpose)

At the end, add the following:

SEC. 536. (a) POLICY OF THE UNITED STATES.—It shall be the policy of the United States Government that the foremost objective of the United States in the Global War on Terror and in protecting the United States Homeland is to capture or kill Osama bin Laden, Ayman al-Zawahiri, and other members of al Qaeda and to destroy the al Qaeda network.

(b) FUNDING.—

(1) ADDITIONAL AMOUNT FOR COUNTERTERRORIST OPERATIONS.—There is hereby appropriated for the Central Intelligence Agency, $25,000,000.

(2) EMERGENCY REQUIREMEN6T.—The amount appropriated by paragraph (1) is hereby designated as an emergency requirement pursuant to section 204 of S.Con.Res.21 (110th Congress).

Ms. LANDRIEU. Madam President, the underlying bill that Chairman

BYRD and Ranking Member COCHRAN have put together is really good work. As a member of the Appropriations Committee, I am pleased to have worked on this bill. Senator MURRAY has provided some extraordinary leadership to add to this appropriations bill some resources to match the words that come out of this Capitol about securing our ports, securing our rail, and stepping up additional resources for our airports.

This underlying bill, the Homeland Security appropriations bill, reflects this goal and objective. For the most part, it meets it in a substantial way. But I would like to remind all of us here, my colleagues, though it is hard to remember or to put in perspective, but a few years ago, just over 5, we didn't have a Homeland Security appropriations bill. Until Osama bin Laden and al-Qaida established a network and put 19-plus men on planes that took out buildings in New York, a section of the Pentagon here in Washington, and crashed into a field in Pennsylvania, this department didn't even exist.

This department has been put together to try to help this country stand up against a great and growing threat—a great and growing threat. Unfortunately, according to the latest intelligence report—and I have the unclassified summary—this is not a diminishing threat. One would think that, after the money we have spent prosecuting the war, the diplomacy, and all the other things we are doing, this report would say that al-Qaida is weakened. But it doesn't say that. It says al-Qaida is strengthening. Of course, we know that Osama bin Laden is still on the loose.

So I come to the floor to offer an amendment to the Homeland Security bill to try to refocus our attention on how this whole thing got started. It all got started by a guy named Osama bin Laden and the al-Qaida network. My amendment says it should be the policy of the United States to refocus our efforts to find him, to destroy him, and to focus on the al-Qaida network wherever it is found.

There are pieces of it in Iraq, I am not going to debate that here. But there are pieces of al-Qaida that are still focused, according to this National Intelligence Estimate, right here in our homeland. So my amendment is substantive in the sense that it simply restates, or states for the first time but clearly, that it is the policy of the United States that the foremost objective of the global war on terror and protecting the homeland of the United States is to capture or kill Osama bin Laden and to destroy his network and other members of his network. I understand this is not just the work of one person. It adds $25 million to the Central Intelligence Agency for that purpose. I know there are other amounts of money that are being spent, and resources, some readily obtainable and some that are classified. But there are additional resources that need to be brought to bear on this and, most importantly, a focus to help us remember how we got here in the first place and what this Homeland Security bill should be doing, by protecting our Nation and keeping focus on al-Qaida. That is the essence of my amendment.

I thank the leader for allowing me to offer it tonight. Anytime the Senate feels we can vote on this in accordance with the schedule will be fine by me.

Mr. DORGAN. Will the Senator yield for a question?

Ms. LANDRIEU. Yes, I will.

Mr. DORGAN. I visited earlier with my colleague from Louisiana. I think this is an awfully good amendment. It establishes a priority which should have been established long ago.

As you know, the President, when asked about Osama bin Laden, at one point said, I don't care about Osama bin Laden. I don't care about Osama bin Laden. Now we have the National Intelligence Estimate that says the greatest terrorist threat to this country is the leadership of al-Qaida and Osama bin Laden. If that is the case, it ought to be job one to eliminate the leadership of al-Qaida. Eliminating the greatest terrorist threat to our country ought to be the most important goal. That is what the Senator states in her amendment.

I spoke yesterday about this issue at some length, describing the kind of Byzantine position we are in with everyone telling us that here is the great threat to our country. Yet, on the other hand, we are going door to door in Baghdad in the middle of a civil war with our soldiers while there is what is called a safe harbor or secure haven apparently in Pakistan or Afghanistan or somewhere on the border.

My point is there ought not be a square inch of safety anywhere, no safe harbor, no secure hideaway anywhere on this planet for the leadership of al-Qaida.

I think this is a good amendment. I intend to offer the amendment that I offered on the Defense authorization bill as well tomorrow. It was passed unanimously and my hope is it will be accepted unanimously. Senator CONRAD offered it, but the Defense authorization bill was pulled. I intend to offer that amendment tomorrow, but my hope is the Senate will approve the amendment offered by the Senator from Louisiana because I think it advances this country's interest in defeating terrorism, and that is a very important goal.

Ms. LANDRIEU. I thank the Senator from North Dakota. He has been a leader in helping us to stay focused by increasing the reward. We have to remember—I wish I had my poster but I don't, but this is what a small version of it looked like. I know the Chair may have a hard time seeing it, but this is what Osama bin Laden looks like. It is important for us to continue to see his picture. He is on the FBI's ''Most Wanted'' list. This was before he organized the attack against our country that has killed over 3,000 innocent civilians and, as we know, now 4,000 of our soldiers, approximately, have lost their lives and 38,000 to 40,000 wounded, trying to retaliate against this attack.

I thank the Senator from North Dakota. I intend to be a cosponsor of his amendment. It is complementary to this one. Again, I offer it as I think appropriate on this bill which lays out the resources to protect our homeland. Let's make sure those resources are used so there is a big target on the back of this man Osama bin Laden and his very dangerous network that is still alive, unfortunately well, and according to our own estimates growing as a threat.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. 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. REID. 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. REID. Madam President, we have spent this time wanting to get the legislation passed dealing with border security. It would have been the Graham-Pryor amendment. We basically would have taken the amendment offered by the Senator from South Carolina, the first several pages of it, dealing with border security, the money part of it. My friend, the distinguished junior Senator from Texas, objects to that. That is unfortunate. He wants to add additional language to that. As I explained to him, we have had many Senators want to add language.

But Senator GRAHAM, he came to us after all the changes, the suggested changes in the legislation, and he said: You take our bill as it is written. Now it was not easy to get that approved on our side, but we did get it done. There is an objection now. I am sorry that there will not be the money for border security, but that is the way it is. I regret that. I am sorry to have taken so much of the Senate's time to do that. It is 7 o'clock at night. We are back to where we were.

We will move forward. There are a number of amendments pending. My friend Senator ALEXANDER has waited around for a long time to offer his amendment. My understanding is that Senator VITTER is here. Is he ready to go?

I apologize. I hope other Senators will come and offer amendments. We will do our best to try to finish this bill tomorrow.

Is there anything my friend from Texas wishes to say in addition to what I have said?

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Texas.

Mr. CORNYN. Mr. President, I disagree with the characterization of the

distinguished majority leader. The objection to the proposed unanimous consent was to only a portion of the original Graham amendment of which I was a cosponsor. It completely overlooked and ignored 45 percent of the illegal immigration in this country caused by people who enter with a visa that is legal but then they overstay. My suggestion to the distinguished majority leader and other colleagues is that we not ignore that 45 percent but, rather, include that as an acceptable expenditure under current law for part of the $3 billion.

He has explained to me that there is objection on his side to including that 45 percent of illegal immigration as part of the accepted expenditures for this $3 billion. I am sure he has accurately reported what his conference or caucus has said. But my concern is that we not spend money on the border security component and then pat ourselves on the back and claim success when, indeed, the proposal would have ignored 45 percent of the cause of illegal immigration. We need an approach that will deal both with border security as well as the interior enforcement caused by visa overstays.

Mr. REID. Mr. President, if I could say to my friend, I also think this is a problem we should deal with. But I think the language as written in this legislation would allow that. I would be happy to join with my friend in a letter to the Secretary of Homeland Security. I would be happy to meet with him when we get this done to tell him that this legislation, in my opinion, and hopefully in the opinion of a distinguished former member of the Texas Supreme Court, a great legal background, as we have propounded it would also allow this. We could make a very good case to the executive branch of Government that that is so. I hope my friend would take that as an offer of good faith to try to move this along.

I am convinced that if we pass what has been suggested by GRAHAM and PRYOR—and the Senator from Texas knows this better than I do—this does cover the fact that the Department of Homeland Security certainly should use some of this money to make sure we know where people are. It is absolutely wrong that we have people here who come on study visas and we lose track of them. That is one example. I know a significant number of Senators would agree. I think Secretary Chertoff would think this is something he should do with part of that money.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I welcome the opportunity always to work with the distinguished majority leader on legislation, including this legislation. But the fact is, the American people have lost confidence in the Federal Government when it comes to broken borders and our lack of enforcement of our immigration system. It is more appropriate that we contain the requirements in the amendment itself and not in letters he and I might write to the Secretary of the Department of Homeland Security. The fact is, the Department is not going to do anything unless we direct them to do so in legislation.

I regret the distinguished majority leader has to object to my request to include, in addition to border security, provisions saying that the money could be spent for interior enforcement as well. If that is the way it is, that is where we are.

The PRESIDING OFFICER. The majority leader.

Mr. REID. It seems sometimes people like to have the issue rather than solving the problem. This would have gone a long way toward easing the friction on both sides toward problems with immigration. It hasn't. My friend, I could say, will still have an issue to talk about. Maybe that is more important to him than solving this problem.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I thought we were getting along well until that last comment by the majority leader. I want to solve this problem too. I think my record of involvement in the immigration and border security issue has demonstrated that. I am not interested in scoring political points; I am interested in solving the problem. But I am suggesting that the proposal by the majority leader will not solve the problem. It solves 55 percent of the problem, not the remaining 45 percent.

I assure the distinguished majority leader that I am interested in a solution. That is why I proposed that some of this money would be able to be allocated for interior enforcement, including the 632,000 absconders, people under final orders of deportation who have simply gone underground or who have left the country and then reentered illegally, both of which are classified as felons under the Immigration and Naturalization Act. I would have thought that the majority leader would think that an appropriate use for some of this $3 billion in this amendment, to go after those felons, to make sure our laws are enforced according to the letter of the law as written by Congress. I regret he does not see it the way I do. I guess that is where we are.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I visited with the managers about speaking on some amendments.

The first amendment I am going to reference, I will just speak about it because it is still in Legislative Counsel, but we will have it shortly. That probably means tomorrow. But I wish to alert people to a problem we have with Homeland Security that I would like to fix through amendment. The amendment would restrict the Department of Homeland Security from using any funds appropriated in this bill for the enforcement of interim final chemical security regulations relating to the stored quantity of propane gas between 7,500 pounds and 100,800 pounds. I will put this in language that people, at least in rural America, can understand.

We have a situation where you don't have natural gas, and that is on most farms, a lot of small businesses, and small towns. Homes are heated with propane, 500-gallon tanks that are somewhere on the property, usually behind the house or, in the case of a farm, out by the grain bins where you dry your corn or other grains using propane gas. Things of that nature are what I am talking about.

Let me be very clear; my amendment is limited and narrowly tailored in that it only limits use of funds for enforcing one listed chemical. That one listed chemical is propane. Some people refer to it as LP gas, liquid propane gas—one and all the same.

It would allow the Department to use funds to enforce the regulation for larger facilities, things that can honestly be said could be used for terrorist activity, but not the propane tank behind some farmhouse or by some grain bin. This amendment is necessary to ensure that these regulations truly protect our homeland but not burden farmers and small businesses and create a bigger problem with regard to propane security that I will mention in a minute.

This final rule was published by the Department of Homeland Security on April 9, 2007, and became effective June 8 of this year. These regulations were required by Congress as part of the Department of Homeland Security appropriations bill of 2007 and are known as the chemical facility antiterrorism standards. The regulations include an appendix that lists chemicals of interest to the Department and the stored quantities that will trigger reporting and screening requirements for those who house the listed chemicals. Included in the list of chemicals of interest is propane stored in quantities greater than 7,500 pounds.

Propane is used by virtually every arm of agriculture, from small family farms to large agribusinesses across the country. Propane is used to dry grain, to heat facilities for livestocks and poultry, and to heat thousands of rural homes across the country. This listed quantity of 7,500 pounds is roughly 1,785 gallons.

For those who are not from rural America, the typical rural home has at least one thousand-gallon tank for heating and maybe has two or three of these tanks for home heating and cooking, depending upon the size of the home. Some family farms may have a home tank and multiple farm tanks. Under the current regulation and thresholds, these rural homes and farms would qualify as a chemical facility and would have to complete what is known as the ''top screen'' process to register the site as a chemical facility. These are not homes in large metropolitan areas; they are rural homes where the nearest neighbors could be miles away. But under the current regulation, counting all tanks on one

property, they would be subject to the screening requirements and also subject to penalties if they failed to complete the screen.

Most people listening to me are probably saying: So what. If the Department lists the chemicals, these folks should register. Well, in its own regulatory analysis—I am quoting from the Department now—the Department calculates that the average cost to complete the top screen process will be between $2,300 and $3,500 per screen. That is not a lot of money to some large chemical facility, but to John Q. Public who owns three tanks on his farm to heat his home as well as to heat his sheds and barns and maybe dry grain, $2,300 to $3,500 is very real money.

Further, the top screen requires individuals to fill out a lengthy form that is highly detailed and may require help from attorneys to ensure that the forms are filled out properly. Once this is completed, the Department then makes a determination if the site will need to complete a security vulnerability assessment. If this assessment is necessary, the Department then determines if a site needs a site security plan for chemical security.

The bottom line is that many rural homes, farms, and small businesses could be required to pay $2,300 to $3,500 as just a preliminary step to determine whether they are ''high risk'' for a terrorist attack. These lengthy forms, complex requirements, and high costs pose a harsh, undue burden upon rural America; hence my amendment and hence my begging for consideration of this from my colleagues.

I also believe this regulation has a possibility of increasing threats to our country as opposed to making it safer. As written, this rule and the current quantities of propane may lead many homeowners, farmers, small businesspeople to limit how full they might keep their onsite storage tanks. For example, a home with multiple tanks may only fill a backup tank part of the way to stay under the threshold so they do not have to fill out the top screen.

Now, as a result of that, that home, that small business, that farm may have to increase the number of times its tanks are filled once or twice during the winter months. This increase in the number of tank fills—because they are only going to be partially filled—means the number of trips propane trucks make is very much increased, leading to more propane tankers per business and more propane tankers going down our highways.

Now, I ask all of you to consider, what is a more vulnerable threat to America, John Q. Public's family home in rural Iowa—or in any other State—or an increase in hundreds, maybe thousands, of extra propane tankers on America's highways and roads?

Now, I tried to solve this problem before this amendment. On June 25, 2007, I sent a letter to Secretary Chertoff asking him to consider the impact of including propane in quantities of 7,500 pounds in the regulations. I asked Secretary Chertoff to consider including an exemption for rural homes, farms, and small businesses that store and provide propane in excess of 7,500 pounds. To date, I have only received a response saying the Department is ''giving careful consideration'' to my letter.

Now, I appreciate the careful consideration being given to my letter, but I wish to know what is being done to ensure there is no undue burden placed upon rural Americans and that these rules have the impact that is intended. We all want to ensure our homeland is as safe as possible, but we need to do so without overburdening rural Americans and threatening the growth of a small business.

Further, as I pointed out, there is an additional possible safety concern that may be a consequence of the regulation. As such, I will offer an amendment that would prohibit the use of any funds to the Department to enforce the current regulations for propane when the site of that propane has more than 7,500 pounds but less than 1,800 pounds, until it amends these regulations to provide an exemption for rural homesteads, agricultural producers, and small business concerns.

Again, this amendment is narrowly tailored only toward propane and does not impact enforcement of the regulations for other listed toxic chemicals. Additionally, this amendment includes safety provisions to ensure that if a threat is imminent to rural America, the Department can inform Congress of such threat and continue with its current regulations. This amendment is necessary to ensure that Government regulations meet a commonsense test and do not unduly burden rural America.

AMENDMENT NO. 2444 TO AMENDMENT NO. 2383

Mr. President, I am now going to go to an amendment I do have written and would like to offer. I send amendment No. 2444 to the desk and ask for its consideration. Mr. INHOFE should be listed as a cosponsor.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. INHOFE, proposes an amendment numbered 2444 to amendment No. 2383.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that none of the funds made available under this Act may be expended until the Secretary of Homeland Security certifies to Congress that all new hires by the Department of Homeland Security are verified through the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 or may be available to enter into a contract with a person, employer, or other entity that does not participate in the such basic pilot program)

On page 69, after line 24, insert the following:

SEC. 536. None of the funds made available under this Act may be expended until the Secretary of Homeland Security certifies to Congress that all new hires by the Department of Homeland Security are verified through the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 537. None of the funds made available under this Act may be available to enter into a contract with a person, employer, or other entity that does not participate in the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

Mr. GRASSLEY. This amendment to this appropriations bill is to strengthen our efforts to verify if people in the United States are legal to work in this country.

Without a doubt, we have an illegal immigration problem. People are crossing our borders each day to live and work in the United States. Some individuals may have innocent motives, some may not. Some may be living in the shadows and wish to do our country harm.

We do not live in a pre-9/11 world anymore. We must do all we can to protect our country. That is why I am proposing this amendment. It would do two things very appropriate in the Department of Homeland Security appropriations bill. It would require the entire Department of Homeland Security to use the basic pilot program—also known as the electronic employment verification system.

The Immigration Reform and Control Act of 1986 made it unlawful for employers to knowingly hire and employ aliens not eligible to work. It required employers to check the identity and work eligibility documents of all employees.

The easy availability of counterfeit documents has made a mockery of the 1986 bill. Fake documents are produced by the millions and can be obtained very cheaply.

In response to the illegal hiring of immigrants, Congress created the basic pilot program in 1996. This program allows employers to check the status of their workers by checking one's Social Security number and alien identification number against Social Security Administration and Homeland Security databases.

The immigration bill before the Senate last year and this year would have required all employers to use the basic pilot program over a period of time by

phasing it in. Both the administration and Congress were poised to pass legislation mandating participation in this program. It has been argued that the employment verification system is crucial to enforcing the laws already on the books. Many say the system is a needed tool for employers to check the eligibility of their workers.

Since 1996, the system has been updated, the system has been improved. It is a Web-based program, and employers can go online quickly and very easily when hiring an individual. Employers in all 50 States can use the program, and it is voluntary for the private sector. Currently, over 18,000 employers use the basic pilot program.

Under current law, however, the Federal Government is supposed to be using the employment verification system—emphasis upon ''current law'' and ''supposed to be using.'' We are talking about the Federal Government as an employer and whether we are setting a good example for the private sector on checking whether people are legally in this country if they are going to work for us. Of the 18,000 users I have mentioned, Homeland Security says 403 Federal agencies are using this pilot program. But my colleagues will be shocked to hear that very few of the 22 agencies at the Department—the Department of Homeland Security—are actually participating in this program.

I asked Secretary Chertoff in January of this very year about requiring all agencies to use this system and extending the requirement to contractors who do business with the Federal Government.

The Department of Homeland Security responded by saying these 403 Federal agencies are participating in the basic pilot program. The Department said it was also on track to make sure all agencies were using this system by the end of the fiscal year.

I ask unanimous consent, Mr. President, to have printed in the RECORD my letter to the Secretary and the Department's response.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, DC, January 24, 2007.*

Hon. MICHAEL CHERTOFF,
*Secretary, Department of Homeland Security, Washington, DC.*

DEAR SECRETARY CHERTOFF: Thank you for your time on Monday to discuss the worksite enforcement actions against Swift & Company. I appreciate the time you took to hear our concerns, and discuss solutions to improve our efforts to reduce identity theft by illegal aliens.

As I stated in our meeting, our government agencies must do a better job of communicating with each other. That is why I authored an amendment last year to the immigration bill that would give your department access to taxpayer information maintained by the Social Security Administration. I look forward to pushing this measure into law.

Additionally, I want to reiterate my concerns about the need for federal government agencies to use the basic pilot program. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 included a provision requiring select entities to participate in the program. The law states that ''Each Department of the Federal Government shall elect to participate in a pilot program and shall comply with the terms and conditions of such an election.'' I would like to know how this law is being enforced, and how your department is working to ensure compliance by all federal agencies.

Furthermore, I would like the Department's legal opinion about the ability to require contractors and subcontractors of the federal government to use the basic pilot program. Last July, the U.S. Immigration and Customs Enforcement (ICE) arrested nearly 60 illegal immigrants at Fort Bragg in North Carolina. Last week, ICE arrested nearly 40 illegal immigrants hired by contractors working on three military bases (Fort Benning, Creech Air Force Base, and Quantico Marine Base), one of which was reportedly a member of the dangerous MS–13 gang. There are many similar stories of illegal aliens being hired by contractors who work at critical infrastructure sites throughout the United States. Requiring those who do business with the federal government should be held to the same standard as our executive department agencies. I encourage you to take steps to ensure that contractors are using the tools that we have provided, and are participating in the department's electronic employment verification system.

I appreciate your time and consideration of these views. I look forward to hearing from you.

Sincerely,

CHARLES E. GRASSLEY
*U.S. Senator.*

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OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS, U.S. DEPARTMENT OF HOMELAND SECURITY,
*Washington, DC.*

Hon. CHARLES E. GRASSLEY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR GRASSLEY: On behalf of Secretary Chertoff, thank you for your letter regarding federal agencies and government contractors using the Basic Pilot Employment Verification Program (Basic Pilot).

Currently, there are 403 federal agencies that are participating in the Basic Pilot. The majority of the federal Basic Pilot participants are member offices of the legislative branch, although there are several key executive branch participants, such as the U.S. Citizenship and Immigration Services headquarters office and components of the U.S. Coast Guard. The U.S. Citizenship and Immigration Services, which oversees the Basic Pilot, is exploring several approaches this fiscal year to use Basic Pilot to verify all executive branch new hires. Also under consideration is whether the Office of Personnel Management (OPM) could conduct the verifications through the Basic Pilot on behalf of all executive branch new hires or whether each agency should individually conduct the verifications for its own new hires. The Department of Homeland Security (DHS) would be pleased to keep your staff apprised of the status of this planning effort. DHS's goal is to ensure that all executive branch new hires are verified through the Basic Pilot by the end of FY 2007.

With respect to whether or not departmental contractors use the Basic Pilot program, DHS is exploring options to encourage contractor participation in the program.

I appreciate your interest in the Department of Homeland Security, and I look forward to working with you on future homeland security issues. If I may be of further assistance, please contact the Office of Legislative and Intergovernmental Affairs at (202) 447–5890.

Sincerely,

DONALD H. KENT, Jr.,
*Assistant Secretary.*

Mr. GRASSLEY. Since receiving the letter from Secretary Chertoff, this is what I have found out: that this response—that 403 Federal agencies are using the program—was deliberately misleading. In fact, congressional offices make up to 99 percent of the Federal users. Of the 411 or more Federal Government users, 400 are congressional offices—136 in the Senate and 264 in the House.

So I am taking issue with the Department for their response to me and feel this is deliberately misleading the Congress on the use of the basic pilot program—when I get back a letter that says 403 Federal agencies are using the program, and 99 percent of them are here on Capitol Hill, not downtown.

According to staff at the Citizenship and Immigration Service, only 11 executive branch agencies are using the program—only 11—and only 5 of the 22 agencies at Homeland Security are using the program—only 5.

The President visited a Dunkin' Donuts shop last year. The company announced all of its franchises would use the basic pilot program to verify their workers. If Dunkin' Donuts can use the system, so can the Federal Government, particularly the Departments with the mission of protecting the homeland.

We ought to be setting an example, the Federal Government, for all employers. But within the Federal Government, the very department enforcing the law, suggesting it is being used, ought to set the example.

I am ashamed to say the Department of Homeland Security—the most valuable component of the executive branch in securing our Nation from terrorism—then is setting a very bad example.

Congress and the administration must be a model of good employment practices for the rest of the country. My amendment is needed to push executive branch participation in this program.

Now, there is a second part to my amendment. It would extend this principle to contractors who do work for the Federal Government. Because the second part of the amendment would require all contractors—in just the Department of Homeland Security—to use the basic pilot program to check the eligibility of their workers.

Now, I think it ought to go beyond contractors for the Department of Homeland Security, but we are working on the Homeland Security appropriations bill so I am limiting it to that. It is my opinion that those who do business with Homeland Security agencies should also be required to use the electronic employment verification system. They may be private-sector people, but they are working for the

Federal Government and they are in place of Federal employees.

There have been many examples of aliens illegally in the country working for Government contractors and being allowed to work in sensitive areas. I gave a number of examples last week during consideration of the Defense authorization bill when I tried to apply this same principle to that bill when it was up.

But the Department of Defense, I want you to know, is not the only culprit. This week, a man from Houston was sentenced for harboring illegal aliens, some of whom had access to an Alexandria airbase and Louisiana National Guard facility under a Federal Emergency Management Agency construction contract.

The company employed 30 to 40 workers, contracted with FEMA, and was able to send illegal aliens to a worksite where they had access to a National Guard facility and airbase.

There were many news stories about undocumented individuals working in the construction industry in New Orleans after Hurricane Katrina.

Then there was ''Operation Tarmac,'' launched by Immigration and Customs Enforcement in 2002, to enhance security at our airports and remove undocumented immigrants from these critical facilities.

The operation resulted in investigations of hundreds of thousands of people and more than 900 arrests of unauthorized workers. Aliens illegally in this country were working as janitors, baggage checkers, and luggage handlers.

Whether it is FEMA or the Transportation Security Administration or Border Patrol or the Citizenship and Immigration Service, we must make sure those hired by the agencies are legally able to work in the United States.

While Immigration and Customs Enforcement has taken some steps to find unauthorized workers at secure sites, illegal aliens should not be hired in the first place. We cannot allow people illegally in our county to check our bags or process immigration benefits.

One way to get at that problem, then, is to require Departments, particularly the Department of Homeland Security, to use the basic pilot program up front. There is no cost to employers. Instead, the American public will be more protected than it is today.

Earlier this year, the Senate voted unanimously to debar employers from Government contracts if they are found to hire aliens illegally in the country. That vote signified an overwhelming opinion that our Government should only be doing business with those who take our immigration laws very seriously. Therefore, this part of my amendment should not be problematic.

I hope my amendment can be considered this week. It is not overly expansive. It is to the Department we are appropriating money for. I don't believe it is overly burdensome because the Federal Government is preaching to the private sector. They are preaching to the other Government agencies that we ought to be doing it. We in Congress have adopted it more than anybody else in the Federal Government has. If we can do this in our hiring of people, surely other Government agencies can.

I hope this amendment—I think a commonsense amendment—can be considered. I am happy to debate it, but I am finished presenting it. I have it before the Senate and I will let the managers of the bill take the course from that point.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Iowa for his contribution to the debate and consideration of this legislation. I ask unanimous consent that it be set aside so that I may call up another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2405 TO AMENDMENT NO. 2383

Mr. COCHRAN. Mr. President, on behalf of the Senator from Tennessee, Mr. ALEXANDER, I call up amendment No. 2405 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. ALEXANDER, proposes an amendment numbered 2405 to amendment No. 2383.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make $300,000,000 available for grants to States to carry out the REAL ID Act of 2005)

On page 40, after line 24, insert the following:

REAL ID GRANTS TO STATES

SEC. ____. (a) For grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109–13; 119 Stat. 302), $300,000,000 to remain available until expended.

(b) All discretionary amounts made available under this Act, other than the amount appropriated under subsection (a), shall be reduced a total of $300,000,000, on a pro rata basis.

(c) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives on the accounts subject to pro rata reductions pursuant to subsection (b) and the amount to be reduced in each account.

Mr. COCHRAN. Mr. President, I will set this amendment aside and take it up in due course in the consideration of the bill.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that I may offer four amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I thank Chairman BYRD, Senator MURRAY, and Senator COCHRAN for their leadership on this outstanding bill which will help make America safer and, of course, we in New York particularly care about homeland security. I want to commend the committee for putting together a bill that shows the Nation where our priorities lie. After years of shortchanging the Department of Homeland Security, the committee has now put forth a bill that will sufficiently fund the Department, in my judgment. In the next year, DHS will finally be equipped to do its job of making our Nation safer from harm.

The bill will make America safer by investing in high priority projects—such as the kind of technology we need to keep us safe—while also protecting us at our borders, in our skies, at our ports of entry, and on our subways, rail, and mass transit systems.

AMENDMENT NO. 2416 TO AMENDMENT NO. 2383

Mr. SCHUMER. Mr. President, I call up amendment No. 2416.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2416 to amendment No. 2383.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To evaluate identification card technologies to determine the most appropriate technology for ensuring the optimal security, efficiency, privacy, and cost of passport cards)

At the appropriate place, insert the following:

**SEC. ____. INDEPENDENT PASSPORT CARD TECHNOLOGY EVALUATION.**

(a) IN GENERAL.—Before issuing a final rule to implement the passport card requirements described in section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note), the Secretary of State and the Secretary of Homeland Security, using funds appropriated by this Act, shall jointly conduct an independent technology evaluation to test any card technologies appropriate for secure and efficient border crossing, including not fewer than 2 potential radio frequency card technologies, in a side by side trial to determine the most appropriate solution for any passport card in the land and sea border crossing environment.

(b) EVALUATION CRITERIA.—The criteria to be evaluated in the evaluation under subsection (a) shall include—

(1) the security of the technology, including its resistance to tampering and fraud;

(2) the efficiency of the use of the technology under typical conditions at land and sea ports of entry;

(3) ease of use by card holders;

(4) reliability;

(5) privacy protection for card holders; and

(6) cost.

(c) SELECTION.—The Secretary of State and the Secretary of Homeland Security shall

jointly select the most appropriate technology for the passport card based on the performance observed in the evaluation under subsection (a).

Mr. SCHUMER. Mr. President, I am introducing an amendment that will require the Government to test an array of possible card technologies before creating new passport cards for land border crossings.

Under the Western Hemisphere Travel Initiative, the Department of Homeland Security is moving toward new rules to require travelers to show a passport or an approved alternative document at land ports of entry. As we all saw from the record passport backlogs over the past few months, the Nation suffers when the administration makes big changes at the border without adequate preparation. Yet with the new passport cards, DHS and the State Department seem to be rushing forward blindly again. They have already issued a proposed rule on passport card technology, but when I questioned officials from DHS and the State Department, they admitted they had not done any on-the-ground testing of their proposed cards. This lack of testing is especially shocking because the administration is making a very unusual move in trying to use a type of technology that has weaker security capabilities than some of the other options that are out there. We don't know whether it would work on the border unless we test it.

I think that with proper preparation and testing, we can have a border document that is both secure and efficient, that preserves both security and allows commerce to continue to flow freely across the border. That is what I want to see. But if we let the DHS push this forward, I am concerned that travelers will get the worst of both worlds.

DHS in this case has it all backward. They need to do the testing before making a final choice of technology. We need to know that any new cards will be reliable, secure, efficient, and easy to use. If the administration won't do that testing on its own, then Congress must step in. My amendment says DHS and the State Department need to do a serious evaluation comparison of two or more card technologies before they issue a final regulation to start selling these cards to people. This is a smart and straightforward way to make sure the administration is spending money wisely. I can't see why anyone would object to it, and I hope we can certainly agree without much controversy to pass it into law.

AMENDMENT NO. 2461 TO AMENDMENT NO. 2383

Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 2461.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2461 to amendment No. 2383.

Mr. SCHUMER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the amount provided for aviation security direction and enforcement)

On page 2, line 11, strike ''$100,000,000'' and insert ''$94,000,000''.

On page 18, line 2, strike ''$5,039,559,000'' and insert ''$5,045,559,000''.

On page 18, line 10, strike ''$964,445,000'' and insert ''$970,445,000''.

On page 18, line 20, strike ''$2,329,334,000'' and insert ''$2,335,344,000''.

Mr. SCHUMER. Mr. President, the Law Enforcement Officer Reimbursement Program reimburses local law enforcement for security services that TSA requires at all airports around the country. But due to a planned expansion, the program is not fully funded at the level needed to maintain the present level of service. Currently, 275 airports are part of the program, which is funded at $64 million. As the program moves from a reimbursement agreement model to a cooperative agreement model, TSA hopes to include 300 airports, but they will attempt to do this with the same level of funding used for 275 airports. Most of these airports are smaller, rural. They are not the kind of airports that can easily come up with the tens of thousands of dollars that might be required. So this is a smart and straightforward way to make sure the administration is spending money wisely. My amendment will make sure the level of security service provided at airports does not suffer as more airports become part of this important program.

AMENDMENT NO. 2447 TO AMENDMENT NO. 2383

Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 2447.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2447 to amendment No. 2383.

Mr. SCHUMER. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reserve $40,000,000 of the amounts appropriated for the Domestic Nuclear Detection Office to support the implementation of the Securing the Cities initiative at the level requested in the President's budget)

On page 49, line 22, strike the period at the end and all that follows through ''2010:'' on page 50, line 2, and insert the following: '', of which $10,000,000 shall be available to support the implementation of the Securing the Cities initiative at the level requested in the President's budget.

''SYSTEMS ACQUISITION

''For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $182,000,000, to remain available until September 30, 2010, of which $30,000,000 shall be available to support the implementation of the Securing the Cities initiative at the level requested in the President's budget:''.

Mr. SCHUMER. Mr. President, I am joined by my New York colleague Senator CLINTON and my colleagues from New Jersey, Senator LAUTENBERG and Senator MENENDEZ, in offering an amendment to fully fund the Securing the Cities initiative at the level of $40 million. This is what was requested by the President. Securing the Cities is an innovative partnership between the Federal Domestic Nuclear Detection Office and local law enforcement to set up a ring of radiation detection devices around the perimeter of urban centers to stop dirty bombs or nuclear weapons. The Nuclear Detection Office chose the New York region as the first area to pilot this approach, and local authorities have been working together for months to plan and train. But the committee proposes to provide only three-quarters of the funding requested by the President.

When it comes to protecting cities from nuclear or radiological attack, we can't stop halfway. Securing the Cities is a cutting-edge plan to safeguard the people and assets of our most threatened city centers. This program is moving ahead and it needs the full amount the President requested: $30 million to purchase equipment and $10 million for planning and research. I hope the relatively small amount of money here will be approved without much debate by my colleagues.

AMENDMENT NO. 2448 TO AMENDMENT NO. 2383

Finally, Mr. President, I ask that the pending amendment be set aside and I call up amendment No. 2448.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 2448 to amendment No. 2383.

Mr. SCHUMER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the domestic supply of nurses and physical therapists, and for other purposes)

On page 69, after line 24, add the following:

**SEC. 536. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS THROUGH THE RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.**

Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting ''1996, 1997,'' after ''available in fiscal year''; and

(B) by inserting ''group I,'' after ''schedule A,'';

(2) in paragraph (2)(A), by inserting ''1996, 1997, and'' after ''available in fiscal years''; and

(3) by adding at the end the following:

''(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.''.

Mr. SCHUMER. Mr. President, it should be a secret to no one that DHS is far behind in processing visas. One consequence of these lags is that thousands of visas go unused every year. This amendment takes approximately 61,000 of these unused visas from past years and allocates them for two professions that have been hit very hard by the visa crisis: nurses and physical therapists. Hospitals in New York, from the large ones in New York City to the small rural ones upstate, and hospitals around the country are feeling the crunch from the huge nursing shortage. There are now more than 100,000 nurse vacancies nationwide, by some counts.

This amendment doesn't do anything to change existing law, and doesn't—I repeat, doesn't—create a single new visa. It is a one-time fix that does one thing: It takes one small pool of existing visas that now isn't being used and sets it aside for two professions that desperately need the help.

I look forward to working with the committee on these amendments, as I believe they are important additions to the great work the committee has already done. I will ask for the yeas and nays at the appropriate time.

I yield the floor.

Mrs. MURRAY. 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.

Mrs. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. DOLE. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside in order for me to offer two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2462 TO AMENDMENT NO. 2383

Mrs. DOLE. Mr. President, I call up amendment No. 2462, which is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mrs. DOLE] proposes an amendment numbered 2462 to amendment No. 2383.

Mrs. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that not less than $5,400,000 of the amount appropriated to United States Immigration and Customs Enforcement be used to facilitate agreements described in section 287(g) of the Immigration and Nationality Act)

On page 16, line 1, strike ''may'' and insert ''shall''.

Mrs. DOLE. Mr. President, the underlying DHS appropriations bill makes available $5 million for facilitating 287(g) agreements. As the bill is currently written, the Secretary of DHS could ignore the will of Congress and refuse to use the money to facilitate 287(g) agreements. The current amendment would simply require that the Secretary use this funding for its intended purpose.

I ask unanimous consent that this amendment be temporarily laid aside so that I may call up my second amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2449 TO AMENDMENT NO. 2383

Mrs. DOLE. Mr. President, I send to the desk my amendment No. 2449.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mrs. DOLE] proposes an amendment numbered 2449 to amendment No. 2383.

Mrs. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside $75,000,000 of the funds appropriated for training, exercise, technical assistance, and other programs under the heading State and local programs for training consistent with section 287(g) of the Immigration and Nationality Act)

On page 39, line 21, insert '', of which not less than $75,000,000 shall be used for training, exercises, and technical assistance consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g))'' before the semicolon at the end.

Mrs. DOLE. Mr. President, the underlying bill provides over $51 million for training to support implementation of 287(g) agreements. My amendment would make an additional $75 million available for this purpose by providing that a portion of the $294 million already appropriated under the bill for general State and local training grants be used specifically for 287(g) training.

Mr. President, in recent months, I have heard from local law enforcement officials from every corner of my home State of North Carolina who, frankly, have had it. They are fed up. They are fed up because they are powerless to bring justice to illegal aliens who are committing crimes, such as drinking and driving and gang-related activity. They are fed up that Federal agents lack the manpower to help them process these criminals. They are fed up with the catch and release of dangerous individuals. Local law enforcement officers are fed up that when they try to solve these serious problems—that is, they seek authority under a program called 287(g) to process illegal aliens who committed crimes—they are put through the bureaucratic ringer and often turned away.

Why would the Department of Homeland Security deny our local law enforcement agencies the tools that are readily available to them under current law that would help address major challenges in their communities? Most simply, the answer is funding. Immigration and Customs Enforcement, or ICE, does not have the money to train and provide assistance to these local entities that are textbook examples of places that desperately need 287(g) status.

In the aftermath of the immigration debate, it is abundantly clear Americans have no confidence that their Government is taking the critical steps to secure our borders or enforce the laws on the books. The public will continue to distrust and rightly reject any so-called comprehensive immigration reform until they wholeheartedly believe these steps have been taken to keep their communities and families safe.

The 287(g) program is an invaluable tool to achieving these goals, and it should be fully utilized. My amendments will help ensure that it is fully utilized, and without actually increasing the cost of the bill. I repeat, my amendments do not add any cost to this legislation.

I urge my colleagues to support these measures, and I truly hope these commonsense amendments are fully considered.

Mr. President, I ask unanimous consent that my amendment be laid aside, and I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 2476 TO AMENDMENT NO. 2383

Mr. COCHRAN. Mr. President, a moment ago, the Senator from Iowa, Mr. GRASSLEY, was speaking and described an amendment to require the Secretary of Homeland Security to establish reasonable regulations relating to stored quantities of propane. On his behalf, I send that amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. GRASSLEY, proposes an amendment numbered 2476 to amendment No. 2383.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Homeland Security to establish reasonable regulations relating to stored quantities of propane)

On page 69, after line 24, add the following:

**SEC. 536. CHEMICAL FACILITY ANTITERRORISM STANDARDS.**

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds in this Act

may be used to enforce the interim final regulations relating to stored quantities of propane issued under section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note), including the regulations relating to stored quantities of propane in an amount more than 7,500 pounds under Appendix A to part 27 of title 6, Code of Federal Regulations, until the Secretary of Homeland Security amends such regulations to provide an exemption for agricultural producers, rural homesteads, and small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) that store propane in an amount more than 7,500 pounds and not more than 100,800 pounds.

(b) EXCEPTIONS.—

(1) IMMEDIATE OR IMMINENT THREAT.—Subsection (a) shall not apply if the Secretary of Homeland Security submits a report to Congress outlining an immediate or imminent threat against such stored quantities of propane in rural locations.

(2) QUANTITY.—Subsection (a) shall not apply to any action by the Secretary of Homeland Security to enforce the interim final regulations described in that subsection relating to stored quantities of propane, if the stored quantity of propane is more than 100,800 pounds.

(c) RULE OF CONSTRUCTION.—Except with respect to stored quantities of propane, nothing in this section may be construed to limit the application of the interim final regulations issued under section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note).

Mr. COCHRAN. Mr. President, I ask unanimous consent that the amendment be set aside for consideration later.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. 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.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2386 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2386 on behalf of Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. FEINSTEIN, proposes an amendment numbered 2386 to amendment No. 2383.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title 18, United States Code, to make technical corrections to the new border tunnels and passages offense)

On page 69, after line 24, add the following:

**SEC. ___. TECHNICAL CORRECTIONS.**

(a) IN GENERAL.—

(1) REDESIGNATIONS.—Chapter 27 of title 18, United States Code, is amended by redesignating section 554 added by section 551(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1389) (relating to border tunnels and passages) as section 555.

(2) TABLE OF SECTIONS.—The table of sections for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 554, ''Border tunnels and passages'', and inserting the following:

''555. Border tunnels and passages.''.

(b) CRIMINAL FORFEITURE.—Section 982(a)(6)of title 18, United States Code, is amended by striking ''554'' and inserting ''555''.

(c) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Section 551(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1390) is amended in paragraphs (1) and (2)(A) by striking ''554'' and inserting ''555''.

Mrs. MURRAY. Mr. President, I believe this amendment has been cleared on both sides.

Mr. COCHRAN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2386.

The amendment (No. 2386) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2387, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2387 on behalf of Senator FEINSTEIN and send a modification to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. FEINSTEIN, proposes an amendment numbered 2387, as modified, to amendment No. 2383.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill:

**SEC. ___. SEXUAL ABUSE.**

Sections 2241, 2242, 2243, and 2244 of title 18, United States Code, are each amended by striking ''the Attorney General'' each place that term appears and inserting ''the head of any Federal department or agency''.

Mrs. MURRAY. Mr. President, I believe this amendment has been cleared on both sides.

Mr. COCHRAN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER (Mr. SALAZAR). If there is no further debate, the question is on agreeing to amendment No. 2387, as modified.

The amendment (No. 2387), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2430 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2430 on behalf of Senator CORNYN.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. CORNYN, proposes an amendment numbered 2430 to amendment No. 2383.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the control and management of Arundo donax, commonly known as ''Carrizo cane'')

At the appropriate place, insert the following:

**SEC. _____. PLAN FOR THE CONTROL AND MANAGEMENT OF ARUNDO DONAX.**

(a) DEFINITIONS.—In this section:

(1) ARUNDO DONAX.—The term ''Arundo donax'' means a tall perennial reed commonly known as ''Carrizo cane'', ''Spanish cane'', ''wild cane'', and ''giant cane''.

(2) PLAN.—The term ''plan'' means the plan for the control and management of Arundo donax developed under subsection (b).

(3) RIVER.—The term ''River'' means the Rio Grande River.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—The Secretary shall develop a plan for the control and management of Arundo donax along the portion of the River that serves as the international border between the United States and Mexico.

(2) COMPONENTS.—In developing the plan, the Secretary shall address—

(A) information derived by the Secretary of Agriculture and the Secretary of the Interior from ongoing efforts to identify the most effective biological, mechanical, and chemical means of controlling and managing Arundo donax;

(B) past and current efforts to understand—

(i) the ecological damages caused by Arundo donax; and

(ii) the dangers Arundo donax poses to Federal and local law enforcement;

(C) any international agreements and treaties that need to be completed to allow for the control and management of Arundo donax on both sides of the River;

(D) the long-term efforts that the Secretary considers to be necessary to control and manage Arundo donax, including the cost estimates for the implementation of the efforts; and

(E) whether a waiver of applicable Federal environmental laws (including regulations) is necessary.

(3) CONSULTATION.—The Secretary shall develop the plan in consultation with the Secretary of Agriculture, the Secretary of the Interior, the Secretary of State, the Chief of Engineers, and any other Federal and State agencies that have appropriate expertise regarding the control and management of Arundo donax.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit the plan to—

(1) the Committees on the Judiciary of the Senate and the House of Representatives; and

(2) the Committees on Appropriations of the Senate and the House of Representatives.

Mrs. MURRAY. Mr. President, I believe this amendment as well has been cleared on both sides.

Mr. COCHRAN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2430.

The amendment (No. 2430) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2425, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2425 on behalf of Senator MCCASKILL and send a modification to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. MCCASKILL, proposes an amendment numbered 2425, as modified, to amendment No. 2383.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill:

**SEC. _____. REPORTING OF WASTE, FRAUD, AND ABUSE.**

Not later than 30 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security shall establish and maintain on the homepage of the website of the Department of Homeland Security, a direct link to the website of the Office of Inspector General of the Department of Homeland Security; and

(2) the Inspector General of the Department of Homeland Security shall establish and maintain on the homepage of the website of the Office of Inspector General a direct link for individuals to anonymously report waste, fraud, or abuse.

Mrs. MURRAY. Mr. President, I believe this amendment as well has been cleared on both sides.

Mr. COCHRAN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2425, as modified.

The amendment (No. 2425), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2390, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2390 on behalf of Senator CLINTON and send a modification to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. CLINTON, proposes an amendment numbered 2390, as modified, to amendment No. 2383.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. _____. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

Mrs. MURRAY. Mr. President, I believe this amendment as well has been cleared on both sides.

Mr. COCHRAN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment No. 2390, as modified.

The amendment (No. 2390), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, we have made some progress on the Homeland Security appropriations bill today. We just adopted some amendments and worked our way through several issues today. A number of Senators have offered amendments tonight. I hope that early tomorrow morning we can go to those amendments and get votes on them and begin to move this bill.

The majority leader has made it very clear to all of us that he wants this bill completed this week, and we intend to do that. If any Senators have amendments they would like to offer, we encourage them to come as early as possible tomorrow to get them offered so we can work our way through them and finish this bill in a timely manner.

Mr. KERRY. Mr. President, I ask unanimous consent to have a letter from the Professional Services Council in support of my amendment to apply standard contracting laws to the Transportation Security Administration printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROFESSIONAL SERVICES COUNCIL,
*Arlington, VA, July 24, 2007.*

Hon. JOHN KERRY,
Hon. OLYMPIA SNOWE,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATORS KERRY AND SNOWE: During the Senate's consideration of the fiscal year 2008 Homeland Security Appropriations Act, we understand that you will offer an amendment to repeal the provision in the Aviation and Transportation Security Act (P.L 107–71) that the Transportation Security Administration's procurements are to be governed exclusively by the Federal Aviation Administration's Acquisition Management System (AMS) and are specifically exempt from coverage of most of the Federal procurement laws and the Federal Acquisition Regulations (FAR). This amendment is identical to the provision you offered and the Senate adopted by voice vote last year during the Senate's consideration of the fiscal year 2007 Homeland Security Act; regrettably the provision was not enacted into law.

As you know, the Professional Services Council (PSC) is the principal national trade association for companies providing services to virtually every agency of the Federal government. Many of our member companies now do business with the Transportation Security Administration (TSA) and other components of the Department of Homeland Security. On behalf of the more than 220 member companies, thank you for the invitation to provide our views on this amendment.

On behalf of PSC, we support this amendment. Bringing TSA at least under the common rules applicable to the Department of Homeland Security and to the preponderance of the federal agencies will increase competition, expand opportunities for greater small business participation, provide greater accountability and transparency in their procurement processes, and provide greater options for addressing the challenges of the department's acquisition workforce. Indeed, there are clear advantages for all parties when agencies operate under common rules and procedures. Moreover, as TSA seeks to train its current workforce and further expand its acquisition workforce, the degree of commonality between its acquisition procedures and other federal agency practices will have a real effect on the cost and efficiencies of bringing in skilled professionals.

We appreciate your leadership on this matter. If you have any questions or need any additional information, please do not hesitate to let me know.

Sincerely,

ALAN CHVOTKIN, ESQ.,
*Senior Vice President and Counsel.*

AMENDMENT NO. 2405

Mr. WARNER. Mr. President, I am pleased to join with my colleague Senator ALEXANDER as a cosponsor of his important amendment. I understand that Senator COLLINS and Senator VOINOVICH are also cosponsors.

This amendment is simple. It provides funding—$300 million—for grants to the States for the continued development and implementation of the REAL ID program. This funding is fully offset by an across the board reduction of all discretionary amounts included in the underlying bill.

Mr. President, the REAL ID program is critical for our national security.

We know, from history, that the duplication and falsification of drivers' licenses is a reality, and this fact is a national security concern. As you may recall, all but one of the 9/11 hijackers obtained some form of U.S. identification—some by fraudulent means—which aided them in boarding commercial flights. We need confidence that the individual that displays this card is, in fact, the rightful owner of it. And this card, the REAL ID, will provide that confidence.

The proposed regulation for the REAL ID program sets out common standards for the security and information on the card itself. These standards require: minimum data visible on the card, such as full names; verification of identity documents, such as birth certificates and Social Security numbers; physical security features embedded in the card to protect privacy and make tampering more difficult; security of

manufacturing facilities and background checks for employees handling these applications and cards.

In my view, the Federal Government must be a good working partner with the States, and this amendment, which provides funding for the program, is a step in the right direction. We must proceed with this program on a partnership concept of States and the Federal Government working together. For that reason, I am pleased to learn that the National Governors Association supports this amendment. This program is an important step in achieving some type of identification that will help America feel more secure in our daily requirements to identify ourselves and to otherwise conduct our life here at home.

Mr. SPECTER. Mr. President, I seek recognition to offer my support for the amendment to be offered by Senator CASEY with regard to homeland security grant timelines. This amendment would lengthen the amount of time available to obligate funds provided in fiscal year 2008 under the State Homeland Security Grant Program and the Rail and Transit Security Grant Program from a maximum of 36 months to a maximum of 48 months.

I am advised that several transit agencies have encountered problems obligating homeland security grant funding within the current timetable, particularly for large and complex projects such as installing underground emergency communications networks in subway tunnels.

The Southeastern Pennsylvania Transit Authority, SEPTA, in particular, has encountered problems which have thus far prevented it from being able to utilize federal homeland security grant dollars to install an emergency communications network in its 20-mile subway tunnel system which runs underneath portions of the city of Philadelphia. The absence of a communications system capable of functioning underground severely limits the ability of SEPTA and first responders to deal with a potential emergency in Philadelphia's subway tunnels and does not provide an adequate level of protection for the traveling public.

Specifically, SEPTA claims that a 3-year period is not sufficient time to coordinate regional interoperability issues with the city of Philadelphia and the surrounding first responder agencies. It is my understanding that preliminary engineering requirements and the time associated with procuring the necessary technology further compound the problem. Finally, SEPTA claims that it does not receive enough homeland security grant funding in a 3-year period to complete such a complex project.

This amendment will provide SEPTA and other transit agencies in similar predicaments with additional time to plan, coordinate, secure technology for and fund important and complex projects such as underground communications systems. I urge my colleagues to support this amendment.

## MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, today I rise to pay tribute to 55 young Americans who have been killed in Iraq since April 28, 2007. This brings to 777 the number of soldiers who were either from California or based in California who have been killed while serving our country in Iraq. This represents 21 percent of all U.S. deaths in Iraq.

PFC Jay-D H. Ornsby-Adkins, 21, died on April 28 in Salman Pak, Iraq, of injuries sustained when an improvised explosive device detonated near his military vehicle and then encountered small arms fire. Private First Class Ornsby-Adkins was assigned to D Company, 1st Battalion, 15th Infantry Regiment, 3rd Infantry Division, Fort Benning, GA. He was from Ione, CA.

First LT Travis L. Manion, 26, died on April 29 while conducting combat operations in Al Anbar Province, Iraq. First Lieutenant Manion was assigned to 1st Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Astor A. Sunsin-Pineda, 20, died on May 2 in Baghdad, Iraq, when an improvised explosive device detonated near his military vehicle. Specialist Sunsin-Pineda was assigned to A Company, 4th Brigade Special Troops Battalion, 1st Infantry Division, Fort Riley, KS. He was from Long Beach, CA.

SGT Felix G. Gonzalez-Iraheta, 25, died May 3 in Baghdad, Iraq, of wounds suffered when his unit came in contact with enemy forces using small arms fire. Sergeant Gonzalez-Iraheta was assigned to the 1st Battalion, 18th Infantry Regiment, 2nd Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany. He was from Sun Valley, CA.

Cpl Charles O. Palmer II, 36, died May 5 while conducting combat operations in Al Anbar Province, Iraq. Corporal Palmer was assigned to 8th Communication Battalion, II Marine Expeditionary Force Headquarters Group, II MEF, Camp Lejeune, NC. He was from Manteca, CA.

PFC William A. Farrar Jr., 20, died May 11 in Al Iskandariyah, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Private First Class Farrar was assigned to the 127th Military Police Company, 709th Military Police Battalion, 18th Military Police Brigade, Darmstadt, Germany. He was from Redlands, CA.

SPC Rhys W. Klasno, 20, died May 13 in Haditha, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Specialist Klasno was assigned to the 1114th Transportation Company, Bakersfield, CA. He was from Riverside, CA.

SGT Steven M. Packer, 23, died May 17 in Rushdi Mullah, Iraq, of wounds suffered when his dismounted patrol encountered an improvised explosive device. Sergeant Packer was assigned to the 2nd Battalion, 14th Infantry Regiment, 2nd Brigade Combat Team, 10th Mountain Division, Fort Drum, NY. He was from Clovis, CA.

PFC Victor M. Fontanilla, 23, died May 17 in Iskandariya, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Private First Class Fontanilla was assigned to the 725th Brigade Support Battalion, 4th Brigade Combat Team, 25th Infantry Division, Fort Richardson, AK. He was from Stockton, CA.

SSG Christopher Moore, 28, died May 19 in Baghdad, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Staff Sergeant Moore was assigned to the 1st Battalion, 5th Cavalry Regiment, 2nd Brigade Combat Team, 1st Cavalry Division, Fort Hood, TX. He was from Alpaugh, CA.

PFC Joseph J. Anzack, Jr., 20, died in Al Taqa, Iraq. Private First Class Anzack was initially reported as Duty Status Whereabouts Unknown on May 12, 2007, when his patrol received small arms fire and explosives. Private First Class Anzack was assigned to D Company, 4th Battalion, 31st Infantry Regiment, 10th Mountain Division, Fort Drum, NY. He was from Torrance, CA.

PFC Daniel P. Cagle, 22, died in Balad, Iraq, died May 23 of wounds suffered when an improvised explosive device detonated near his unit in Ramadi, Iraq. Private First Class Cagle was assigned to the 3rd Battalion, 69th Armor Regiment, 1st Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA. He was from Carson, CA.

CPL Victor H. Toledo Pulido, 22, died May 23 in Al Nahrawan, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Corporal Toledo Pulido was assigned to 3d Squadron, 1st Cavalry Regiment, 3rd Brigade Combat Team, 3rd Infantry Division, Mechanized, Fort Benning, GA. He was from Hanford, CA.

SPC Gregory N. Millard, 22, died on May 26 in Salah Ad Din Province, Iraq, of injuries sustained when an improvised explosive device detonated near his military vehicle. Specialist Millard was assigned to A Company, 2nd Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC. He was from San Diego, CA.

SGT Clayton G. Dunn II, 22, died on May 26 in Salah Ad Din Province, Iraq, of injuries sustained when an improvised explosive device detonated near his military vehicle. Sergeant Dunn was assigned to A Company, 2nd Battalion, 505th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC. He was from Moreno Valley, CA.

SPC Mark R. C. Caguioa, 21, died on May 24 at the National Naval Medical Center, Bethesda, MD, died of injuries sustained on May 4, 2007, in Baghdad, Iraq, when an improvised explosive device detonated near his military vehicle. Specialist Caguioa was assigned to B Company, 1st Battalion, 5th Cavalry Regiment, 1st Cavalry Division, Fort Hood, TX. He was from Stockton, CA.

SGT Nicholas R. Walsh, 27, died May 26 from wounds suffered while conducting combat operations in Al Anbar Province, Iraq. Sergeant Walsh was assigned to the 1st Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Emmanuel Villarreal, 21, died May 27 from a nonhostile vehicle accident at Kuwait Naval Base, Kuwait. Lance Corporal Villarreal was assigned to Battalion Landing Team 1st Battalion, 11th Marine Regiment, 13th Marine Expeditionary Unit, I Marine Expeditionary Force, Camp Pendleton, CA.

SSG Thomas M. McFall, 36, died May 28 in Baghdad, Iraq, of wounds suffered when an improvised explosive device detonated near his position during a dismounted patrol. Staff Sergeant McFall was assigned to the 1st Battalion, 38th Infantry Regiment, 4th Brigade, 2nd Infantry Division, Stryker Brigade Combat Team, Fort Lewis, WA. He was from Glendora, CA.

SPC Alexandre A. Alexeev, 23, died on May 28, in Abu Sayda, Iraq when an improvised explosive device detonated near his military vehicle. Specialist Alexeev was assigned to A Troop, 6th Squadron, 9th Cavalry Regiment, 1st Cavalry Division, Fort Hood, TX. He was from Wilmington, CA.

SPC Doonewey White, 26, died on May 29 in Balad, Iraq, of injuries sustained on May 28, 2007, in Baghdad, Iraq, when a vehicle-borne improvised explosive device detonated near his vehicle. Specialist White was assigned to B Troop, 2nd Battalion, 5th Cavalry Regiment, 1st Cavalry Division, Fort Hood, TX. He was from Milpitas, CA.

SPC Romel Catalan, 21, of California, died on June 2 in Ameriyah, Iraq, when an improvised explosive device detonated near his vehicle. Specialist Catalan was assigned to A Company, 1st Battalion, 23rd Infantry Regiment, 2nd Infantry Division, Fort Lewis, WA. He was from Los Angeles, CA.

SGT Shawn E. Dressler, 22, died on June 2, in Baghdad, Iraq, when an improvised explosive device detonated near his vehicle. Sergeant Dressler was assigned to A Company, 1st Battalion, 18th Infantry Regiment, 1st Infantry Division, Schweinfurt, Germany. He was from Santa Maria, CA.

SSG Greg P. Gagarin, 38, died June 3 in Thania, Iraq, of wounds suffered when an improvised explosive device detonated near his vehicle. Staff Sergeant Gagarin was assigned to the 1st Battalion, 37th Field Artillery Regiment, 3rd Brigade, 2nd Infantry Division, Stryker Brigade Combat Team, Fort Lewis, WA. He was from Los Angeles, CA.

SGT Andrews J. Higgins, 28, died June 5 in Baqubah, Iraq, of wounds suffered when his unit came in contact with enemy forces using small arms fire. Sergeant Higgins was assigned to the 5th Battalion, 20th Infantry Regiment, 3rd Brigade, 2nd Infantry Division, Stryker Brigade Combat Team, Fort Lewis, WA. He was from Hayward, CA.

PFC Justin A. Verdeja, 20, died June 5 in Baghdad, Iraq, of wounds suffered when his unit was attacked by insurgents using small arms fire. Private First Class Verdeja was assigned to the 2nd Battalion, 12th Infantry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division, Fort Carson, CO. He was from La Puente, CA.

PFC Cameron K. Payne, 22, died June 11 in Balad, Iraq, of wounds suffered from an improvised explosive device that detonated near his vehicle during combat operations in Baghdad, Iraq. Private First Class Payne was assigned to the 2nd Battalion, 16th Infantry Regiment, 4th Infantry Brigade Combat Team, 1st Infantry Division, Fort Riley, KS. He was from Corona, CA.

LCpl Johnny R. Strong, 21, died June 12 while conducting combat operations in Al Anbar province, Iraq. Lance Corporal Strong was assigned to 2nd Battalion, 7th Marine Regiment, 1st Marine Division, Twentynine Palms, CA.

SPC Damon G. LeGrand, 27, died June 12 in Baqubah, Iraq, of wounds suffered when insurgents attacked his unit with anti-tank mines, rocket-propelled grenades and small arms fire in Baghdad, Iraq. Specialist LeGrand was assigned to the 571st Military Police Company, 504th Military Police Battalion, 42nd Military Police Brigade, Fort Lewis, WA. He was from Lakeside, CA.

SPC Josiah W. Hollopeter, 27, died June 14 in Balad, Iraq, of wounds suffered when his unit was attacked by insurgents using small arms fire in Al Muqdadiyah, Iraq. Specialist Hollopeter was assigned to the 6th Squadron, 9th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division, Fort Hood, TX. He was from San Diego, CA.

SGT Derek T. Roberts, 24, died on June 14, in Kirkuk, Iraq, when an improvised explosive device detonated near his vehicle. Sergeant Roberts was assigned to B Company, 2nd Battalion, 35th Infantry regiment, 25th Infantry Division, Schofield Barracks, HI. He was from Gold River, CA.

SSG Stephen J. Wilson, 28, died June 20 while conducting combat operations in Al Anbar Province, Iraq. Staff Sergeant Wilson was assigned to Combat Logistics Battalion 13, 13th Marine Expeditionary Unit, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT Shawn P. Martin, 30, died June 20 while conducting combat operations in Al Anbar Province, Iraq. Sergeant Martin was assigned to Combat Logistics Battalion 13, 13th Marine Expeditionary Unit, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Raymond N. Spencer Jr., 23, died June 21 in Baghdad, Iraq, of wounds suffered when his unit was attacked by insurgents using an improvised explosive device and small arms fire. Private First Class Spencer was assigned to the 2nd Battalion, 12th Cavalry Regiment, 4th Brigade Combat Team, 1st Cavalry Division, Fort Bliss, TX. He was from Carmichael, CA.

PVT Shane M. Stinson, 23, died on June 23, in Baghdad, Iraq, of injuries sustained when his mounted patrol encountered an improvised explosive device and small arms fire. Private Stinson was assigned to the 2nd Battalion, 69th Armor Regiment, 3rd Infantry Division, Fort Benning, GA. He was from Fullerton, CA.

PFC Cory F. Hiltz, 20, died June 28 of wounds sustained when his unit was attacked in Baghdad by insurgents using improvised explosive devices. Private First Class Hiltz was assigned to the 2nd Battalion, 12th Infantry Regiment, 2d Brigade Combat Team, 2d Infantry Division, Fort Carson, CO. He was from La Verne, CA.

SGT Giann C. Joya Mendoza, 27, died June 28 of wounds sustained when his unit was attacked in Baghdad by insurgents using improvised explosive devices. Sergeant Joya Mendoza was assigned to the 2nd Battalion, 12th Infantry Regiment, 2d Brigade Combat Team, 2d Infantry Division, Fort Carson, CO. He was from North Hollywood, CA.

SGT Michael J. Martinez, 24, died June 28 of wounds sustained when his unit was attacked in Baghdad by insurgents using improvised explosive devices. Sergeant Martinez was assigned to the 2nd Battalion, 12th Infantry Regiment, 2d Brigade Combat Team, 2d Infantry Division, Fort Carson, CO. He was from Chula Vista, CA.

SGT Shin W. Kim, 23, died June 28 of wounds sustained when his unit was attacked in Baghdad by insurgents using improvised explosive devices. Sergeant Kim was assigned to the 2nd Battalion, 12th Infantry Regiment, 2nd Brigade Combat Team, 2d Infantry Division, Fort Carson, CO. He was from Fullerton, CA.

SPC Victor A. Garcia, 22, died July 1 in Baghdad, Iraq, of wounds suffered from enemy small arms fire. Specialist Garcia was assigned to the 1st Battalion, 38th Infantry Regiment, 4th Brigade, 2nd Infantry Division, Stryker Brigade Combat Team, Fort Lewis, WA. He was from Rialto, CA.

SSG Michael L. Ruoff Jr., 31, died July 1 in Ta'meem, Iraq, of wounds sustained from enemy small arms fire. Staff Sergeant Ruoff was assigned to the 1st Battalion, 77th Armor Regiment, 2nd Brigade Combat Team, 1st Infantry Division, Schweinfurt, Germany. He was from Yosemite, CA.

LCpl Juan M. Garcia Schill, 20, died July 2 while conducting combat operations in Al Anbar Province, Iraq. Lance Corporal Garcia Schill was assigned to 2nd Battalion, 7th Marine

Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Petty Officer First Class Steven Phillip Daugherty, 28, died July 6 as a result of enemy action while conducting combat operations in the vicinity of Baghdad, Iraq. Petty Officer Daugherty was assigned to an East Coast-based SEAL team. He was from Barstow, CA.

MAJ James M. Ahearn, 43, died July 5 when his vehicle struck an improvised explosive device in Baghdad, Iraq. Major Ahearn was assigned to 96th Civil Affairs Battalion, 95th Civil Affairs Brigade, Fort Bragg, NC. He was from Concord, CA.

SPC Roberto J. Causor Jr., 21, died July 7 in Samarra, Iraq, of wounds suffered when insurgents attacked his unit with an improvised explosive device and small arms fire. Specialist Causor was assigned to the 2nd Battalion, 505th Parachute Infantry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division, Fort Bragg, NC. He was from San Jose, CA.

PFC Bruce C. Salazar, Jr., 24, died on July 6, in Muhammad Sath, Iraq, of injuries sustained when his dismounted patrol encountered an improvised explosive device. Private First Class Salazar was assigned to B Company, 1st Battalion, 30th Infantry Regiment, 3rd Infantry Division, Fort Stewart, GA. He was from Tracy, CA.

LCpl Steven A. Stacy, 23, died July 5 from wounds suffered while conducting combat operations in Al Anbar Province, Iraq. Lance Corporal Stacy was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Jeremy D. Allbaugh, 21, died July 5 from wounds suffered while conducting combat operations in Al Anbar Province, Iraq. Corporal Allbaugh was assigned to 1st Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Angel R. Ramirez, 28, died February 21 at Marine Air Ground Combat Center, Twentynine Palms, CA, after being medically evacuated following a non-hostile incident in Al Qaim, Iraq, on December 21, 2006. He was assigned to 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA. His passing was made public on July 10.

SPC Eric M. Holke, 31, died on July 15, in Tallil, Iraq, when his vehicle overturned. Specialist Holke was assigned to A Company, 1st Battalion, 160th Infantry Regiment, 40th Infantry Division, Army National Guard, Fullerton, CA. He was from Crestline, CA.

LCpl Shawn V. Starkovich, 20, died July 16 in Al Anbar Province, Iraq. Lance Corporal Starkovich was assigned to 3rd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT Ronald L. Coffelt, 36, died July 19 in Baghdad, Iraq, of wounds suffered from an improvised explosive device. Sergeant Coffelt was assigned to the 503rd Military Police Battalion, 16th Military Police Brigade, Airborne, XVIII Airborne Corps, Fort Bragg, NC. He was from Fair Oaks, CA.

SFC Luis E. Gutierrez-Rosales, 38, died on July 18, in Adhamiyah, Iraq, of injuries sustained when his vehicle encountered an improvised explosive device and small arms fire. Sergeant First Class Gutierrez-Rosales was assigned to A Company, 1st Battalion, 26th Infantry Regiment, 1st Infantry Division, Schweinfurt, Germany. He was from Bakersfield, CA.

Cpl Christopher G. Scherer, 21, died July 21 from wounds suffered while conducting combat operations in Al Anbar Province, Iraq. Corporal Scherer was assigned to 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT Shawn G. Adams, 21, died July 22, in Owaset, Iraq, of wounds suffered from an improvised explosive device. Sergeant Adams was assigned to the 3rd Battalion, 509th Parachute Infantry Regiment, 4th Brigade Combat Team, Airborne, 25th Infantry Division, Fort Richardson, AK. He was from Dixon, CA.

I would also like to pay tribute to the four soldiers from California who have died while serving our country in Operation Enduring Freedom since April 28.

SSG Joshua R. Whitaker, 23, died May 15 in Qalat, Afghanistan, of wounds suffered from enemy small arms fire. Staff Sergeant Whitaker was assigned to the 1st Battalion, 7th Special Forces Group, Fort Bragg, NC. He was from Long Beach, CA.

SGT Charles E. Wyckoff, Jr., 28, died on June 6 in Helmand Province, Afghanistan, of injuries sustained when his dismounted patrol received small arms fire. Sergeant Wyckoff was assigned to C Company, 1st Battalion, 508th Parachute Infantry Regiment, 82nd Airborne Division, Fort Bragg, NC. He was from Chula Vista, CA.

SGT Thomas P. McGee, 23, died July 6 of wounds sustained when his vehicle struck an improvised explosive device in Wazi Khwa, Afghanistan. Sergeant McGee was assigned to the 546th Military Police Company, 385th Military Police Battalion, Fort Stewart, GA. He was from Hawthorne, CA.

SFC Sean K. Mitchell, 35, died July 7 in Kidal, Mali, of injuries sustained from a non-combat related incident. Sergeant Mitchell was assigned to the 1st Battalion, 10th Special Forces Group, Stuttgart, Germany. He was from Monterey, CA.

PETTY OFFICER FIRST CLASS JEFFREY CHANEY

Mr. HAGEL. Mr. Presdient, I rise to express my sympathy over the loss of U.S. Navy Petty Officer First Class Jeffrey Chaney of Omaha, NE. Petty Officer First Class Chaney was killed on July 17 by an improvised explosive device in Salah Ad Din Province, Iraq. He was 35 years old.

Petty Officer First Class Chaney graduated from Bellevue West High School in 1990. He enlisted in the Navy in 1993 and spent 4 years of his 14-year Navy career as a recruiter. Petty Officer First Class Chaney's passion for serving his country made him a strong recruiter. He was even able to recruit his brother Randy Chaney to the Navy.

Petty Officer First Class Chaney was assigned to Explosive Ordnance Disposal Mobile Unit 11, based at Naval Air Station Whidbey Island, WA. His experience with ordnance disposal led to other experiences. He worked with Secret Service for President George H.W. Bush's 80th birthday celebration in 2004, where he met the former President and former Soviet leader Mikhail Gorbachev. He also assisted Secret Service with security during the 2004 Presidential election and met both President George W. Bush and Senator JOHN KERRY. Petty Officer First Class Chaney had been in Iraq for two months. We are proud of Petty Officer First Class Chaney's service to our country, as well as the thousands of other brave Americans serving in Iraq.

In addition to his brother Randy, Petty Officer First Class Chaney is survived by his daughter Brianna Chaney of Omaha, his father Larry Chaney of Bloomington, MN, his mother Connie Chaney of Omaha, and brother Jim Ecker of Oakland, IA.

I ask my colleagues to join me and all Americans in honoring Petty Officer First Class Jeffrey Chaney.

SERGEANT JACOB SCHMUECKER

Mr. President, I also rise to express my sympathy over the loss of U.S. Army National Guard SGT Jacob Schmuecker of Norfolk, NE. Sergeant Schmuecker was killed on July 21 by an improvised explosive device in Balad, Iraq. He was 27 years old.

Sergeant Schmuecker graduated from West Holt High School in 1999, where he was a linebacker and defensive end on the football team. He attended Northeast Community College before he joined the Nebraska Army National Guard in 2001 as a member of the 134th Infantry Detachment in Lincoln, NE.

He was mobilized for service in Iraq in August 2006 with the Nebraska National Guard's 755th Reconnaissance and Decontamination Company based in O'Neill, NE.

Sergeant Schmuecker was a model leader. He had a strong concern for the men that he led and hoped that if anything were to happen, that it would happen to him. He inspired his brother Chris Shepperd to enlist and he would go on to serve in Iraq as well. We are proud of Sergeant Schmuecker's service to our country, as well as the thousands of other brave Americans serving in Iraq.

Sergeant Schmuecker is survived by his wife Lisa and their three children, his parents Rodney and Patricia Schmuecker, three brothers, and three sisters.

I ask my colleagues to join me and all Americans in honoring SGT Jacob Schmuecker.

## REMEMBERING LADY BIRD JOHNSON

Mr. ROCKEFELLER. Mr. President, when Lady Bird Johnson passed away on the afternoon of July 11, 2007, the United States mourned the loss of a dignified and compassionate First Lady. Even though she is gone, she has left us with the legacy of her beautification of America. Through her diligent efforts, Mrs. Johnson was not only an advocate for the natural beauty of America but also of the beauty and strength of its people. Sharon and I extend our deepest sympathy to her daughters Lynda and Luci, their families, her friends, and all of those whose lives have been touched by her life's work.

As President Lyndon B. Johnson entered the White House in one of our Nation's most harrowing moments, Mrs. Johnson stood by her husband with poise and courage that helped comfort a wounded nation. Her service to our country would go even further as she became a leading voice for preserving and defending America's natural resources. Here in the Nation's Capital, people can't help but be reminded of Mrs. Johnson's vigorous work to adorn Washington, DC, with flowers, giving us an aesthetic that all Americans could take pride in and enjoy.

I have always shared Mrs. Johnson's deeply held love for the beauty of the United States, from the mountains of West Virginia to the plains of Texas. It was because of her commitment to the environment and the splendor of our country that the Beautification Act of 1965 was passed. She strove to line our highways with wildflowers and still found time to enjoy walking through the national parks that she fought to protect.

In addition to her work with the environment, I truly admire her efforts to address poverty in the United States. Under President Johnson, the VISTA program was enacted, sending out volunteers to improve the conditions of impoverished communities. I can proudly say that as a VISTA volunteer in Emmons, WV, I saw firsthand the immense benefits of this program for participants and for the communities they serve.

I will never forget her devotion to her husband, her family, and her country. I will never forget her passion fighting for civil rights and against poverty. Nor will I ever forget her determination to leave a beautiful America for future generations.

Lady Bird Johnson, again, held my sincerest respect and appreciation. To her family and the people of Texas, I offer my deepest sympathies. Mrs. Johnson was a valuable public servant, an inspiration and a friend. More than anything else, she was an irreplaceable First Lady.

## MINIMUM WAGE

Mr. MENENDEZ. Mr. President, I rise today to speak on the minimum wage increase, which takes effect today.

Today, millions of hard-working Americans will finally receive the first increase of a $2.10 raise in the Federal minimum wage. Today, we are putting an end to a decade-long stagnant wage that has kept those who are working their hardest at the bottom of the ladder. Today, they are getting the chance that everyone in this country deserves—the opportunity to build a better life.

Now, $2.10 may not sound like much to most Americans. But that small increase will make a difference in the pockets and in the lives of millions of Americans. Those $2.10 add up to more than $4,400 more every year enough to help a low-income family depending on a minimum wage income to afford 2 years of child care, a year and a half in utility bills, or a year of tuition at a public college.

I am also proud that my State of New Jersey has not waited for Congress to do what is right. Instead, New Jersey has taken it upon itself to increase the State minimum wage far in advance of Congress, which now is at $7.15 per hour. New Jersey's minimum wage has given more than a quarter million workers the opportunity to build a better life for themselves and their families.

And today, all Americans earning minimum wage will have that same opportunity to build a better life. In enacting the first minimum wage increase in over a decade, Congress took a critical first step towards correcting a grave injustice. For far too long, we have let some of our hardest working employees—those who prepare our food, clean our offices, treat us at the doctor, and guard our buildings at night—see their wages erode by 10 years of inflation.

Ten years is far too long for those who work round the clock, hoping to save a little extra for groceries, for those working so they can buy school supplies or clothes for their children, or for those saving so one day they can live in a place they are proud to call home.

Today, we should also commit that never again will we let this injustice persist for 10 years. The increase going into effect today is an important improvement, but it is not the end of the battle. An increase in the minimum wage is only part of the solution.

We cannot ignore that the income gap has been widening—and now it has taken on a new twist. We no longer have inequality just between those living comfortably and those struggling to make ends meet. Income is now more concentrated at the top than it has been in the past 70 years. In fact, as the wealthiest 1 percent have seen their income grow by 20 percent or more within the past few years, everyone else has seen their income grow by less than 4 percent.

And that inequality is ever too real for women and minorities, who are more likely to be minimum wage earners.

So while increasing the minimum wage is just one step toward closing the income gap, it is an important step.

Ultimately, a wage increase is about fairness, about ensuring all Americans, not just those at the top, can share in the American dream.

Before today, 13 million minimum wage workers did not have the chance to share in that dream.

Before today, 4 million Latinos and African Americans earned less than $7.25 an hour with no expectation that their wages would rise.

Before today, nearly 7 million women, who make up well over half of minimum wage workers, would not have seen their wages increase.

And before today, a minimum wage earner with a family of three would be making $6,000 below the poverty level. Before today, that family would not have a way out of poverty and into prosperity.

We have changed the course, not just for minimum wage workers but for our country. We have finally taken steps toward providing greater equality and given our hardest workers and their families the chance to earn a wage of dignity and respect.

A wage increase is only a downpayment on our promise to all Americans—it is a preview of what is to come. Democrats pledge to continue to change the course to ensure all Americans and their families have a fair shot at achieving the American dream.

Thank you. I yield the floor

# ADDITIONAL STATEMENTS

## RECOGNIZING IRVIN L. TRUJILLO

• Mr. DOMENICI. Mr. President, I wish to recognize Mr. Irvin L. Trujillo for receiving the National Endowment for the Arts National Heritage Fellowship Award. He is one of only 11 artists nationally recognized with this award for his work. The chairman of the NEA, Dana Gioia, will personally deliver the award to Mr. Trujillo this Sunday in Santa Fe. Mr. Trujillo, a Chimayo native, is part of the ever-growing population of talented artists that reside in New Mexico. He is a seventh-generation Chimayo weaver.

Art is such a big part of the New Mexican way of life. Artists from all over the world dream of showcasing their art in one of the many New Mexico Art galleries. Art is a great outlet of creativity and emotion for those who experience its beauty and wonder. Art can take up many avenues; it can be a painting or a piece of pottery, a woven rug or even a photograph. New Mexico is home to many galleries featuring such pieces of art. I am proud to represent a State so full of culture and creativity.

I am proud to be from a State with such a rich artistic culture. Taos and Santa Fe are famous for their world-renowned art galleries. Other areas of the State also demonstrate creative ideas. The deep Native American culture of New Mexico's tribes brings ornate turquoise jewelry and handmade pottery. Las Vegas and Ruidoso also have a vibrant art scene. New Mexico continues to be in the forefront of ever-evolving art community.

Congratulations again, Mr. Trujillo, on your prestigious award. Thank you for your continued pledge to explore and demonstrate your artistic abilities for all of us to enjoy.●

## RECOGNITION OF CHAIRMAN ALLEN FOREMAN

● Mr. SMITH. Mr. President, I wish to recognize the accomplishments of Chairman Allen Foreman, who has recently retired as chairman of the Klamath tribes in Klamath County, OR.

During Chairman Foreman's 8-year tenure leading the tribe, he was instrumental in furthering the goals and aspirations of the Klamath tribal members. His leadership and vision were critical in the development of the new tribal headquarters in Chiloquin as well as a new dental, medical clinic and pharmacy and the construction of many new homes for tribal members.

Chairman Foreman has shown his dedication to the tribe and to the people of Klamath County in many ways. His focus on rural economic development and his respect for our natural resources have earned him high respect in the community. Chairman Foreman is known as a man who can be trusted and a man who will work with anyone to accomplish a common goal for the good of the community. His devotion to the Klamath tribes is evident in the fact that while he has recently retired as chairman of the tribes, he will remain a member of the Tribal Council at large to continue his service to the tribes.

Mr. President, I am extremely proud of the successes being exhibited by the Klamath tribes and I have thoroughly enjoyed working with Chairman Foreman. The Klamath tribes have a saying that proclaims, ''The Klamath Tribes. . . . Respecting the Past. . . . Living the Present. . . . And Together we can work to build a brighter future!'' Chairman Allen Foreman has epitomized this mantra, and I am confident that his successor, Chairman Joseph Kirk, will follow in his footsteps and follow the path laid out by their Klamath tribes forefathers.●

## TRIBUTE TO MORT BISHOP, JR.

● Mr. SMITH. Mr. President, as a native and resident of Pendleton, OR, I have enjoyed a lifelong affection for the Pendleton Round-Up, which is quite simply America's finest rodeo. Pendleton Woolen Mills locally based and family owned for more than 140 years has sponsored the Round-Up both financially and with merchandise for as long as I can remember. A great deal of credit for the continuing success of both the Round-Up and Woolen Mills is owed to the leadership and vision of C.M. ''Mort'' Bishop, Jr. This remarkable Oregonian passed away on July 11 at the age of 82. I wish to pay tribute to his life and legacy.

Mort was a proud member of what has been termed the ''greatest generation'' and, like so many of that generation, he wore our country's uniform into battle during World War II. As a U.S. marine, Mort served with the 5th and 14th Battalions in the Pacific theater and participated in the liberation of Guam in July 1944.

After returning home from the war, Mort joined the family business: Pendleton Woolen Mills. Mort helped guide this iconic Oregon company for nearly 50 years, eventually succeeding his father as company president. Most recently, Mort served next to his brother, 'Brot,' as co-vice chairman.

Even while managing a demanding business, Mort always found time to give back to his community and his State. From the Oregon Historical Society to the Boy Scouts of America, from Willamette University to the Oregon Wildlife Heritage Foundation and the University of Oregon Foundation, Mort generously gave his time, talent, and treasure to countless worthy causes. But let there be no doubt, the cause held closest to Mort's heart was the Pendleton Round Up. I knew that every September I could count on seeing Mort and his wonderful family enjoying the nearly 100-year-old rodeo.

Mort also held a close friendship with the Confederated Tribes of the Umatilla Indian Reservation, who have played an integral role in the annual Round-Up. Indeed, the design inspirations for Pendleton Woolen Mills blankets originate on the Umatilla reservation. In 2001, Mort was honored as the grand marshall for the Round-Up's Westward Ho! Parade. The Umatilla and Nez Perce Indian tribes have also honored him with the Indian name ''Caacaa Kuta,'' which means ''just right doer of things.'' And just 2 months ago, Mort was inducted into the Pendleton Round-Up Hall of Fame.

Mr. President, I am proud to have had Mort Bishop as a friend. I join with many other Oregonians in extending our condolences to Mort's family. Mort is survived by four children, nine grandchildren, two great-grandchildren, and his brother- and sister-in-law. As long as there is a Pendleton Round-Up and as long as there is a Pendleton Woolen Mills, Mort Bishop, Jr., will always be remembered as a ''just right doer of things.''●

## HONORING BACKYARD FARMS

● Ms. SNOWE. Mr. President, I wish to celebrate an exceptional small business from my home State of Maine that is enabling New England consumers to enjoy fresh, locally grown, and healthy tomatoes on a year-round basis. Located in Madison, Backyard Farms is a large-scale tomato producer that has invested over $20 million into what is now Maine's largest building and one of the world's most technologically advanced facilities.

Backyard Farms, which operates the largest greenhouse in New England, employs 115 hard-working individuals who collectively yield an astonishing 1 million tomatoes per week—which adds up to 7,700 tons of tomatoes annually. With New Englanders consuming an average of 300 million fresh tomatoes per year, Backyard Farms has the potential to capture an extensive share of this market. Backyard Farms' tomatoes are certainly fresh, as it sells its product to stores less than 8 hours away. That means that tomatoes picked one day are on store shelves all across Maine and New England the next.

In addition to its magnificent tomatoes, Backyard Farms is striving to make its facility a green—or energy efficient—building by using the most environmentally friendly technology available. The 25-acre greenhouse uses efficient technologies including rainwater reclamation, high-efficiency boilers, and thermal blankets to produce juicy tomatoes. Furthermore, Backyard Farms utilizes natural methods to grow its wonderful produce. Bees take care of the pollination, and tomatoes are kept healthy by implementing biological controls, such as parasitic wraps and ladybugs, rather than pesticides and fungicides. The work of those at Backyard Farms proves that conservation does not necessarily have to hinder effectiveness and efficiency.

Backyard Farms prides itself on the quality of its product. On each box of tomatoes shipped to local stores, it is written, ''wicked good tomatoes from right nearby.'' This motto emphasizes Backyard Farms' local nature and its commitment to the community through its highly sustainable business practices. Backyard Farms plans to build 3 to 4 additional greenhouses on at least 17 more acres. This would allow Backyard Farms to increase its produce output to include cucumbers, peppers, eggplant, and culinary herbs. Such an expansion would have an immensely positive impact on the Maine economy by adding as many as 200 new employees. I look forward to the groundbreaking for this expansion, scheduled to occur later this month.

It is particularly inspirational that Backyard Farms has proven that a region known for its cooler temperatures and short growing season can in fact expand its agricultural production by combining advanced technologies with an innovative entrepreneurial spirit. Backyard Farms provides us with a paragon of smart economic development. I commend chief executive officer Peter Sellew, cofounder Arie van der Giessen, and all of the employees of

Backyard Farm and wish them continued success and prosperity in the future.●

## RECOGNIZING ZACHARY WEBB

● Mr. THUNE. Mr. President, today I recognize Zachary Webb, an intern in my Rapid City, SD, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Zack is currently a student at El Segundo High School in El Segundo, CA. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Zack for all of the fine work he has done and wish him continued success in the years to come.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

### ENROLLED JOINT RESOLUTION SIGNED

At 10:15 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 44. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

At 12:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1868. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 190. Concurrent resolution authorizing printing of the brochure entitled ''How Our Laws Are Made'', the document-sized, annotated version of the United States Constitution, and the pocket version of the United States Constitution.

At 3:56 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3074. An act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

## MEASURES REFERRED

The following bill was read, and referred as indicated:

H.R. 835. An act to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians; to the Committee on Banking, Housing, and Urban Affairs pursuant to the order of May 27, 1988, for a period not to exceed 60 days.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3074. An act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

## 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–2689. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus Thuringiensis Vip3Aa19 Protein in Cotton; Exemption from the Requirements of a Tolerance; Technical Amendment'' (FRL No. 8134-3) received on July 24, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2690. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC–2691. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Amendment of Sections 73.62 and 73.1350 of the Commission's Rules'' ((FCC 07-97)(MB Docket No. 03-151)) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2692. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Wireless Operations in the 3650–3700 MHz Band; Rules for Wireless Broadband Services in the 3650–3700 MHz Band; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band'' ((FCC 07-99)(ET Docket No. 04-151)) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2693. A communication from the Acting Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Sunset of the Cellular Radiotelephone Service Analog Service Requirement and Related Matters'' (FCC 07-103) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2694. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Redding, Cottonwood, and Shasta Lake, California'' (MB Docket No. 05-131) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2695. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Akron, Colorado'' (MB Docket No. 05-102) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2696. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Llano, Junction and Goldthwaite, Texas'' (MB Docket No. 05-151) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2697. A communication from the Chief of the Policy Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Review of the Emergency Alert System'' ((FCC 07-109)(EB Docket No. 04-296)) received on July 24, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2698. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Harrisburg-Lebanon-Carlisle Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory'' (FRL No. 8445-7) received on July 24, 2007; to the Committee on Environment and Public Works.

EC–2699. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Agent for a Consolidated Group with Foreign Common Parent'' ((RIN1545-BF30)(TD 9343)) received on July 24, 2007; to the Committee on Finance.

EC–2700. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Hawaii Advisory Committee; to the Committee on the Judiciary.

EC–2701. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Indiana Advisory Committee; to the Committee on the Judiciary.

EC–2702. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Pennsylvania Advisory Committee; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment:

S. 1698. A bill to provide that no funds appropriated or otherwise made available by any Act for contributions for international organizations may be made available to support the United Nations Human Rights Council (Rept. No. 110–137).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Brent T. Wahlquist, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement.

*James L. Caswell, of Idaho, to be Director of the Bureau of Land Management.

*Lisa E. Epifani, of Texas, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

*Kevin M. Kolevar, of Michigan, to be an Assistant Secretary of Energy (Electricity Delivery and Energy Reliability).

*Clarence H. Albright, of South Carolina, to be Under Secretary of Energy.

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*David C. Geary, of Missouri, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2010.

*Miguel Campaneria, of Puerto Rico, to be a Member of the National Council on the Arts for a term expiring September 3, 2012.

*Diane Auer Jones, of Maryland, to be Assistant Secretary for Postsecondary Education, Department of Education.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## 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. ENSIGN:

S. 1869. A bill to amend the Help America Vote Act of 2002 to require new voting systems to provide a voter-verified permanent record, to develop better accessible voting machines for individuals with disabilities, and for other purposes; to the Committee on Rules and Administration.

By Mr. FEINGOLD (for himself, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, Mr. LIEBERMAN, Mrs. BOXER, Mr. MENENDEZ, Mr. SANDERS, Mr. CARDIN, Mr. DURBIN, Mr. REED, Mr. DODD, Mr. KOHL, Mr. WHITEHOUSE, Ms. STABENOW, Mr. CARPER, Mr. WYDEN, Mr. LEAHY, Mr. BROWN, and Mr. SCHUMER):

S. 1870. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. WARNER, and Ms. CANTWELL):

S. 1871. A bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. BROWN):

S. 1872. A bill to amend the Farm Security and Rural Investment Act of 2002 to make revenue counter-cyclical payments available to producers on a farm to ensure that the producers at least receive a minimum level of revenue from the production of a covered commodity, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. OBAMA:

S. 1873. A bill to amend the Public Health Service Act to establish demonstration programs on regionalized systems for emergency care, to support emergency medicine research, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. GRAHAM, Mrs. LINCOLN, and Mr. WARNER):

S. 1874. A bill to provide for efficient containment and management of climate change costs; to the Committee on Environment and Public Works.

By Mr. DEMINT:

S. 1875. A bill to amend the Internal Revenue Code of 1986 to provide a refundable and advanceable credit for health insurance, to amend the Social Security Act to provide for improved private health insurance access and affordability, to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax, and for other purposes; to the Committee on Finance.

By Mr. BIDEN:

S. 1876. A bill to prohibit extraterritorial detention and rendition, except under limited circumstances, to modify the definition of ''unlawful enemy combatant'' for purposes of military commissions, to extend statutory habeas corpus to detainees, and for other purposes; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 1877. A bill to amend title 4, United States Code, to prescibe that members of the Armed Forces and veterans out of uniform may render the miltary salute during hoisting, lowering, or passing of flag; considered and passed.

By Mr. WEBB (for himself and Mr. WARNER):

S. 1878. A bill to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library; to the Committee on Homeland Security and Governmental Affairs.

## ADDITIONAL COSPONSORS

S. 65

At the request of Mr. CASEY, his name was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

At the request of Mr. INHOFE, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 65, supra.

S. 340

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 453

At the request of Mr. OBAMA, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 453, a bill to prohibit deceptive practices in Federal elections.

S. 507

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 656

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 969

At the request of Mr. DODD, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 1373

At the request of Mr. PRYOR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1374

At the request of Mr. CASEY, the name of the Senator from Rhode Island

(Mr. WHITEHOUSE) was added as a cosponsor of S. 1374, a bill to assist States in making voluntary high quality full-day prekindergarten programs available and economically affordable for the families of all children for at least 1 year preceding kindergarten.

S. 1406

At the request of Mr. KERRY, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1682

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1682, a bill to amend title 10, United States Code, to improve the management of medical care for members of the Armed Forces, to improve the speed and efficiency of the physical disability evaluation system of the Department of Defense, and for other purposes.

S. 1716

At the request of Mr. THUNE, the names of the Senator from Montana (Mr. TESTER), the Senator from Nebraska (Mr. HAGEL), the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1716, a bill to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1738

At the request of Mr. BIDEN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor 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. 1849

At the request of Mr. SMITH, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 1849, a bill to amend the Internal Revenue Code of 1986 to clarify that wages paid to unauthorized aliens may not be deducted from gross income, and for other purposes.

S. RES. 118

At the request of Mr. LEVIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 276

At the request of Mr. LUGAR, the names of the Senator from North Carolina (Mr. BURR), the Senator from Minnesota (Mr. COLEMAN), the Senator from Oregon (Mr. SMITH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 276, a resolution calling for the urgent deployment of a robust and effective multinational peacekeeping mission with sufficient size, resources, leadership, and mandate to protect civilians in Darfur, Sudan, and for efforts to strengthen the renewal of a just and inclusive peace process.

At the request of Mr. BIDEN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Ohio (Mr. VOINOVICH), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 276, supra.

AMENDMENT NO. 2049

At the request of Mr. CHAMBLISS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 2049 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 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.

AMENDMENT NO. 2395

At the request of Mr. HAGEL, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 2395 intended to be proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2398

At the request of Mrs. CLINTON, the names of the Senator from Maine (Ms. COLLINS), the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 2398 intended to be proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENSIGN:

S. 1869. A bill to amend the Help America Vote Act of 2002 to require new voting systems to provide a voter-verified permanent record, to develop better accessible voting machines for individuals with disabilities, and for other purposes; to the Committee on Rules and Administration.

Mr. ENSIGN. Mr. President, in the November 2004 elections, Nevadans entered a new frontier for casting their votes. We became the first State in the Nation to require that voter-verified paper audit trail printers be used with touch-screen voting machines.

Despite what critics of these machines might tell you, Nevada's elections were a success. The machines worked well and were well-received by voters. During a post-election audit, Nevada compared 60,000 electronic ballots with their corresponding voter-verified paper record and found that they matched with 100 percent consistency. As a result, all Nevadans who used these machines can be confident that their votes were counted accurately.

I understand better than most the importance of the integrity of the ballot box. I was at the mercy of a paperless-machine election in my 1998 race for the U.S. Senate. When the votes were tallied with a difference of only a few hundred, I asked for a recount in Clark County, the only county at the time using electronic voting machines. The result of the recount was identical to the first count. That is because there was nothing to recount. After rerunning a computer program, the computer predictably produced the same exact tally.

I conceded that race and was elected to Nevada's other Senate seat in 2000. But that experience made me realize the importance of ensuring Americans that their votes will count, it is absolutely fundamental to our democracy.

That is why I led the fight for voter verification paper trails in the Help America Vote Act, known as HAVA, which President Bush signed into law in 2002. When Congress passed HAVA, we expressed our commitment to the principle of ''one person, one vote.'' One important component of HAVA provided States with funds to replace aging voting machines which had a tendency to malfunction. A voting machine that fails to record a vote properly affects voters in the same way as

if the voters were denied access to the voting booth. Either way their vote is not counted.

Despite these gains, HAVA falls short in one critical area. It does not require that electronic voting machines produce a paper trail of each ballot. A voter-verified paper trail would allow voters to review a physical printout of their ballot and correct any errors before leaving the voting booth. This printout would be preserved at the polling place for use in any recounts. This is exactly what Nevadans experienced when they voted in November.

This technology is important.

It increases voter confidence. With the close elections America has seen recently, it is important that each American trust the outcome of our elections. Machines that allow voters to review a separate paper record of their ballots give voters confidence that their votes have been cast and will be counted accurately.

Paper-trail technology ensures that no votes will be lost if a voting machine fails. The paper record can be used as the ballot of record if a machine malfunctions and fails to record the votes that were cast prior to a machine failing. This technology also gives State election officials a necessary backup to verify results. Nevada's post-election audit ensures that each machine operated properly. This type of audit guarantees accuracy in a way that cannot be guaranteed otherwise.

Unfortunately, the language that is contained in HAVA has not resolved this issue for most other States. Now, I am working to ensure voting integrity across the country. In introducing the Voting Integrity and Verification Act, I want to ensure that HAVA is clear—voters must be assured that their votes will be accurate and will be counted properly. My bill requires that all voting systems purchased after December 31, 2012 have an individual permanent paper record for each ballot cast.

Additionally, this bill will help to advance technology for persons with disabilities to ensure that disabled voters enjoy the same independence when exercising their right to vote as non-disabled voters enjoy.

Technology has transformed the way we do many things, including voting. But we cannot simply sit on the sidelines and assume that our democracy will withstand such changes. Our continued work to ensure that each vote counts here in the U.S. underscores the idea that we must always be vigilant in protecting democracy, whether it is brand new or more than 200 years old. The Voting Integrity and Verification Act protects democracy by protecting the sanctity of our vote.

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By Mr. FEINGOLD (for himself, Mr. LAUTENBERG, Mr. LEVIN, Mr. KERRY, Mr. LIEBERMAN, Mrs. BOXER, Mr. MENENDEZ, Mr. SANDERS, Mr. CARDIN, Mr. DURBIN, Mr. REED, Mr. DODD, Mr. KOHL, Mr. WHITEHOUSE, Ms. STABENOW, Mr. CARPER, Mr. WYDEN, Mr. LEAHY, Mr. BROWN, and Mr. SCHUMER):

S. 1870. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, in light of recent U.S. Supreme Court decisions, today I am introducing legislation to affirm Federal jurisdiction over the waters of the U.S. as Congress intended when it passed the Clean Water Act in 1972. I want to thank Senators LAUTENBERG, LEVIN, KERRY, LIEBERMAN, BOXER, MENENDEZ, SANDERS, CARDIN, DURBIN, REED, DODD, KOHL, WHITEHOUSE, STABENOW, CARPER, WYDEN, LEAHY, BROWN, and SCHUMER for joining me in introducing this important legislation.

For 35 years, the American people have relied upon the Clean Water Act to protect and restore the health of the Nation's waters. The primary goal of the act, to make rivers, streams, wetlands, lakes, and coastal waters safe for fishing, swimming and other recreation, suitable for our drinking water supply, and available for wildlife and fish habitat, has broad public support not only as a worthy endeavor but also as a fundamental expectation of government providing for its citizens. It is our responsibility to ensure that our freshwater resources are able to enhance human health, contribute to the economy, and help the environment.

We have made considerable progress towards ensuring the Nation's waters are drinkable, fishable, and swimmable. However, today, the Clean Water Act, one of our Nation's bedrock environmental laws, faces new and unprecedented challenges.

Two controversial, closely divided U.S. Supreme Court rulings have reduced the jurisdictional scope of the Clean Water Act, undermining decades of clean water protections and disregarding Congress' intent when it originally passed the Clean Water Act.

At the heart of the issue is the statutory definition of ''waters of the United States.'' Though recent court decisions have focused on dredge and fill permits under section 404, this definition is integral to the Federal Government's jurisdiction under the Clean Water Act as a whole. This definition is the linchpin for state water quality standards under section 302 and section 303, national performance standards under section 306, toxic and pretreatment standards under section 307, oil and hazardous substance liability under section 311, aquaculture standards under section 318, State water quality certifications under section 401, and national pollution discharge permitting requirements under section 402.

In the 2001 case Solid Waste Agency of Northern Cook County v. Army Corps of Engineers, SWANCC, in a 5 to 4 decision, the U.S. Supreme Court limited the authority of Federal agencies to extend Clean Water Act protections to commercially nonnavigable, intrastate, ''isolated'' waters based solely on their use by migratory birds. While the Court's decision was narrow, the effect of the decision has been much broader: for example, according to the Environmental Protection Agency, 20 percent of the Nation's wetlands outside Alaska are now at risk of losing Federal protections.

Last June, the U.S. Supreme Court announced a sharply divided decision in the consolidated cases of Rapanos v. United States and Carabell v. Army Corps of Engineers that jeopardizes many more of our Nation's waters. Four justices joined an opinion that said only permanent or ''continuously flowing'' rivers and streams and by implication, the wetlands next to them are protected by the Clean Water Act, ignoring the act's text and purpose. This line of reasoning would leave more than half of our Nation's waters without Federal protections. To put these bodies of water into perspective, according to the Environmental Protection Agency, 110 million Americans get their drinking water from sources that include the very intermittent and ephemeral bodies of water that the four justices said were not protected by the Clean Water Act.

Fortunately, five Justices rejected this radical rewrite of the act. However, Justice Kennedy, who provided the fifth vote to send the cases back to the lower courts, offered an entirely different test; one requiring EPA and the corps to show a ''significant nexus'' between a stream, river, or wetland and a navigable water in order for the stream, river, or wetland to be protected. At best, this test is confusing, will be resource-intensive to implement, and is likely to result in many waters Congress always included under the Clean Water Act being left unprotected from pollution.

Fortunately, an unprecedented array of local, State, regional, and national officials, professional organizations, and public interest groups from across the country and the political spectrum have joined in the defense of the Clean Water Act. The unparalleled collection of interested parties includes the attorneys general of 33 States plus the District of Columbia; four former Administrators of the Environmental Protection Agency, Russell Train, Douglas Costle, William Reilly, and Carol Browner; 9 current and former members of the U.S. Senate and U.S. House of Representatives who were directly involved in the passage of the 1972 act and its reaffirmation in 1977; the Association of State Wetlands Managers, the Association of State Floodplain Managers, the Association of State and Interstate Water Pollution Control Administrators, and the Association of Fish and Wildlife Agencies; numerous hunting, fishing, wildlife and outdoor recreation organizations and businesses, including Ducks Unlimited, the

National Wildlife Federation, Trout Unlimited, the American Sportsfishing Association, Bass Pro Shops, the Orvis Company, and the Wildlife Management Institute, among others; and a number of local, regional, and national environmental groups. All of these interests filed briefs in the most recent Supreme Court case, expressing strong support of the Clean Water Act's core safeguard: the requirement to obtain a permit before discharging pollutants into waters of the U.S.

With such strong support for the Clean Water Act, which is grounded in the language, history, and purpose of the law itself, I hope that my colleagues will join me in reaffirming Federal protections for streams, headwaters, tributaries, and wetlands that have long been covered by the act.

The issue before us is simple: Does Congress support restoring historic clean water protections as they existed for nearly 30 years prior to the Supreme Court cases? If so, Congress must act. In 1972, Congress established protections for all ''waters of the United States'' and I am pleased to lead the charge in the Senate to reaffirm those protections.

The Clean Water Restoration Act would reestablish protection for all waters historically covered by the Clean Water Act, prior to the SWANCC and Rapanos decisions. The bill could not be more straight-forward. It makes it clear that the Clean Water Act has always covered a myriad of interstate and intrastate waters, by codifying the regulatory definition of ''waters of the United States'' that has been in use since the 1970s. In fact, 30 years ago this month, the Environmental Protection Agency finalized the act's regulations, properly establishing the scope of waters needing to be protected by the Clean Water Act in order to meet the national objective. The Clean Water Restoration Act would codify the regulations the federal agencies have used to enforce the Clean Water Act for over 30 years. This is necessary to prevent the judicial branch from redefining ''navigable waters'' as something other than the ''waters of the United States.''

The bill's ''findings'' make it clear that Congress' primary concern in 1972 was to protect the Nation's waters from pollution rather than just sustain the navigability of waterways, and it reinforces that original intent. It also asserts Congress' constitutional authority, which extends beyond the Commerce Clause to the Property Clause, Treaty Clause, and Necessary and Proper Clause, to protect the Nation's waters.

While the Clean Water Restoration Act is critical to preventing the courts from rewriting the law and thus further reducing the protections afforded to our Nation's waters under the Clean Water Act, the bill is remarkably simple and does not do many things.

The bill does not prohibit development or other activities that discharge pollutants into waters. Complying with the Clean Water Act requires following a process that seeks to evaluate proposed activities and minimize impacts by ensuring certain pollution standards or environmental criteria are met. The vast majority of permit requests are granted, and most are granted through expedited ''general'' permits rather than individual permits that require site-specific determinations.

The bill does not change the existing permitting process. Rather, the bill will provide much-needed clarity. The Supreme Court decisions have caused a lot of confusion, and the Corps of Engineers nationally has around 20,000 jurisdictional determinations pending. The regulated community, as well as state and federal agencies, will once again have a clear understanding that Clean Water Act protections extend to the same waters covered by the act for over thirty years.

The bill does not change the EPA and Corps' existing regulations or any aspect of the regulatory programs, in fact, as stated above, the bill defines waters of the U.S. based on the regulations that have been in place since the early 1970s.

The bill does not change the activities that are regulated. This means it does not change or overrule current exemptions related to farming, forestry, ranching, and infrastructure maintenance that have been in place since 1977. Activities such as plowing, seeding, cultivating, and harvesting; and constructing and maintaining farm or stock ponds, irrigation ditches, and farm or forest roads have been exempted from permitting requirements and will remain so under this bill.

The bill does not create duplicative State and Federal permitting processes. The Clean Water Act created an important Federal-State partnership, and States can choose to assume from the Corps the dredge and fill permitting program, Section 404, or the EPA's NPDES permitting program for point sources, Section 402.

The bill does not preempt state and local authority under the Clean Water Act. However, without the bill many State programs are in jeopardy because many States developed their own clean water laws so that they hinge entirely on the Federal Clean Water Act, and do not have separate state programs to fully address any voids left by the removal of Federal clean water protections. Also, some states prohibit their state laws from being any more protective than the Federal law. This means that if the Federal Clean Water Act's protections are curtailed, then the State's protections are also reduced.

Statements that this bill would ''expand the scope of the Clean Water Act'' are disingenuous at best. For over 30 years, all ''waters of the United States'' have been regulated and Congress should not stand by while the courts and certain special interests roll back the critical protections afforded by the Clean Water Act.

Congress must provide the needed leadership to clarify the intent of the Clean Water Act. Such action must ensure that all waters of the U.S., waters that are valuable for drinking, fishing, swimming, and a host of other economically vital uses, not just navigability, remain protected. After decades of progress, now is not the time to turn back the clock. I hope my colleagues will join me in reaffirming an important clean water pledge to the America people.

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. 1870

*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 ''Clean Water Restoration Act of 2007''.

**SEC. 2. PURPOSES.**

The purposes of this Act are as follows:

(1) To reaffirm the original intent of Congress in enacting the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) to restore and maintain the chemical, physical, and biological integrity of the waters of the United States.

(2) To clearly define the waters of the United States that are subject to the Federal Water Pollution Control Act (commonly known as the ''Clean Water Act'').

(3) To provide protection to the waters of the United States to the fullest extent of the legislative authority of Congress under the Constitution.

**SEC. 3. FINDINGS.**

Congress finds the following:

(1) Water is a unique and precious resource that is necessary to sustain human life and the life of animals and plants.

(2) Water is used not only for human, animal, and plant consumption, but is also important for agriculture, transportation, flood control, energy production, recreation, fishing and shellfishing, and municipal and commercial uses.

(3) Through prior enactments, Congress established the national objective of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States and recognized that achieving this objective requires uniform, minimum national water quality and aquatic ecosystem protection standards to restore and maintain the natural structures and functions of the aquatic ecosystems of the United States. Since the 1970s, the definitions of ''waters of the United States'' in the U.S. Environmental Protection Agency's and the U.S. Army Corps of Engineers' regulations have properly established the scope of waters needed to be protected by the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) in order to meet the national objective.

(4) Water is transported through interconnected hydrologic cycles, and the pollution, impairment, or destruction of any part of an aquatic system may affect the chemical, physical, and biological integrity of other parts of the aquatic system.

(5) Protection of intrastate waters is necessary to restore and maintain the chemical, physical, and biological integrity of all waters in the United States.

(6) The regulation of discharges of pollutants into intrastate waters is an integral part of the comprehensive clean water regulatory program of the United States.

(7) Small and intermittent streams, including ephemeral and seasonal streams, comprise the majority of all stream miles in the United States and serve critical biological and hydrological functions that affect entire watersheds. These waters reduce the introduction of pollutants to large streams and rivers, provide and purify drinking water supplies, and are especially important to the life cycles of aquatic organisms and the flow of higher order streams during floods.

(8) The pollution or other degradation of waters of the United States, individually and in the aggregate, has a substantial relation to and effect on interstate commerce.

(9) Protection of intrastate waters is necessary to prevent significant harm to interstate commerce and sustain a robust system of interstate commerce in the future.

(10) Waters, including streams and wetlands, provide protection from flooding. Draining or filling intrastate wetlands and channelizing or filling intrastate streams can cause or exacerbate flooding that causes billions of dollars of damages annually, placing a significant burden on interstate commerce.

(11) Millions of people in the United States depend on streams, wetlands, and other waters of the United States to filter water and recharge surface and subsurface drinking water supplies, protect human health, and create economic opportunity. Source water protection areas containing small or intermittent streams provide water to public drinking water supplies serving more than 110 million Americans.

(12) Millions of people in the United States enjoy recreational activities that depend on intrastate waters, such as waterfowl hunting, bird watching, fishing, and photography, and those activities and associated travel generate hundreds of billions of dollars of income each year for the travel, tourism, recreation, and sporting sectors of the economy of the United States.

(13) Activities that result in the discharge of pollutants into waters of the United States are commercial or economic in nature. More than 14,000 facilities with individual permits issued in accordance with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), including industrial plants and municipal sewage treatment systems, discharge into small or intermittent streams.

(14) States have the responsibility and right to prevent, reduce, and eliminate pollution of waters, and the Federal Water Pollution Control Act respects the rights and responsibilities of States by preserving for States the ability to manage permitting, grant, and research programs to prevent, reduce, and eliminate pollution, and to establish standards and programs more protective of a State's waters than is provided under Federal standards and programs.

(15) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of implementing treaties to which the United States is a party, including treaties protecting species of fish, birds, and wildlife.

(16) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of protecting Federal land, including hundreds of millions of acres of parkland, refuge land, and other land under Federal ownership and the wide array of waters encompassed by that land.

(17) Protecting the quality of and regulating activities affecting the waters of the United States is necessary to protect Federal land and waters from discharges of pollutants and other forms of degradation.

**SEC. 4. DEFINITION OF WATERS OF THE UNITED STATES.**

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (8) through (24) as paragraphs (7) through (23), respectively; and

(3) by adding at the end the following:

''(24) WATERS OF THE UNITED STATES.—The term 'waters of the United States' means all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing, to the fullest extent that these waters, or activities affecting these waters, are subject to the legislative power of Congress under the Constitution.''.

**SEC. 5. CONFORMING AMENDMENTS.**

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended—

(1) by striking ''navigable waters of the United States'' each place it appears and inserting ''waters of the United States'';

(2) in section 304(l)(1) by striking ''NAVIGABLE WATERS'' in the heading and inserting ''WATERS OF THE UNITED STATES''; and

(3) by striking ''navigable waters'' each place it appears and inserting ''waters of the United States''.

**SEC. 6. SAVINGS CLAUSE.**

Nothing in this Act shall be construed as affecting the authority of the Administrator of the Environmental Protection Agency or the Secretary of the Army under the following provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.):

(1) Section 402(l)(1), relating to discharges composed entirely of return flows from irrigated agriculture.

(2) Section 402(l)(2), relating to discharges of stormwater runoff from certain oil, gas, and mining operations composed entirely of flows from precipitation runoff conveyances, which are not contaminated by or in contact with specified materials.

(3) Section 404(f)(1)(A), relating to discharges of dredged or fill materials from normal farming, silviculture, and ranching activities.

(4) Section 404(f)(1)(B), relating to discharges of dredged or fill materials for the purpose of maintenance of currently serviceable structures.

(5) Section 404(f)(1)(C), relating to discharges of dredged or fill materials for the purpose of construction or maintenance of farm or stock ponds or irrigation ditches and maintenance of drainage ditches.

(6) Section 404(f)(1)(D), relating to discharges of dredged or fill materials for the purpose of construction of temporary sedimentation basins on construction sites, which do not include placement of fill material into the waters of the United States.

(7) Section 404(f)(1)(E), relating to discharges of dredged or fill materials for the purpose of construction or maintenance of farm roads or forest roads or temporary roads for moving mining equipment in accordance with best management practices.

(8) Section 404(f)(1)(F), relating to discharges of dredged or fill materials resulting from activities with respect to which a State has an approved program under section 208(b)(4) of such Act meeting the requirements of subparagraphs (B) and (C) of that section.

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By Mr. KENNEDY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. WARNER, and Ms. CANTWELL):

S. 1871. A bill to provide for special transfers of funds to States to promote certain improvements in State unemployment compensation laws; to the Committee on Finance.

Mr. KENNEDY. Mr. President, today I am pleased to join my colleagues Senators SNOWE, ROCKEFELLER, WARNER, and CANTWELL in introducing the Unemployment Insurance Modernization Act, a bipartisan proposal to reform our unemployment insurance system.

In today's troubled economy, too many working families are just one pink slip away from falling into poverty. The most recent recession hit workers particularly hard, wiping out millions of good jobs, many of which never came back. Today, almost 7 million Americans are unemployed.

Fundamental shifts in the economy, including globalization and jobs being shipped overseas have caused declines in entire industries, with the result that large numbers are losing their long-time jobs and struggling to find new opportunities for work. But their options for new jobs are limited, and nearly one in six unemployed Americans are out of work for longer than 6 months. Another 1.5 million unemployed workers aren't even counted in the official unemployment statistics, because they have become frustrated and have given up their job search.

The Federal Unemployment Insurance program was created in the Depression-era to help keep workers out of poverty between jobs. It has been a bedrock of security for working families in difficult times, providing much needed benefits to millions of workers each year. It has helped them pay the rent and put food on the table when they lose their job and face long periods of unemployment. It also has helped reduce economic fluctuations by building up a reserve of funds in good economic times that can be used as a cushion to soften the blow of job losses during recessions.

The problem is that the current unemployment insurance system has not kept pace with the changing economy and left millions of Americans without benefits. In 2006, just 35 percent of unemployed Americans received unemployment benefits. In addition, today's much more mobile workforce means that employees are now at greater risk of suffering unemployment.

These problems particularly affect low-wage workers. According to the Government Accountability Office, low-wage workers are only half as likely to receive UI benefits as other unemployed workers, even though low-wage workers are twice as likely to be unemployed.

Modernizing unemployment insurance cannot single-handedly overcome all of the economic challenges facing our Nation, but it's a critical step in dealing with the hardships so many working families are facing.

The current unemployment insurance program was designed as a partnership between states and the Federal

Government. States are given extraordinary flexibility to tailor the program's benefits to their unique situations, and many of them have been the laboratories of democracy in improving their unemployment insurance systems. Their experiments have often been successful in making the system more responsive to workers' needs.

Some have improved coverage for low-wage and part-time workers. Others have made their systems more family-friendly, or have helped dislocated workers expand their skills through training.

Our Unemployment Insurance Modernization Act builds on these successes by offering States strong financial incentives to adopt the best of the new programs.

First, the bill encourages States to cover more low-wage workers. In 30 states, many unemployed low-wage workers are not eligible for UI benefits because their most recent earnings are not counted. But failure to count these earnings may deny benefits altogether to some workers, and reduces the amount that many other workers receive. Our bill provides incentives for States to fix this unfair practice.

Changing family life has also left many workers unable to collect unemployment benefits. Today, two-wage earner families are the norm, not the exception. When a parent moves to a different city to take a new job, the spouse usually has to quit work as well to keep their family together. But spouses cannot collect unemployment benefits in most States, nor can victims of domestic violence, if they have to leave work to find safety elsewhere, out of reach of their abuser. Our legislation encourages States to provide benefits in these cases as well.

In addition to expanding the eligibility for benefits, our bill also supports state efforts to reemploy workers laid off by declining industries. Currently, the Trade Adjustment Assistance Program offers retraining benefits to some workers directly affected by trade, so that they can learn new skills and find worthwhile jobs in other industries. But employees who are only indirectly affected by trade often receive no benefits. Our bill helps close that gap by encouraging States to offer additional benefits to unemployed workers attending State-approved training programs.

Finally, our legislation provides needed funds to States to manage their unemployment insurance programs and reach out to workers. Many States are now forced to shut their unemployment offices because they can't afford to keep them open, leaving unemployed workers without any counseling to find new work or learn about the benefits available to them. These employment offices also provide a way for other programs, such as Trade Adjustment Assistance, to reach out to affected workers.

The Unemployment Insurance Modernization Act will provide greater security to countless working families who are being left in the cold today. It will help long-term unemployed workers get the training they need to find new jobs. It will give States the resources and flexibility they need to revitalize their programs and serve working families more effectively.

I commend my colleagues on both sides of the aisle who are joining to introduce this important legislation. We all agree that now is the time for these reforms. In the global economy, it is more urgent than ever for every American worker to be able to contribute to the economy. To achieve that goal, we need to make sure that all unemployed workers have the support they need to get back on their feet and rejoin the workforce. Our future prosperity depends on it.

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By Mr. DURBIN (for himself and Mr. BROWN):

S. 1872. A bill to amend the Farm Security and Rural Investment Act of 2002 to make revenue counter-cyclical payments available to producers on a farm to ensure that the producers at least receive a minimum level of revenue from the production of a covered commodity, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. 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. 1872

*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 ''Farm Safety Net Improvement Act of 2007''.

**SEC. 2. REVENUE COUNTER-CYCLICAL PROGRAM.**

Section 1104 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7914) is amended to read as follows:

**''SEC. 1104. REVENUE COUNTER-CYCLICAL PROGRAM.**

''(a) IN GENERAL.—For each of the 2008 through 2012 crop years for each covered commodity, the Secretary shall make revenue counter-cyclical payments available to producers on a farm in a State for a crop year for a covered commodity if—

''(1) the actual State revenue from the crop year for the covered commodity in the State determined under subsection (b); is less than

''(2) the revenue counter-cyclical program guarantee for the crop year for the covered commodity in the State determined under subsection (c).

''(b) ACTUAL STATE REVENUE.—

''(1) IN GENERAL.—For purposes of subsection (a)(1), the amount of the actual State revenue for a crop year of a covered commodity shall equal the product obtained by multiplying—

''(A) the actual State yield for each planted acre for the crop year for the covered commodity determined under paragraph (2); and

''(B) the revenue counter-cyclical program harvest price for the crop year for the covered commodity determined under paragraph (3).

''(2) ACTUAL STATE YIELD.—For purposes of paragraph (1)(A) and subsection (c)(1)(A), the actual State yield for each planted acre for a crop year for a covered commodity in a State shall equal—

''(A) the quantity of the covered commodity that is produced in the State, and reported to the Secretary, during the crop year; divided by

''(B) the number of acres that are planted or considered planted to the covered commodity in the State, and reported to the Secretary, during the crop year.

''(3) REVENUE COUNTER-CYCLICAL PROGRAM HARVEST PRICE.—For purposes of paragraph (1)(B), the revenue counter-cyclical program harvest price for a crop year for a covered commodity shall equal the harvest price that is used to calculate revenue under revenue coverage plans that are offered for the crop year for the covered commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

''(c) REVENUE COUNTER-CYCLICAL PROGRAM GUARANTEE.—

''(1) IN GENERAL.—The revenue counter-cyclical program guarantee for a crop year for a covered commodity in a State shall equal 90 percent of the product obtained by multiplying—

''(A) the expected State yield for each planted acre for the crop year for the covered commodity in a State determined under paragraph (2); and

''(B) the revenue counter-cyclical program pre-planting price for the crop year for the covered commodity determined under paragraph (3).

''(2) EXPECTED STATE YIELD.—

''(A) IN GENERAL.—For purposes of paragraph (1)(A), subject to subparagraph (B), the expected State yield for each planted acre for a crop year for a covered commodity in a State shall equal the projected yield for the crop year for the covered commodity in the State, based on a linear regression trend of the yield per acre planted to the covered commodity in the State during the 1980 through 2006 period using National Agricultural Statistics Service data.

''(B) ASSIGNED YIELD.—If the Secretary cannot establish the expected State yield for each planted acre for a crop year for a covered commodity in a State in accordance with subparagraph (A), the Secretary shall assign an expected State yield for each planted acre for the crop year for the covered commodity in the State on the basis of expected State yields for planted acres for the crop year for the covered commodity in similar States.

''(3) REVENUE COUNTER-CYCLICAL PROGRAM PRE-PLANTING PRICE.—

''(A) IN GENERAL.—For purposes of paragraph (1)(B), subject to subparagraph (B), the revenue counter-cyclical program pre-planting price for a crop year for a covered commodity shall equal the average price that is used to determine crop insurance guarantees for the crop year for the covered commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) during the crop year and the preceding 2 crop years.

''(B) MINIMUM AND MAXIMUM PRICE.—The revenue counter-cyclical program pre-planting price for a crop year for a covered commodity under subparagraph (A) shall not decrease or increase more than 15 percent from the pre-planting price for the preceding year.

''(d) PAYMENT AMOUNT.—If revenue counter-cyclical payments are required to be paid for any of the 2008 through 2012 crop years of a covered commodity, the amount of the revenue counter-cyclical payment to be paid to the producers on the farm for the crop year under this section shall be equal to the product obtained by multiplying—

''(1) the difference between—

''(A) the revenue counter-cyclical program guarantee for the crop year for the covered

commodity in the State determined under subsection (c); and

''(B) the actual State revenue from the crop year for the covered commodity in the State determined under subsection (b);

''(2) the acreage planted or considered planted to the covered commodity for harvest on the farm in the crop year;

''(3) the quotient obtained by dividing—

''(A) the actual production history on the farm; by

''(B) the expected State yield for the crop year, as determined under subsection (c)(2); and

''(4) 90 percent.

''(e) RECOURSE LOANS.—For each of the 2008 through 2012 crops of a covered commodity, the Secretary shall make available to producers on a farm recourse loans, as determined by the Secretary, on any production of the covered commodity.''.

**SEC. 3. IMPACT ON CROP INSURANCE PROGRAMS.**

(a) RATING.—

(1) IN GENERAL.—The Secretary of Agriculture, acting through the Administrator of the Risk Management Agency shall carry out a study to identify such actions as are necessary to ensure, to the maximum extent practicable, that all policies and plans of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) are properly rated to take into account a rebalancing of risk as a result of the enactment of this Act and the amendments made by this Act.

(2) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall carry out the actions identified under paragraph (1).

(b) PREVENTION OF DUPLICATION.—The Administrator of the Risk Management Agency and Administrator of the Farm Service Agency shall work together to ensure, to the maximum extent practicable, that producers on a farm are not compensated through the revenue counter-cyclical program established under section 1104 of the Farm Security and Rural Investment Act of 2002 (as amended by section 2) and under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the same loss, including by reducing crop insurance indemnity payments by the amount of the revenue counter-cyclical payments.

**SEC. 4. CONFORMING AMENDMENTS.**

(a) Section 166(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286(a)) is amended by striking ''B and''.

(b) Section 1001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901) is amended—

(1) by striking paragraphs (3), (6), (8), and (15);

(2) by redesignating paragraphs (4), (5), (7), (9), (10), (11), (12), (13), (14), and (16) as paragraphs (3), (4), (5), (6), (7), (8), (9), (11), (12), and (13), respectively;

(3) in paragraph (7) (as so redesignated), by striking ''and counter-cyclical payments'';

(4) in paragraph (8) (as so redesignated)—

(A) in subparagraph (A), by striking ''(A) IN GENERAL.—''; and

(B) by striking subparagraph (B);

(5) by inserting after paragraph (9) (as so redesignated) the following:

''(10) REVENUE COUNTER-CYCLICAL PAYMENTS.—The term 'revenue counter-cyclical payments' means a payment made to producers on a farm under section 1104.''.

(c) The subtitle heading of subtitle A of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. prec. 7911) is amended by inserting ''**Revenue**'' before ''**Counter-Cyclical**''.

(d) Section 1101 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911) is amended by striking ''and counter-cyclical payments'' each place it appears in subsections (a)(1) and (e)(2).

(e) Section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) is amended—

(1) in subsection (a), by striking ''and counter-cyclical payments''; and

(2) by striking subsection (e).

(f) Section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) is amended by striking ''2007'' each place it appears and inserting ''2012''.

(g) Section 1105 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7915) is amended—

(1) in the section heading, by inserting ''REVENUE'' before ''COUNTER-CYCLICAL''; and

(2) by inserting ''revenue'' before ''counter-cyclical'' each place it appears.

(h) Subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.) is repealed.

(i) Subtitles C through F of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7951 et seq.) are amended by striking ''2007'' each place it appears and inserting ''2012''.

(j) Section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957)(a)(6)) is amended in the first sentence by striking ''2006'' and inserting ''2011''.

(k) Section 1601(d)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991(d)(1)) is amended by striking ''and counter-cyclical payments under subtitle A and subtitle C'' and inserting ''under subtitle A''.

(l) Section 1605 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7993) is repealed.

(m) Section 1615(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7998(2)) is amended—

(1) in subparagraph (B), by striking ''Loan'' and inserting ''Covered''; and

(2) in subparagraph (C), by striking ''loan'' and inserting ''covered''.

(n) Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (c)(1), by inserting ''revenue'' before ''counter-cyclical''; and

(2) in subsection (d)—

(A) by striking paragraph (1); and

(B) in paragraph (2)—

(i) by striking ''(2) OTHER COMMODITIES.—'';

(ii) in subparagraph (A), by striking '', wool, mohair, or honey under subtitle B or'' and inserting ''under subtitle'';

(iii) in subparagraph (B), by striking '', peanuts, wool, mohair, and honey under those subtitles'' and inserting ''under that subtitle''; and

(iv) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and indenting appropriately.

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By Mr. BIDEN:

S. 1876. A bill to prohibit extraterritorial detention and rendition, except under limited circumstances, to modify the definition of ''unlawful enemy combatant'' for purposes of military commissions, to extend statutory habeas corpus to detainees, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. One of the defining challenges of our age is to effectively combat international terrorism while maintaining our national values and our commitment to the rule of law, and respecting individual rights and civil liberties. To fight terrorist organizations whose tactics include blending into our cities and communities and attacking civilian populations engaged in the activities of everyday life, we must have robust and agile intelligence capabilities. Rendition, detaining a terrorist operative in one foreign country and transfering him to the United States or to another foreign country to face justice, has proved to be one effective means of taking terrorists off the streets and collecting valuable intelligence.

Despite its effectiveness, however, the U.S. Government's use of rendition has been controversial. Foreign governments have criticized the practice as ungoverned by law and on the basis of its alleged use to transfer suspects to countries that torture or mistreat them or to secret, extraterritorial prisons. The toll the rendition program, as currently practiced, has had on relationships with some of our closest foreign partners is evident from their responses.

Italy has indicted 26 Americans for their alleged role in a rendition. Germany has issued arrest warrants for an additional 13 U.S. intelligence officers. A Canadian Government commission has censured the United States for rendering a Canadian/Syrian dual citizen to Syria. The Council of Europe and the European Union have each issued reports critical of the U.S. Government's rendition program and European countries' involvement or complicity in it. Sweden and Switzerland have each initiated investigations as well. Today, the United Kingdom issued a report predicting that the U.S. Government's rendition program would have ''serious implications'' for the intelligence relation between the U.S. and U.K., one of our most important foreign partners. Rendition, as currently practiced, is undermining our moral credibility and standing abroad and weakening the coalitions with foreign governments that we need to effectively combat international terrorism.

The controversial aspects of the U.S. Government's use of rendition have also not escaped the notice of the propagandists and recruiters who fuel and sustain international terrorist organizations with a constant stream of new recruits. Allegations of lawlessness and mistreatment by the U.S. make their job easier, adding a refrain to their recruitment pitch and increasing the receptivity of their target audience.

Our counterterrorism authorities should not only thwart attacks, take dangerous terrorists off the streets, and bring them to justice; these authorities should also strengthen international coalitions, draw Muslim populations around the world closer to us, and deprive terrorists of a recruitment narrative. In our long term effort to stem the tide of international terrorism, our commitments to the rule of law and to individual rights and civil liberties are among our most formidable weapons. They are what unite foreign governments behind us in effective counterterrorism coalitions. They

are what unite public opinion in support of our counterterrorism efforts and in condemnation of the terrorists and their tactics. They are what prevent the recruitment of the next generation of international terrorists.

This bill maintains rendition as a robust and agile tool in our fight against international terrorism, but it brings that tool within the rule of law, provides additional safeguards against error, and prohibits rendering individuals to countries that will torture or mistreat them or to secret, extra-territorial prisons.

The bill establishes a classified application and order process, presided over by the FISA court that: 1. ensures that each rendition is preceded by a searching inquiry into the identity of the individual to be rendered and his role in international terrorism and 2. prohibits rendition to countries that torture or mistreat detainees or to secret, extraterritorial prisons beyond the reach of law. It ensures that citizens of, and individuals lawfully admitted to, the U.S. receive the due process and individual rights guaranteed by the Constitution. It ensures that a terrorist suspect detained by the U.S. has the opportunity, through a writ of habeas corpus, to argue in a court of law that he is being held in error.

This bill also closes a hole intentionally left open by the President's recent Executive Order on the treatment of detainees. The President's order is notably silent on some of the more controversial techniques the CIA has allegedly used in the past, such as waterboarding, extreme sleep deprivation, extreme sensory deprivation, and extremes of heat and cold. When we countenance this treatment of detainees, we diminish our ability to argue that the same techniques should not be used against our own troops.

We cannot continue to equivocate and dissemble on this matter. We need to send a clear message that torture, inhumane, and degrading treatment of detainees is unacceptable and is not permitted by U.S. law. Period. Therefore, my bill prohibits all officers and agents of the United States from using techniques of interrogation not authorized by and listed in the U.S. Army Field Manual on Intelligence Interrogation.

As I said at the outset, this bill grapples with one of the defining issues of our age, how to effectively combat terrorism without sacrificing our national values and abandoning the rule of law. If we continue to pursue a rendition program ungoverned by law, without sufficient safeguards and oversight, we will perpetuate a short term solution that exacerbates the long term problem. We will take individual terrorists off the streets at the expense of the foreign coalitions that are essential to our efforts to combat international terrorism, at the expense of facilitating the recruitment of a new generation of terrorists who are just as dangerous and far more numerous.

This is not a trade-off we have to make. We can have a robust and agile rendition capability governed by the rule of law and subject to sufficient safeguards and oversight. That is what the National Security with Justice Act creates. I invite my colleagues on both sides of the aisle and in the other branches of Government to work with me to refine this legal framework so that we not only take today's terrorists off the streets, we strengthen our standing and credibility among foreign governments and the global community, and we prevent tomorrow's terrorists from being recruited.

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. 1876

*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 Security with Justice Act of 2007''.

**SEC. 2. DEFINITIONS.**

In this Act—

(1) the term ''aggrieved person''—

(A) means any individual subject by an officer or agent of the United States either to extraterritorial detention or rendition, except as authorized in this Act; and

(B) does not include any individual who is an international terrorist;

(2) the term ''element of the intelligence community'' means an element 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));

(3) the term ''extraterritorial detention'' means detention of any individual by an officer or agent of the United States outside the territorial jurisdiction of the United States;

(4) the term ''Foreign Intelligence Surveillance Court'' means the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a));

(5) the term ''Geneva Conventions'' means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of the Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516);

(6) the term ''international terrorist'' means—

(A) any person, other than a United States person, who engages in international terrorism or activities in preparation therefor; and

(B) any person who knowingly aids or abets any person in the conduct of activities described in subparagraph (A) or knowingly conspires with any person to engage in activities described in subparagraph (A);

(7) the terms ''international terrorism'' and ''United States person'' have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

(8) the term ''officer or agent of the United States'' includes any officer, employee, agent, contractor, or subcontractor acting for or on behalf of the United States; and

(9) the terms ''render'' and ''rendition'', relating to an individual, mean that an officer or agent of the United States transfers that individual from the legal jurisdiction of the United States or a foreign country to a different legal jurisdiction (including the legal jurisdiction of the United States or a foreign country) without authorization by treaty or by the courts of either such jurisdiction, except under an order of rendition issued under section 104.

**SEC. 3. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Definitions.
Sec. 3. Table of contents.

TITLE I—EXTRATERRITORIAL DETENTION AND RENDITION

Sec. 101. Prohibition on extraterritorial detention.
Sec. 102. Prohibition on rendition.
Sec. 103. Application for an order of rendition.
Sec. 104. Issuance of an order of rendition.
Sec. 105. Authorizations and orders for emergency detention.
Sec. 106. Uniform Standards for the Interrogation of Individuals Detained by the Government of the United States.
Sec. 107. Protection of United States Government Personnel Engaged in an Interrogation.
Sec. 108. Monitoring and reporting regarding the treatment, conditions of confinement, and status of legal proceedings of individuals rendered to foreign governments.
Sec. 109. Report to Congress.
Sec. 110. Civil liability.
Sec. 111. Additional resources for foreign intelligence surveillance court.
Sec. 112. Rule of construction.
Sec. 113. Authorization of appropriations.

TITLE II—ENEMY COMBATANTS

Sec. 201. Modification of definition of ''unlawful enemy combatant'' for purposes of military commissions.

TITLE III—HABEAS CORPUS

Sec. 301. Extending statutory habeas corpus to detainees.

## TITLE I—EXTRATERRITORIAL DETENTION AND RENDITION

**SEC. 101. PROHIBITION ON EXTRATERRITORIAL DETENTION.**

(a) IN GENERAL.—Except as provided in subsection (b), no officer or agent of the United States shall engage in the extraterritorial detention of any individual.

(b) EXCEPTIONS.—This section shall not apply to—

(1) an individual detained and timely transferred to a foreign legal jurisdiction or the legal jurisdiction of the United States under an order of rendition issued under section 104 or an emergency authorization under section 105;

(2) an individual—

(A) detained by the Armed Forces of the United States in accordance with United States Army Regulation 190-8 (1997), or any successor regulation certified by the Secretary of Defense; and

(B) detained by the Armed Forces of the United States—

(i) under circumstances governed by, and in accordance with, the Geneva Conventions;

(ii) in accordance with United Nations Security Council Resolution 1546 (2004) and

United Nations Security Council Resolution 1723 (2004);

(iii) at the Bagram, Afghanistan detention facility; or

(iv) at the Guantanamo Bay, Cuba detention center on the date of enactment of this Act;

(3) an individual detained by the Armed Forces of the United States under circumstances governed by, and in accordance with chapter 47 of title 10, United States Code (the Uniform Code of Military Justice);

(4) an individual detained by the Armed Forces of the United States subject to an agreement with a foreign government and in accordance with the relevant laws of that foreign country when the Armed Forces of the United States are providing assistance to that foreign government; or

(5) an individual detained pursuant to a peacekeeping operation authorized by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations.

**SEC. 102. PROHIBITION ON RENDITION.**

(a) IN GENERAL.—Except as provided in subsection (b), no officer or agent of the United States shall render or participate in the rendition of any individual.

(b) EXCEPTIONS.—This section shall not apply to—

(1) an individual rendered under an order of rendition issued under section 104;

(2) an individual detained and transferred by the Armed Forces of the United States under circumstances governed by, and in accordance with, the Geneva Conventions;

(3) an individual—

(A) for whom an attorney for the United States or for any State has filed a criminal indictment, criminal information, or any similar criminal charging document in any district court of the United States or criminal court of any State; and

(B) who is timely transferred to the United States for trial;

(4) an individual—

(A) who was convicted of a crime in any State or Federal court;

(B) who—

(i) escaped from custody prior to the expiration of the sentence imposed; or

(ii) violated the terms of parole, probation, or supervised release; and

(C) who is promptly returned to the United States—

(i) to complete the term of imprisonment; or

(ii) for trial for escaping imprisonment or violating the terms of parole or supervised release; or

(5) an individual detained by the United States at the Guantanamo Bay, Cuba detention center on the date of enactment of this Act who is transferred to a foreign legal jurisdiction.

**SEC. 103. APPLICATION FOR AN ORDER OF RENDITION.**

(a) IN GENERAL.—A Federal officer or agent may make an application for an order of rendition in writing, upon oath or affirmation, to a judge of the Foreign Intelligence Surveillance Court, if the Attorney General of the United States or the Deputy Attorney General of the United States determines that the requirements under this title for such an application have been satisfied.

(b) CONTENTS.—Each application under subsection (a) shall include—

(1) the identity of the Federal officer or agent making the application;

(2) a certification that the Attorney General of the United States or the Deputy Attorney General of the United States has approved the application;

(3) the identity of the specific individual to be rendered;

(4) a statement of the facts and circumstances relied upon by the applicant to justify the good faith belief of the applicant that—

(A) the individual to be rendered is an international terrorist;

(B) the country to which the individual is to be rendered will not subject the individual to torture or cruel, inhuman, or degrading treatment, within the meaning of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984;

(C) the country to which the individual is to be rendered will timely initiate legal proceedings against that individual that comport with fundamental notions of due process; and

(D) rendition of that individual is important to the national security of the United States; and

(5) a full and complete statement regarding—

(A) whether ordinary legal procedures for the transfer of custody of the individual to be rendered have been tried and failed; or

(B) the facts and circumstances that justify the good faith belief of the applicant that ordinary legal procedures reasonably appear to be—

(i) unlikely to succeed if tried; or

(ii) unlikely to adequately protect intelligence sources or methods.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following:

''(g) The court established under subsection (a) may hear an application for and issue, and the court established under subsection (b) may review the issuing or denial of, an order of rendition under section 104 of the National Security with Justice Act of 2007.''.

**SEC. 104. ISSUANCE OF AN ORDER OF RENDITION.**

(a) IN GENERAL.—Upon filing of an application under section 103, a judge of the Foreign Intelligence Surveillance Court shall enter an ex parte order as requested or as modified approving the rendition, if the judge finds that—

(1) the Attorney General of the United States or the Deputy Attorney General of the United States has approved the application for rendition;

(2) the application has been made by a Federal officer or agent;

(3) the application establishes probable cause to believe that the individual to be rendered is an international terrorist;

(4) ordinary legal procedures for transfer of custody of the individual have been tried and failed or reasonably appear to be unlikely to succeed for any of the reasons described in section 103(b)(5)(B);

(5) the application, and such other information as is available to the judge, including reports of the Department of State and the United Nations Committee Against Torture and information concerning the specific characteristics and circumstances of the individual, establish a substantial likelihood that the country to which the individual is to be rendered will not subject the individual to torture or to cruel, inhuman, or degrading treatment, within the meaning of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984;

(6) the application, and such other information as is available to the judge, establish reason to believe that the country to which the individual is to be rendered will timely initiate legal proceedings against that individual that comport with fundamental notions of due process; and

(7) the application establishes reason to believe that rendition of the individual to be rendered is important to the national security of the United States.

(b) APPEAL.—The Government may appeal the denial of an application for an order under subsection (a) to the court of review established under section 103(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(b)), and further proceedings with respect to that application shall be conducted in a manner consistent with that section 103(b).

**SEC. 105. AUTHORIZATIONS AND ORDERS FOR EMERGENCY DETENTION.**

(a) IN GENERAL.—Notwithstanding any other provision of this title, and subject to subsection (b), the President or the Director of National Intelligence may authorize the Armed Forces of the United States or an element of the intelligence community, acting within the scope of existing authority, to detain an international terrorist in a foreign jurisdiction if the President or the Director of National Intelligence reasonably determines that—

(1) failure to detain that individual will result in a risk of imminent death or imminent serious bodily injury to any individual or imminent damage to or destruction of any United States facility; and

(2) the factual basis for issuance of an order of rendition under paragraphs (3) and (7) of section 104(a) exists.

(b) NOTICE AND APPLICATION.—The President or the Director of National Intelligence may authorize an individual be detained under subsection (a) if—

(1) the President or the Director of National Intelligence, or the designee of the President or the Director of National Intelligence, at the time of such authorization, immediately notifies the Foreign Intelligence Surveillance Court that the President or the Director of National Intelligence has determined to authorize that an individual be detained under subsection (a); and

(2) an application in accordance with this title is made to the Foreign Intelligence Surveillance Court as soon as practicable, but not more than 72 hours after the President or the Director of National Intelligence authorizes that individual to be detained.

(c) EMERGENCY RENDITION PROHIBITED.—The President or the Director of National Intelligence may not authorize the rendition to a foreign jurisdiction of, and the Armed Forces of the United States or an element of the intelligence community may not render to a foreign jurisdiction, an individual detained under this section, unless an order under section 104 authorizing the rendition of that individual has been obtained.

(d) NONDELEGATION.—Except as provided in this section, the authority and duties of the President or the Director of National Intelligence under this section may not be delegated.

**SEC. 106. UNIFORM STANDARDS FOR THE INTERROGATION OF INDIVIDUALS DETAINED BY THE GOVERNMENT OF THE UNITED STATES.**

(a) IN GENERAL.—No individual in the custody or under the effective control of an officer or agent of the United States or detained in a facility operated by or on behalf of the Department of Defense, the Central Intelligence Agency, or any other agency of the Government of the United States shall be subject to any treatment or technique of interrogation not authorized by and listed in United States Army Field Manual 2–22.3, entitled ''Human Intelligence Collector Operations''.

(b) APPLICABILITY.—Subsection (a) shall not apply with respect to any individual in

the custody or under the effective control of the Government of the United States based on—

(1) an arrest or conviction for violating Federal criminal law; or

(2) an alleged or adjudicated violation of the immigration laws of the United States.

(c) CONSTRUCTION.—Nothing in this section may be construed to diminish the rights under the Constitution of the United States of any individual in the custody or within the physical jurisdiction of the Government of the United States.

**SEC. 107. PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL ENGAGED IN AN INTERROGATION.**

(a) PROTECTION OF UNITED STATES GOVERNMENT PERSONNEL.—In a civil action or criminal prosecution against an officer or agent of the United States relating to an interrogation, it shall be a defense that such officer or agent of the United States complied with section 106.

(b) APPLICABILITY.—Subsection (a) shall not apply with respect to any civil action or criminal prosecution relating to the interrogation of an individual in the custody or under the effective control of the Government of the United States based on—

(1) an arrest or conviction for violating Federal criminal law; or

(2) an alleged or adjudicated violation of the immigration laws of the United States.

(c) PROVISION OF COUNSEL.—In any civil action or criminal prosecution arising from the alleged use of an authorized interrogation practice by an officer or agent of the United States, the Government of the United States may provide or employ counsel, and pay counsel fees, court costs, bail, and other expenses incident to representation.

(d) CONSTRUCTION.—Nothing in this section may be construed—

(1) to limit or extinguish any defense or protection from suit, civil or criminal liability, or damages otherwise available to a person or entity; or

(2) to provide immunity from prosecution for any criminal offense by the proper authorities.

**SEC. 108. MONITORING AND REPORTING REGARDING THE TREATMENT, CONDITIONS OF CONFINEMENT, AND STATUS OF LEGAL PROCEEDINGS OF INDIVIDUALS RENDERED TO FOREIGN GOVERNMENTS.**

(a) IN GENERAL.—The Secretary of State shall—

(1) regularly monitor the treatment of, the conditions of confinement of, and the progress of legal proceedings against an individual rendered to a foreign legal jurisdiction under section 104; and

(2) not later than 6 months after the date of enactment of this Act, and every 6 months thereafter, submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report detailing the treatment of, the conditions of confinement of, and the progress of legal proceedings against any individual rendered to a foreign legal jurisdiction under section 104.

(b) APPLICABILITY.—The Secretary of State shall include in the reports required under subsection (a)(2) information relating to the treatment of, the conditions of confinement of, and the progress of legal proceedings against an individual rendered to a foreign legal jurisdiction under section 104 during the period beginning on the date that individual was rendered to a foreign legal jurisdiction under section 104 and ending on the date that individual is released from custody by that foreign legal jurisdiction.

**SEC. 109. REPORT TO CONGRESS.**

The Attorney General shall—

(1) submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report that contains—

(A) the total number of applications made for an order of rendition under section 104;

(B) the total number of such orders granted, modified, or denied;

(C) the total number of emergency authorizations issued under section 105; and

(D) such other information as requested by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) make available to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a copy of each application made and order issued under this title.

**SEC. 110. CIVIL LIABILITY.**

(a) IN GENERAL.—An aggrieved person shall have a cause of action against the head of the department or agency that subjected that aggrieved person to extraterritorial detention or a rendition in violation of this title and shall be entitled to recover—

(1) actual damages, but not less than liquidated damages of $1,000 for each day of the violation;

(2) punitive damages; and

(3) reasonable attorney's fees.

(b) JURISDICTION.—The United States District Court for the District of Columbia shall have original jurisdiction over any claim under this section.

**SEC. 111. ADDITIONAL RESOURCES FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.**

(a) AUTHORITY FOR ADDITIONAL JUDGES.—Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended—

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

(2) in paragraph (1), as so designated, by inserting ''at least'' before ''seven of the United States judicial circuits'';

(3) by striking ''If any judge so designated'' and inserting the following:

''(3) If any judge so designated''; and

(4) by inserting after paragraph (1), as so designated, the following:

''(2) In addition to the judges designated under paragraph (1), the Chief Justice of the United States may designate as judges of the court established by paragraph (1) such judges appointed under article III of the Constitution of the United States as the Chief Justice determines appropriate in order to provide for the prompt and timely consideration of applications under sections 103 of the National Security with Justice Act of 2007 for orders of rendition under section 104 of that Act. Any judge designated under this paragraph shall be designated publicly.''.

(b) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.—There is authorized for the Foreign Intelligence Surveillance Court such additional staff personnel as may be necessary to facilitate the prompt processing and consideration by that Court of applications under section 103 for orders of rendition under section 104 approving rendition of an international terrorist. The personnel authorized by this section are in addition to any other personnel authorized by law.

**SEC. 112. RULE OF CONSTRUCTION.**

Nothing in this title may be construed as altering or adding to existing authorities for the extraterritorial detention or rendition of any individual.

**SEC. 113. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as may be necessary to carry out this title and the amendments made by this title.

## TITLE II—ENEMY COMBATANTS

**SEC. 201. MODIFICATION OF DEFINITION OF "UNLAWFUL ENEMY COMBATANT" FOR PURPOSES OF MILITARY COMMISSIONS.**

Section 948a(1)(A) of title 10, United States Code, is amended—

(1) in the matter preceding clause (i), by striking ''means''; and

(2) by striking clauses (i) and (ii) and inserting the following:

''(i) means a person who is not a lawful enemy combatant and who—

''(I) has engaged in hostilities against the United States; or

''(II) has purposefully and materially supported hostilities against the United States (other than hostilities engaged in as a lawful enemy combatant); and

''(ii) does not include any person who is—

''(I) a citizen of the United States or legally admitted to the United States; and

''(II) taken into custody in the United States.''.

## TITLE III—HABEAS CORPUS

**SEC. 301. EXTENDING STATUTORY HABEAS CORPUS TO DETAINEES.**

(a) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e) and inserting the following:

''(e)(1) The United States District Court for the District of Columbia shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of any person detained by the United States who has been—

''(A) determined by the United States to have been properly detained as an enemy combatant; or

''(B) detained by the United States for more than 90 days without such a determination.

''(2) The United States District Court for the District of Columbia shall have jurisdiction to hear or consider an application for a writ of habeas corpus filed by or on behalf of any person detained by the United States who has been tried by military commission established under chapter 47A of title 10, United States Code, and has exhausted the appellate procedure under subchapter VI of that chapter.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Subchapter VI of chapter 47A of title 10, United States Code, is amended—

(A) by striking section 950g;

(B) in section 950h—

(i) in subsection (a), by adding at the end the following: ''Appointment of appellate counsel under this subsection shall be for purposes of this chapter only, and not for any proceedings relating to an application for a writ of habeas corpus relating to any matter tried by a military commission.''; and

(ii) in subsection (c), by striking '', the United States Court of Appeals for the District of Columbia, and the Supreme Court,'';

(C) in section 950j—

(i) by striking ''(a) FINALITY.—''; and

(ii) by striking subsection (b); and

(D) in the table of sections at the beginning of that subchapter, by striking the item relating to section 950g.

(2) DETAINEE TREATMENT ACTS.—

(A) IN GENERAL.—Section 1005(e) of the Detainee Treatment Act of 2005 (Public Law 109–148; 119 Stat. 2742; 10 U.S.C. 801 note) is amended—

(i) in subsection (e)—

(I) by striking paragraph (2); and

(II) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(ii) in subsection (h)(2)—

(I) by striking ''Paragraphs (2) and (3)'' and inserting ''Paragraph (2)''; and

(II) by striking ''one of such paragraphs'' and inserting ''that paragraph''.

(B) OTHER AMENDMENTS.—Section 1405 of the Detainee Treatment Act of 2005 (Public Law 109-163; 119 Stat. 3475; 10 U.S.C. 801 note) is amended—

(i) in subsection (e)—

(I) by striking paragraph (2); and

(II) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(ii) in subsection (h)(2)—

(I) by striking ''Paragraphs (2) and (3)'' and inserting ''Paragraph (2)''; and

(II) by striking ''one of such paragraphs'' and inserting ''that paragraph''.

(c) RULE OF CONSTRUCTION.—Notwithstanding subsection (a), no court, justice, or judge shall have jurisdiction to consider an action described in subparagraph (a) brought by an alien who is in the custody of the United States, in a zone of active hostility involving the United States Armed Forces, and where the United States is implementing United States Army Reg 190–8 (1997) or any successor, as certified by the Secretary of Defense.

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By Mr. WEBB (for himself and Mr. WARNER):

S. 1878. A bill to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library; to the Committee on Homeland Security and Governmental Affairs.

Mr. WEBB. Mr. President, I rise today to introduce legislation with my colleague Senator WARNER which will authorize a one-time capital grant by the National Archives to establish a Presidential library to honor the life of Woodrow Wilson. Virginia is fortunate to have 8 native sons that went on to become President of the U.S. This is a distinction that has led our fair Commonwealth to be known as the ''Mother of Presidents.'' The bipartisan bill we introduce today honors the most recent of the eight and a native of Staunton, Virginia: Woodrow Wilson.

Woodrow Wilson was one of the most influential statesmen, scholars, and Presidents in American history. His impact on domestic and international affairs is undeniable. Only now, nearly 100 years after his presidency, are we able to fully appreciate the contributions President Wilson made to the U.S. and to the world.

As a professor and President of Princeton University, Wilson created a more accountable system for higher education. Through curriculum reform, Wilson revolutionized the roles of teachers and students and quickly made Princeton one of the most renowned universities in the world.

As a scholar, Wilson wrote numerous books and became an accomplished essayist. Highly regarded for his work in political science, Wilson's dissertation, entitled Congressional Government, is still admired today as a study of federal lawmaking. He did this notwithstanding the fact that he could not read until he was ten years old and may have suffered from a learning disability such as dyslexia.

As a statesman and President, Wilson compiled a record of domestic legislation that set the groundwork for modern America and reflected his belief in the ideal that: ''Liberty does not consist . . . in mere general declarations of the rights of man. It consists in the translation of those declarations into definite action.'' He spearheaded groundbreaking reform in finance, trade, industry and labor, including anti-trust and child labor laws and women's suffrage. During his two terms in office, he oversaw the birth of the Federal Reserve System and the Federal Trade Commission.

In spite of Wilson's significant contributions to American history and his instrumental role in shaping the framework of the modern international landscape, there exists no authorized Presidential library dedicated to his achievements.

For the last 70 years, the Woodrow Wilson Presidential Library Foundation in Staunton, Virginia has admirably served as caretaker of Wilson's papers and artifacts, dedicating itself to the preservation of Wilson's legacy. But it has done so without the resources afforded to other Presidential libraries in the Federal system. Over time, the Foundation has outgrown its current space and facilities. Now, with each day that passes, the prevailing physical infrastructure severely limits educational capabilities and opportunities to share the profound legacy of President Wilson. Indeed, the foundation has even become reluctant to take on many new major new Wilson collections because its current controlled archival system is filled to capacity and cannot protect additional collections in the absence of the new facility.

Accordingly, the Woodrow Wilson Presidential Library Authorization Act authorizes a one-time capital grant from the National Archives for the establishment of an independent Woodrow Wilson Presidential Library. This library will serve as the center for education and study of Woodrow Wilson's life and legacies, and will enable people from this country and abroad to learn more about the life and work of our Nation's 28th President. To be clear, this bill would establish the Woodrow Wilson Presidential Library as an independent, privately-run institution operating outside the existing Presidential Library System.

The Woodrow Wilson Presidential Library Foundation will use the Federal funds to offset costs associated with the construction of a 29,000 square foot Presidential library honoring President Wilson. As planned, the library would include a research library, archives, lecture hall, reception hall, orientation theater, ceremonial space, and exhibit hall. These funds authorized under this legislation represent the full Federal share of the project. Significantly, the bill does not authorize ongoing operating subsidies on any other ongoing expenses. This is a one time authorization.

The foundation's endeavor to construct the Woodrow Wilson Presidential Library will create the only site in the country dedicated to the exploration of the full life and legacies of the 28th President, at his birthplace in Staunton, VA. A new library will alleviate stress on existing foundation facilities and to allow for increased educational outreach to the benefit of students in Virginia and across the U.S. Construction of the Woodrow Wilson Presidential Library would achieve the following objectives:

Make possible collaboration with the National Archives and other presidential libraries, thereby fostering increased awareness and study of American history and the institution of the Presidency. Integrate cutting-edge digital archive development. Promote tourism to Staunton and the Commonwealth of Virginia to the benefit of all local economies.

Sensitive to the budgetary constraints faced by the National Archives, let me reiterate we have crafted this legislation to minimize and cap the financial burden on the Federal Government posed by this project. First, the bill ensures the existence of a strong public-private sponsorship by mandating that any Federal dollars are matched two-for-one by the Woodrow Wilson Presidential Library Foundation and only after the nonfederal funds are certified to be in possession of the nonprofit entity, an arrangement that Congress has used in the past.

This legislation States that the Federal Government shall have no role or responsibility for the operation of the library and guarantees that the Woodrow Wilson Presidential Library will operate outside the existing Presidential Library System. This is not an effort by the nonprofit foundation to secure annual operating subsidies along the lines of what Congress provides all Presidential Libraries in the existing system.

This legislation enjoys broad, bipartisan, bicameral support in Congress and broad support among individuals, organizations and officials across the country. This bill is identical to legislation approved by the House of Representatives by voice vote in the 109th Congress on September 28, 2006, and which the entire Virginia House delegation has reintroduced in the 110th Congress. I would note that the Governor of Virginia has written Senator WARNER and me to endorse the project. So too have other regional officials, historians, and representatives of other Presidential sites throughout the Commonwealth of Virginia, including Monticello, Poplar Forest, Montpelier, Ash-Lawn, and Mount Vernon.

This project has the potential to benefit not only the greater Staunton region, but Virginia and the Nation as a whole, both from a historical/educational sense and by strengthening an important cultural asset in Virginia's Shenandoah Valley. We are advised that a new building will be an open, welcoming forum for the hundreds of thousands of American and foreign visitors who will visit each year to learn about Woodrow Wilson and his

democratic legacies. The project sponsors believe that the country's best museum designers will work with historians to turn the story of Woodrow Wilson into an unforgettable experience that is fun, educational, and permanently memorable.

In order to increase the awareness and understanding of the life, principles and accomplishments of the 28th President of the U.S., I urge my colleagues to support this legislation to ensure that Wilson's legacy is more accessible and available for a wider audience for years to come. I am hopeful that the Committee on Homeland Security and Governmental Affairs will consider this legislation favorably and that we can enact it during the remainder of this Congressional session. With the 100th anniversary of his election just 5 years away, this is the time for Congress to accept its responsibility to help preserve President Woodrow Wilson's legacy and to improve its accessibility for generations.

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. 1878

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

**SECTION 1. GRANTS FOR ESTABLISHMENT OF THE WOODROW WILSON PRESIDENTIAL LIBRARY.**

(a) GRANTS AUTHORIZED.—Subject to subsections (b), (c), and (d), the Archivist of the National Archives and Records Administration may make grants to contribute funds for the establishment in Staunton, Virginia, of a library to preserve and make available materials related to the life of President Woodrow Wilson and to provide interpretive and educational services that communicate the meaning of the life of Woodrow Wilson.

(b) LIMITATION.—A grant may be made under subsection (a) only from funds appropriated to the Archivist specifically for that purpose.

(c) CONDITIONS ON GRANTS.—

(1) MATCHING REQUIREMENT.—A grant under subsection (a) may not be made until such time as the entity selected to receive the grant certifies to the Archivist that funds have been raised from non-Federal sources for use to establish the library in an amount equal to at least double the amount of the grant.

(2) RELATION TO OTHER WOODROW WILSON SITES AND MUSEUMS.—The Archivist shall further condition a grant under subsection (a) on the agreement of the grant recipient to operate the resulting library in cooperation with other Federal and non-Federal historic sites, parks, and museums that represent significant locations or events in the life of Woodrow Wilson. Cooperative efforts to promote and interpret the life of Woodrow Wilson may include the use of cooperative agreements, cross references, cross promotion, and shared exhibits.

(d) PROHIBITION OF CONTRIBUTION OF OPERATING FUNDS.—Grant amounts may not be used for the maintenance or operation of the library.

(e) NON-FEDERAL OPERATION.—The Archivist shall have no involvement in the actual operation of the library, except at the request of the non-Federal entity responsible for the operation of the library.

(f) AUTHORITY THROUGH FISCAL YEAR 2011.—The Archivist may not use the authority provided under subsection (a) after September 30, 2011.

Mr. WARNER. Mr. President, I rise today, along with Senator JIM WEBB, to introduce legislation that seeks to establish the Woodrow Wilson Presidential Library.

President Woodrow Wilson was born in Staunton, VA, in 1856. He was first elected to the Presidency in 1912 and was reelected in 1916. Throughout his lifetime, Wilson advocated engagement with other nations in the search for peace, expansion of economic opportunities to more Americans, commitment to democratic principles at home and abroad, and protection of the Nation's people and institutions. He created the Federal Reserve and was President when women were finally granted the right to vote. President Wilson's legacy and historical significance are forever linked with his profound efforts in World War I and its aftermath, particularly with his attempts to broker a lasting peace in a fractured Europe. He was a man of ideals, always maintaining a ''simple faith in the freedom of democracy.'' It is the utter strength of his faith in democracy that continues to inspire our Nation today.

During my time in the Senate, I have witnessed the growth and development of the Woodrow Wilson Presidential Library and have seen firsthand the benefits it has provided for its community, the Commonwealth, and the country. The library has done remarkable work in preserving and protecting historical documents related to Woodrow Wilson's life. Equally remarkable has been its ability to share his life with communities around the world.

As you know, Virginia is often referred to as the ''Birthplace of Presidents,'' as it has produced more Presidents than any other State in the Union, eight in total. I want to respectfully acknowledge our most recent President from the Commonwealth of Virginia through the recognition of this Presidential library. I can think of no better place to preserve his life's work than where his life began.

I thank you for the opportunity to speak on behalf of this important legislation. I urge my colleagues to honor President Wilson's legacy by joining me in support of this bill.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2402. Mr. REID (for Mr. LEVIN (for himself, Mr. AKAKA, Mr. MCCAIN, Mr. WARNER, Mrs. MURRAY, Mr. GRAHAM, Mr. KENNEDY, Mr. SESSIONS, Mr. ROCKEFELLER, Ms. COLLINS, Mr. BYRD, Mr. CHAMBLISS, Mr. OBAMA, Mrs. DOLE, Mr. LIEBERMAN, Mr. CORNYN, Mr. SANDERS, Mr. THUNE, Mr. REED, Mr. MARTINEZ, Mr. BROWN, Mr. NELSON, of Florida, Mr. TESTER, Mr. NELSON, of Nebraska, Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. MCCASKILL, Mr. DURBIN, Ms. STABENOW, Ms. MIKULSKI, Mr. CARDIN, Mr. BIDEN, Mr. BINGAMAN, Mr. HARKIN, Mr. BOND, Mr. ISAKSON, Mr. SALAZAR, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. LOTT, Mr. DODD, Mrs. HUTCHISON, Mr. COLEMAN, Mr. INHOFE, Ms. LANDRIEU, Mr. SPECTER, Mr. MENENDEZ, Mr. HAGEL, Mr. SCHUMER, and Mr. DORGAN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 1538, to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes.

SA 2403. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 2404. Mr. MARTINEZ (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2405. Mr. ALEXANDER (for himself, Ms. COLLINS, Mr. VOINOVICH, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2406. Mr. BAUCUS (for himself, Mr. SUNUNU, Mr. LEAHY, Mr. TESTER, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2407. Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2408. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2409. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2410. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2411. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2412. Mr. GRAHAM (for himself, Mr. GREGG, Mr. SESSIONS, Mr. KYL, Mr. CORNYN, Mr. MCCONNELL, Mr. DOMENICI, Mr. MCCAIN, Mr. SUNUNU, Mr. MARTINEZ, Mr. COLEMAN, and Mr. SPECTER) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2413. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2414. Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, Mr. CARPER, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2415. Mr. GREGG proposed an amendment to amendment SA 2412 proposed by Mr. GRAHAM (for himself, Mr. GREGG, Mr. SESSIONS, Mr. KYL, Mr. CORNYN, Mr. MCCONNELL, Mr. DOMENICI, Mr. MCCAIN, Mr. SUNUNU, Mr. MARTINEZ, Mr. COLEMAN, and Mr. SPECTER) to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2416. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2417. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2418. Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2419. Mr. NELSON, of Florida submitted an amendment intended to be proposed to amendment SA 2400 submitted by Mr. VITTER (for himself, Mr. NELSON of Florida, and Ms. STABENOW) and intended to be proposed to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2420. Ms. COLLINS (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2421. Mr. DOMENICI (for himself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2422. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2423. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2424. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2425. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2426. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2427. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2428. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2429. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2430. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2431. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2432. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2433. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2434. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2400 submitted by Mr. VITTER (for himself, Mr. NELSON of Florida, and Ms. STABENOW) and intended to be proposed to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2435. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2436. Mrs. FEINSTEIN (for herself and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2437. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2438. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2439. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2440. Mrs. MCCASKILL (for herself, Mr. OBAMA, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2441. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2442. Mr. COBURN (for himself, Mr. DEMINT, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2443. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2444. Mr. GRASSLEY (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2445. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2446. Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2447. Mr. SCHUMER (for himself, Mr. LAUTENBERG, Mrs. CLINTON, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2448. Mr. SCHUMER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2449. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2450. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. CARPER, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2451. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2452. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2453. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2454. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2455. Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2456. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2457. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2458. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2459. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2460. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2461. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2462. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2463. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2464. Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2465. Mr. DODD (for himself, Ms. COLLINS, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2466. Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. CORNYN, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2467. Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2468. Ms. LANDRIEU proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2469. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2470. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2471. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2472. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2473. Mr. OBAMA (for himself, Mr. COBURN, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2474. Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. SCHUMER, Mr. LAUTENBERG, Mr. AKAKA, Mr. LIEBERMAN, Mr. KERRY, Ms. COLLINS, Ms. MIKULSKI, Mr. CARDIN, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2475. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2476. Mr. COCHRAN (for Mr. GRASSLEY) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr . COCHRAN) to the bill H.R. 2638, supra.

## TEXT OF AMENDMENTS

**SA 2402.** Mr. REID (for Mr. LEVIN (for himself, Mr. AKAKA, Mr. MCCAIN, Mr. WARNER, Mrs. MURRAY, Mr. GRAHAM, Mr. KENNEDY, Mr. SESSIONS, Mr. ROCKEFELLER, Ms. COLLINS, Mr. BYRD, Mr. CHAMBLISS, Mr. OBAMA, Mrs. DOLE, Mr. LIEBERMAN, Mr. CORNYN, Mr. SANDERS, Mr. THUNE, Mr. REED, Mr. MARTINEZ, Mr. BROWN, Mr. NELSON of Florida, Mr. TESTER, Mr. NELSON of Nebraska, Mr. BAYH, Mrs. CLINTON, Mr. PRYOR, Mr. WEBB, Mrs. MCCASKILL, Mr. DURBIN, Ms. STABENOW, Ms. MIKULSKI, Mr. CARDIN, Mr. BIDEN, Mr. BINGAMAN, Mr. HARKIN, Mr. BOND, Mr. ISAKSON, Mr. SALAZAR, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. LOTT, Mr. DODD, Mrs. HUTCHISON, Mr. COLEMAN, Mr. INHOFE, Ms. LANDRIEU, Mr. SPECTER, Mr. MENENDEZ, Mr. HAGEL, Mr. SCHUMER, and Mr. DORGAN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 1538, to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes; as follows:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Dignified Treatment of Wounded Warriors Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:


Sec. 1. Short title; table of contents.

TITLE I—WOUNDED WARRIOR MATTERS

Sec. 101. General definitions.

Subtitle A—Policy on Care, Management, and Transition of Servicemembers With Serious Injuries or Illnesses

Sec. 111. Comprehensive policy on care, management, and transition of members of the Armed Forces with serious injuries or illnesses.

Sec. 112. Consideration of needs of women members of the Armed Forces and veterans.

Subtitle B—Health Care

PART I—ENHANCED AVAILABILITY OF CARE FOR SERVICEMEMBERS

Sec. 121. Medical care and other benefits for members and former members of the Armed Forces with severe injuries or illnesses.

Sec. 122. Reimbursement of certain former members of the uniformed services with service-connected disabilities for travel for follow-on specialty care and related services.

PART II—CARE AND SERVICES FOR DEPENDENTS

Sec. 126. Medical care and services and support services for families of members of the Armed Forces recovering from serious injuries or illnesses.

Sec. 127. Extended benefits under TRICARE for primary caregivers of members of the uniformed services who incur a serious injury or illness on active duty.

PART III—TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER

Sec. 131. Comprehensive plans on prevention, diagnosis, mitigation, and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

Sec. 132. Improvement of medical tracking system for members of the Armed Forces deployed overseas.

Sec. 133. Centers of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder.

Sec. 134. Review of mental health services and treatment for female members of the Armed Forces and veterans.

Sec. 135. Funding for improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder.

Sec. 136. Reports.

PART IV—OTHER MATTERS

Sec. 141. Joint electronic health record for the Department of Defense and Department of Veterans Affairs.

Sec. 142. Enhanced personnel authorities for the Department of Defense for health care professionals for care and treatment of wounded and injured members of the Armed Forces.

Sec. 143. Personnel shortages in the mental health workforce of the Department of Defense, including personnel in the mental health workforce.

Subtitle C—Disability Matters

PART I—DISABILITY EVALUATIONS

Sec. 151. Utilization of veterans' presumption of sound condition in establishing eligibility of members of the Armed Forces for retirement for disability.

Sec. 152. Requirements and limitations on Department of Defense determinations of disability with respect to members of the Armed Forces.

Sec. 153. Review of separation of members of the Armed Forces separated from service with a disability rating of 20 percent disabled or less.

Sec. 154. Pilot programs on revised and improved disability evaluation system for members of the Armed Forces.

Sec. 155. Reports on Army action plan in response to deficiencies in the Army physical disability evaluation system.

PART II—OTHER DISABILITY MATTERS

Sec. 161. Enhancement of disability severance pay for members of the Armed Forces.

Sec. 162. Traumatic Servicemembers' Group Life Insurance.

Sec. 163. Electronic transfer from the Department of Defense to the Department of Veterans Affairs of documents supporting eligibility for benefits.

Sec. 164. Assessments of temporary disability retired list.

Subtitle D—Improvement of Facilities Housing Patients

Sec. 171. Standards for military medical treatment facilities, specialty medical care facilities, and military quarters housing patients.

Sec. 172. Reports on Army action plan in response to deficiencies identified at Walter Reed Army Medical Center.

Sec. 173. Construction of facilities required for the closure of Walter Reed Army Medical Center, District of Columbia.

Subtitle E—Outreach and Related Information on Benefits

Sec. 181. Handbook for members of the Armed Forces on compensation and benefits available for serious injuries and illnesses.

Subtitle F—Other Matters

Sec. 191. Study on physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom and Operation Enduring Freedom and their families.

TITLE II—VETERANS MATTERS

Sec. 201. Sense of Congress on Department of Veterans Affairs efforts in the rehabilitation and reintegration of veterans with traumatic brain injury.

Sec. 202. Individual rehabilitation and community reintegration plans for veterans and others with traumatic brain injury.

Sec. 203. Use of non-Department of Veterans Affairs facilities for implementation of rehabilitation and community reintegration plans for traumatic brain injury.

Sec. 204. Research, education, and clinical care program on severe traumatic brain injury.

Sec. 205. Pilot program on assisted living services for veterans with traumatic brain injury.

Sec. 206. Research on traumatic brain injury.

Sec. 207. Age-appropriate nursing home care.

Sec. 208. Extension of period of eligibility for health care for combat service in the Persian Gulf war or future hostilities.

Sec. 209. Mental health: service-connection status and evaluations for certain veterans.

Sec. 210. Modification of requirements for furnishing outpatient dental services to veterans with a service-connected dental condition or disability.

Sec. 211. Demonstration program on preventing veterans at-risk of homelessness from becoming homeless.

Sec. 212. Clarification of purpose of the outreach services program of the Department of Veterans Affairs.

## TITLE I—WOUNDED WARRIOR MATTERS

### SEC. 101. GENERAL DEFINITIONS.

In this title:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services and Veterans' Affairs of the Senate; and

(B) the Committees on Armed Services and Veterans' Affairs of the House of Representatives.

(2) The term ''covered member of the Armed Forces'' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list for a serious injury or illness.

(3) The term ''family member'', with respect to a member of the Armed Forces or a veteran, has the meaning given that term in section 411h(b) of title 37, United States Code.

(4) The term ''medical hold or medical holdover status'' means—

(A) the status of a member of the Armed Forces, including a member of the National Guard or Reserve, assigned or attached to a military hospital for medical care; and

(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

(5) The term ''serious injury or illness'', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

(6) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

## Subtitle A—Policy on Care, Management, and Transition of Servicemembers With Serious Injuries or Illnesses

### SEC. 111. COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF MEMBERS OF THE ARMED FORCES WITH SERIOUS INJURIES OR ILLNESSES.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—Not later than January 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent feasible, jointly develop and implement a comprehensive policy on the care and management of members of the Armed Forces who are undergoing medical treatment, recuperation, or therapy, are otherwise in medical hold or medical holdover status, or are otherwise on the temporary disability retired list for a serious injury or illness (hereafter in this section referred to as a ''covered servicemembers'').

(2) SCOPE OF POLICY.—The policy shall cover each of the following:

(A) The care and management of covered servicemembers while in medical hold or medical holdover status or on the temporary disability retired list.

(B) The medical evaluation and disability evaluation of covered servicemembers.

(C) The return of covered servicemembers to active duty when appropriate.

(D) The transition of covered servicemembers from receipt of care and services through the Department of Defense to receipt of care and services through the Department of Veterans Affairs.

(3) CONSULTATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall develop the policy in consultation with the heads of other appropriate departments and agencies of the Federal Government and with appropriate non-governmental organizations having an expertise in matters relating to the policy.

(4) UPDATE.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly update the policy on a periodic basis, but not less often than annually, in order to incorporate in the policy, as appropriate, the results of the reviews under subsections (b) and (c) and the best practices identified through pilot programs under section 154.

(b) REVIEW OF CURRENT POLICIES AND PROCEDURES.—

(1) REVIEW REQUIRED.—In developing the policy required by this section, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent necessary, jointly and separately conduct a review of all policies and procedures of the Department of Defense and the Department of Veterans Affairs that apply to, or shall be covered by, the policy.

(2) PURPOSE.—The purpose of the review shall be to identify the most effective and patient-oriented approaches to care and management of covered servicemembers for purposes of—

(A) incorporating such approaches into the policy; and

(B) extending such approaches, where applicable, to care and management of other injured or ill members of the Armed Forces and veterans.

(3) ELEMENTS.—In conducting the review, the Secretary of Defense and the Secretary of Veterans Affairs shall—

(A) identify among the policies and procedures described in paragraph (1) best practices in approaches to the care and management described in that paragraph;

(B) identify among such policies and procedures existing and potential shortfalls in such care and management (including care and management of covered servicemembers on the temporary disability retired list), and determine means of addressing any shortfalls so identified;

(C) determine potential modifications of such policies and procedures in order to ensure consistency and uniformity among the military departments and the regions of the Department of Veterans Affairs in their application and discharge; and

(D) develop recommendations for legislative and administrative action necessary to implement the results of the review.

(4) DEADLINE FOR COMPLETION.—The review shall be completed not later than 90 days after the date of the enactment of this Act.

(c) CONSIDERATION OF FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the policy required by this section, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account the following:

(1) The findings and recommendations of applicable studies, reviews, reports, and evaluations that address matters relating to the policy, including, but not limited, to the following:

(A) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center appointed by the Secretary of Defense.

(B) The Secretary of Veterans Affairs Task Force on Returning Global War on Terror Heroes appointed by the President.

(C) The President's Commission on Care for America's Returning Wounded Warriors.

(D) The Veterans' Disability Benefits Commission established by title XV of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1676; 38 U.S.C. 1101 note).

(E) The President's Commission on Veterans' Pensions, of 1956, chaired by General Omar N. Bradley.

(F) The Report of the Congressional Commission on Servicemembers and Veterans Transition Assistance, of 1999, chaired by Anthony J. Principi.

(G) The President's Task Force to Improve Health Care Delivery for Our Nation's Veterans, of March 2003.

(2) The experience and best practices of the Department of Defense and the military departments on matters relating to the policy.

(3) The experience and best practices of the Department of Veterans Affairs on matters relating to the policy.

(4) Such other matters as the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.

(d) PARTICULAR ELEMENTS OF POLICY.—The policy required by this section shall provide, in particular, the following:

(1) RESPONSIBILITY FOR COVERED SERVICEMEMBERS IN MEDICAL HOLD OR MEDICAL HOLDOVER STATUS OR ON TEMPORARY DISABILITY RETIRED LIST.—Mechanisms to ensure responsibility for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including the following:

(A) Uniform standards for access of covered servicemembers to non-urgent health care services from the Department of Defense or other providers under the TRICARE program, with such access to be—

(i) for follow-up care, within 2 days of request of care;

(ii) for specialty care, within 3 days of request of care;

(iii) for diagnostic referrals and studies, within 5 days of request; and

(iv) for surgery based on a physician's determination of medical necessity, within 14 days of request.

(B) Requirements for the assignment of adequate numbers of personnel for the purpose of responsibility for and administration of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(C) Requirements for the assignment of adequate numbers of medical personnel and non-medical personnel to roles and responsibilities for caring for and administering covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, and a description of the roles and responsibilities of personnel so assigned.

(D) Guidelines for the location of care for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, which guidelines shall address the assignment of such servicemembers to care and residential facilities closest to their duty station or home of record or the location of their designated caregiver at the earliest possible time.

(E) Criteria for work and duty assignments of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including a prohibition on the assignment of duty to a servicemember which is incompatible with the servicemember's medical condition.

(F) Guidelines for the provision of care and counseling for eligible family members of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(G) Requirements for case management of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including qualifications for personnel providing such case management.

(H) Requirements for uniform quality of care and administration for all covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, whether members of the regular components of the Armed Forces or members of the reserve components of the Armed Forces.

(I) Standards for the conditions and accessibility of residential facilities for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list who are in outpatient status, and for their immediate family members.

(J) Requirements on the provision of transportation and subsistence for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, whether in inpatient status or outpatient status, to facilitate obtaining needed medical care and services.

(K) Requirements on the provision of educational and vocational training and rehabilitation opportunities for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(L) Procedures for tracking and informing covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list about medical evaluation board and physical disability evaluation board processing.

(M) Requirements for integrated case management of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list during their transition from care and treatment through the Department of Defense to care and treatment through the Department of Veterans Affairs.

(N) Requirements and standards for advising and training, as appropriate, family members with respect to care for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list with serious medical conditions, particularly traumatic brain injury (TBI), burns, and post-traumatic stress disorder (PTSD).

(O) Requirements for periodic reassessments of covered servicemembers, and limits on the length of time such servicemembers may be retained in medical hold or medical holdover status or on the temporary disability retired list.

(P) Requirements to inform covered servicemembers and their family members of their rights and responsibilities while in medical hold or medical holdover status or on the temporary disability retired list.

(Q) The requirement to establish a Department of Defense-wide Ombudsman Office within the Office of the Secretary of Defense to provide oversight of the ombudsman offices in the military departments and policy guidance to such offices with respect to providing assistance to, and answering questions from, covered servicemembers and their families.

(2) MEDICAL EVALUATION AND PHYSICAL DISABILITY EVALUATION FOR COVERED SERVICEMEMBERS.—

(A) MEDICAL EVALUATIONS.—Processes, procedures, and standards for medical evaluations of covered servicemembers, including the following:

(i) Processes for medical evaluations of covered servicemembers that are—

(I) applicable uniformly throughout the military departments; and

(II) applicable uniformly with respect to such servicemembers who are members of the regular components of the Armed Forces and such servicemembers who are members of the National Guard and Reserve.

(ii) Standard criteria and definitions for determining the achievement for covered servicemembers of the maximum medical benefit from treatment and rehabilitation.

(iii) Standard timelines for each of the following:

(I) Determinations of fitness for duty of covered servicemembers.

(II) Specialty consultations for covered servicemembers.

(III) Preparation of medical documents for covered servicemembers.

(IV) Appeals by covered servicemembers of medical evaluation determinations, including determinations of fitness for duty.

(iv) Uniform standards for qualifications and training of medical evaluation board personnel, including physicians, case workers, and physical disability evaluation board liaison officers, in conducting medical evaluations of covered servicemembers.

(v) Standards for the maximum number of medical evaluation cases of covered servicemembers that are pending before a medical evaluation board at any one time, and requirements for the establishment of additional medical evaluation boards in the event such number is exceeded.

(vi) Uniform standards for information for covered servicemembers, and their families, on the medical evaluation board process and the rights and responsibilities of such servicemembers under that process, including a standard handbook on such information.

(B) PHYSICAL DISABILITY EVALUATIONS.—Processes, procedures, and standards for physical disability evaluations of covered servicemembers, including the following:

(i) A non-adversarial process of the Department of Defense and the Department of Veterans Affairs for disability determinations of covered servicemembers.

(ii) To the extent feasible, procedures to eliminate unacceptable discrepancies among disability ratings assigned by the military departments and the Department of Veterans Affairs, particularly in the disability evaluation of covered servicemembers, which procedures shall be subject to the following requirements and limitations:

(I) Such procedures shall apply uniformly with respect to covered servicemembers who are members of the regular components of the Armed Forces and covered servicemembers who are members of the National Guard and Reserve.

(II) Under such procedures, each Secretary of a military department shall, to the extent feasible, utilize the standard schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of such schedule by the United States Court of Appeals for Veterans Claims, in making any determination of disability of a covered servicemember.

(iii) Standard timelines for appeals of determinations of disability of covered servicemembers, including timelines for presentation, consideration, and disposition of appeals.

(iv) Uniform standards for qualifications and training of physical disability evaluation board personnel in conducting physical disability evaluations of covered servicemembers.

(v) Standards for the maximum number of physical disability evaluation cases of covered servicemembers that are pending before a physical disability evaluation board at any one time, and requirements for the establishment of additional physical disability evaluation boards in the event such number is exceeded.

(vi) Procedures for the provision of legal counsel to covered servicemembers while undergoing evaluation by a physical disability evaluation board.

(vii) Uniform standards on the roles and responsibilities of case managers, servicemember advocates, and judge advocates assigned to covered servicemembers undergoing evaluation by a physical disability board, and uniform standards on the maximum number of cases involving such servicemembers that are to be assigned to such managers and advocates.

(C) RETURN OF COVERED SERVICEMEMBERS TO ACTIVE DUTY.—Standards for determinations by the military departments on the return of covered servicemembers to active duty in the Armed Forces.

(D) TRANSITION OF COVERED SERVICEMEMBERS FROM DOD TO VA.—Processes, procedures, and standards for the transition of covered servicemembers from care and treatment by the Department of Defense to care and treatment by the Department of Veterans Affairs before, during, and after separation from the Armed Forces, including the following:

(i) A uniform, patient-focused policy to ensure that the transition occurs without gaps in medical care and the quality of medical care, benefits, and services.

(ii) Procedures for the identification and tracking of covered servicemembers during the transition, and for the coordination of care and treatment of such servicemembers during the transition, including a system of cooperative case management of such servicemembers by the Department of Defense and the Department of Veterans Affairs during the transition.

(iii) Procedures for the notification of Department of Veterans Affairs liaison personnel of the commencement by covered servicemembers of the medical evaluation process and the physical disability evaluation process.

(iv) Procedures and timelines for the enrollment of covered servicemembers in applicable enrollment or application systems of the Department of Veterans with respect to health care, disability, education, vocational rehabilitation, or other benefits.

(v) Procedures to ensure the access of covered servicemembers during the transition to vocational, educational, and rehabilitation benefits available through the Department of Veterans Affairs.

(vi) Standards for the optimal location of Department of Defense and Department of Veterans Affairs liaison and case management personnel at military medical treatment facilities, medical centers, and other medical facilities of the Department of Defense.

(vii) Standards and procedures for integrated medical care and management for covered servicemembers during the transition, including procedures for the assignment of medical personnel of the Department of Veterans Affairs to Department of Defense facilities to participate in the needs assessments of such servicemembers before, during, and after their separation from military service.

(viii) Standards for the preparation of detailed plans for the transition of covered servicemembers from care and treatment by the Department of Defense to care and treatment by the Department of Veterans Affairs, which plans shall be based on standardized elements with respect to care and treatment requirements and other applicable requirements.

(E) OTHER MATTERS.—The following additional matters with respect to covered servicemembers:

(i) Access by the Department of Veterans Affairs to the military health records of covered servicemembers who are receiving care and treatment, or are anticipating receipt of care and treatment, in Department of Veterans Affairs health care facilities.

(ii) Requirements for utilizing, in appropriate cases, a single physical examination that meets requirements of both the Department of Defense and the Department of Veterans Affairs for covered servicemembers who are being retired, separated, or released from military service.

(iii) Surveys and other mechanisms to measure patient and family satisfaction with the provision by the Department of Defense and the Department of Veterans Affairs of care and services for covered servicemembers, and to facilitate appropriate oversight by supervisory personnel of the provision of such care and services.

(3) REPORT ON REDUCTION IN DISABILITY RATINGS BY THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and House of Representatives on the number of instances in which a disability rating assigned to a member of the Armed Forces by an informal physical evaluation board of the Department of Defense was reduced upon appeal, and the reasons for such reduction. Such report shall cover the period beginning October 7, 2001, and ending September 30, 2006, and shall be submitted to the appropriate committees of Congress by February 1, 2008.

(e) REPORTS.—

(1) REPORT ON POLICY.—Upon the development of the policy required by this section but not later than January 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the policy, including a comprehensive and detailed description of the policy and of the manner in which the policy addresses the findings and recommendations of the reviews under subsections (b) and (c).

(2) REPORTS ON UPDATE.—Upon updating the policy under subsection (a)(4), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the update of the policy, including a comprehensive and detailed description of such update and of the reasons for such update.

(f) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act and every year thereafter, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Secretary of Defense and the Secretary of Veterans Affairs in developing and implementing the policy required by this section.

**SEC. 112. CONSIDERATION OF NEEDS OF WOMEN MEMBERS OF THE ARMED FORCES AND VETERANS.**

(a) IN GENERAL.—In developing and implementing the policy required by section 111, and in otherwise carrying out any other provision of this title or any amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account and fully address any unique specific needs of women members of the Armed Forces and women veterans under such policy or other provision.

(b) REPORTS.—In submitting any report required by this title or an amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent applicable, include a description of the manner in which the matters covered by such report address the unique specific needs of women members of the Armed Forces and women veterans.

## Subtitle B—Health Care

## PART I—ENHANCED AVAILABILITY OF CARE FOR SERVICEMEMBERS

**SEC. 121. MEDICAL CARE AND OTHER BENEFITS FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.**

(a) MEDICAL AND DENTAL CARE FOR MEMBERS AND FORMER MEMBERS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act and subject to regulations prescribed by the Secretary of Defense, any covered member of the Armed Forces, and any former member of the Armed Forces, with a severe injury or illness is entitled to medical and dental care in any facility of the uniformed services under section 1074(a) of title 10, United States Code, or through any civilian health care provider authorized by the Secretary to provide health and mental health services to members of the uniformed services, including traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD), as if such member or former member were a member of the uniformed services described in paragraph (2) of such section who is entitled to medical and dental care under such section.

(2) PERIOD OF AUTHORIZED CARE.—(A) Except as provided in subparagraph (B), a member or former member described in paragraph (1) is entitled to care under that paragraph—

(i) in the case of a member or former member whose severe injury or illness concerned is incurred or aggravated during the period beginning on October 7, 2001, and ending on the date of the enactment of this Act, during the three-year period beginning on the date of the enactment of this Act, except that no compensation is payable by reason of this subsection for any period before the date of the enactment of this Act; or

(ii) in the case of a member or former member whose severe injury or illness concerned is incurred or aggravated on or after the date of the enactment of this Act, during the three-year period beginning on the date on which such injury or illness is so incurred or aggravated.

(B) The period of care authorized for a member or former member under this paragraph may be extended by the Secretary concerned for an additional period of up to two years if the Secretary concerned determines that such extension is necessary to assure the maximum feasible recovery and rehabilitation of the member or former member. Any such determination shall be made on a case-by-case basis.

(3) INTEGRATED CARE MANAGEMENT.—The Secretary of Defense shall provide for a program of integrated care management in the provision of care and services under this subsection, which management shall be provided by appropriate medical and case management personnel of the Department of Defense and the Department of Veterans Affairs (as approved by the Secretary of Veterans Affairs) and with appropriate support from the Department of Defense regional health care support contractors.

(4) WAIVER OF LIMITATIONS TO MAXIMIZE CARE.—The Secretary of Defense may, in providing medical and dental care to a member or former member under this subsection during the period referred to in paragraph (2), waive any limitation otherwise applicable under chapter 55 of title 10, United States Code, to the provision of such care to the member or former member if the Secretary considers the waiver appropriate to assure the maximum feasible recovery and rehabilitation of the member or former member.

(5) CONSTRUCTION WITH ELIGIBILITY FOR VETERANS BENEFITS.—Nothing in this subsection shall be construed to reduce, alter, or otherwise affect the eligibility or entitlement of a member or former member of the Armed Forces to any health care, disability, or other benefits to which the member of former member would otherwise be eligible or entitled as a veteran under the laws administered by the Secretary of Veterans Affairs.

(6) SUNSET.—The Secretary of Defense may not provide medical or dental care to a member or former member of the Armed Forces under this subsection after December 31, 2012, if the Secretary has not provided medical or dental care to the member or former member under this subsection before that date.

(b) REHABILITATION AND VOCATIONAL BENEFITS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act, a member of the Armed Forces with a severe injury or illness is entitled to such benefits (including rehabilitation and vocational benefits, but not including compensation) from the Secretary of Veterans Affairs to facilitate the recovery and rehabilitation of such member as the Secretary otherwise provides to members of the Armed Forces receiving medical care in medical facilities of the Department of Veterans Affairs facilities in order to facilitate the recovery and rehabilitation of such members.

(2) LIMITATIONS.—The provisions of paragraphs (2) through (6) of subsection (a) shall apply to the provision of benefits under this subsection as if the benefits provided under this subsection were provided under subsection (a).

(3) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for the cost of any benefits provided under this subsection in accordance

with applicable mechanisms for the reimbursement of the Secretary of Veterans Affairs for the provision of medical care to members of the Armed Forces.

(c) RECOVERY OF CERTAIN EXPENSES OF MEDICAL CARE AND RELATED TRAVEL.—

(1) IN GENERAL.—Commencing not later than 60 days after the date of the enactment of this Act, the Secretary of the military department concerned may reimburse covered members of the Armed Forces, and former members of the Armed Forces, with a severe injury or illness for covered expenses incurred by such members or former members, or their family members, in connection with the receipt by such members or former members of medical care that is required for such injury or illness.

(2) COVERED EXPENSES.—Expenses for which reimbursement may be made under paragraph (1) include the following:

(A) Expenses for health care services for which coverage would be provided under section 1074(c) of title 10, United States Code, for members of the uniformed services on active duty.

(B) Expenses of travel of a non-medical attendant who accompanies a member or former member of the Armed Forces for required medical care that is not available to such member or former member locally, if such attendant is appointed for that purpose by a competent medical authority (as determined under regulations prescribed by the Secretary of Defense for purposes of this subsection).

(C) Such other expenses for medical care as the Secretary may prescribe for purposes of this subsection.

(3) AMOUNT OF REIMBURSEMENT.—The amount of reimbursement under paragraph (1) for expenses covered by paragraph (2) shall be determined in accordance with regulations prescribed by the Secretary of Defense for purposes of this subsection.

(d) SEVERE INJURY OR ILLNESS DEFINED.—In this section, the term ''severe injury or illness'' means any serious injury or illness that is assigned a disability rating of 30 percent or higher under the schedule for rating disabilities in use by the Department of Defense.

**SEC. 122. REIMBURSEMENT OF CERTAIN FORMER MEMBERS OF THE UNIFORMED SERVICES WITH SERVICE-CONNECTED DISABILITIES FOR TRAVEL FOR FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.**

(a) TRAVEL.—Section 1074i of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.—In any case in which a former member of a uniformed service who incurred a disability while on active duty in a combat zone or during performance of duty in combat related operations (as designated by the Secretary of Defense), and is entitled to retired or retainer pay, or equivalent pay, requires follow-on specialty care, services, or supplies related to such disability at a specific military treatment facility more than 100 miles from the location in which the former member resides, the Secretary shall provide reimbursement for reasonable travel expenses comparable to those provided under subsection (a) for the former member, and when accompaniment by an adult is determined by competent medical authority to be necessary, for a spouse, parent, or guardian of the former member, or another member of the former member's family who is at least 21 years of age.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect January 1, 2008, and shall apply with respect to travel that occurs on or after that date.

## PART II—CARE AND SERVICES FOR DEPENDENTS

**SEC. 126. MEDICAL CARE AND SERVICES AND SUPPORT SERVICES FOR FAMILIES OF MEMBERS OF THE ARMED FORCES RECOVERING FROM SERIOUS INJURIES OR ILLNESSES.**

(a) MEDICAL CARE.—

(1) IN GENERAL.—A family member of a covered member of the Armed Forces who is not otherwise eligible for medical care at a military medical treatment facility or at medical facilities of the Department of Veterans Affairs shall be eligible for such care at such facilities, on a space-available basis, if the family member is—

(A) on invitational orders while caring for the covered member of the Armed Forces;

(B) a non-medical attendee caring for the covered member of the Armed Forces; or

(C) receiving per diem payments from the Department of Defense while caring for the covered member of the Armed Forces.

(2) SPECIFICATION OF FAMILY MEMBERS.—Notwithstanding section 101(3), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly prescribe in regulations the family members of covered members of the Armed Forces who shall be considered to be a family member of a covered member of the Armed Forces for purposes of paragraph (1).

(3) SPECIFICATION OF CARE.—(A) The Secretary of Defense shall prescribe in regulations the medical care and counseling that shall be available to family members under paragraph (1) at military medical treatment facilities.

(B) The Secretary of Veterans Affairs shall prescribe in regulations the medical care and counseling that shall be available to family members under paragraph (1) at medical facilities of the Department of Veterans Affairs.

(4) RECOVERY OF COSTS.—The United States may recover the costs of the provision of medical care and counseling under paragraph (1) as follows (as applicable):

(A) From third-party payers, in the same manner as the United States may collect costs of the charges of health care provided to covered beneficiaries from third-party payers under section 1095 of title 10, United States Code.

(B) As if such care and counseling was provided under the authority of section 1784 of title 38, United States Code.

(b) JOB PLACEMENT SERVICES.—A family member who is on invitational orders or is a non-medical attendee while caring for a covered member of the Armed Forces for more than 45 days during a one-year period shall be eligible for job placement services otherwise offered by the Department of Defense.

(c) REPORT ON NEED FOR ADDITIONAL SERVICES.—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 setting forth the assessment of the Secretary of the need for additional employment services, and of the need for employment protection, of family members described in subsection (b) who are placed on leave from employment or otherwise displaced from employment while caring for a covered member of the Armed Forces as described in that subsection.

**SEC. 127. EXTENDED BENEFITS UNDER TRICARE FOR PRIMARY CAREGIVERS OF MEMBERS OF THE UNIFORMED SERVICES WHO INCUR A SERIOUS INJURY OR ILLNESS ON ACTIVE DUTY.**

(a) IN GENERAL.—Section 1079(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) Subject to such terms, conditions, and exceptions as the Secretary of Defense considers appropriate, the program of extended benefits for eligible dependents under this subsection shall include extended benefits for the primary caregivers of members of the uniformed services who incur a serious injury or illness on active duty.

''(B) The Secretary of Defense shall prescribe in regulations the individuals who shall be treated as the primary caregivers of a member of the uniformed services for purposes of this paragraph.

''(C) For purposes of this section, a serious injury or illness, with respect to a member of the uniformed services, is an injury or illness that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating and that renders a member of the uniformed services dependant upon a caregiver.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2008.

## PART III—TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER

**SEC. 131. COMPREHENSIVE PLANS ON PREVENTION, DIAGNOSIS, MITIGATION, AND TREATMENT OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER IN MEMBERS OF THE ARMED FORCES.**

(a) PLANS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to the congressional defense committees one or more comprehensive plans for programs and activities of the Department of Defense to prevent, diagnose, mitigate, treat, and otherwise respond to traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD) in members of the Armed Forces.

(b) ELEMENTS.—Each plan submitted under subsection (a) shall include comprehensive proposals of the Department on the following:

(1) The designation by the Secretary of Defense of a lead agent or executive agent for the Department to coordinate development and implementation of the plan.

(2) The improvement of personnel protective equipment for members of the Armed Forces in order to prevent traumatic brain injury.

(3) The improvement of methods and mechanisms for the detection and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces in the field.

(4) The requirements for research on traumatic brain injury and post-traumatic stress disorder, including (in particular) research on pharmacological approaches to treatment for traumatic brain injury or post-traumatic stress disorder, as applicable, and the allocation of priorities among such research.

(5) The development, adoption, and deployment of diagnostic criteria for the detection and evaluation of the range of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, which criteria shall be employed uniformly across the military departments in all applicable circumstances, including provision of clinical care and assessment of future deployability of members of the Armed Forces.

(6) The development and deployment of effective means of assessing traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including a

system of pre-deployment and post-deployment screenings of cognitive ability in members for the detection of cognitive impairment, as required by the amendments made by section 132.

(7) The development and deployment of effective means of managing and monitoring members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder in the receipt of care for traumatic brain injury or post-traumatic stress disorder, as applicable, including the monitoring and assessment of treatment and outcomes.

(8) The development and deployment of an education and awareness training initiative designed to reduce the negative stigma associated with traumatic brain injury, post-traumatic stress disorder, and mental health treatment.

(9) The provision of education and outreach to families of members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder on a range of matters relating to traumatic brain injury or post-traumatic stress disorder, as applicable, including detection, mitigation, and treatment.

(10) The assessment of the current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(11) The identification of gaps in current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(12) The identification of the resources required for the Department in fiscal years 2009 thru 2013 to address the gaps in capabilities identified under paragraph (11).

(13) The development of joint planning among the Department of Defense, the military departments, and the Department of Veterans Affairs for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including planning for the seamless transition of such members from care through the Department of Defense care through the Department of Veterans Affairs.

(14) A requirement that exposure to a blast or blasts be recorded in the records of members of the Armed Forces.

(15) The development of clinical practice guidelines for the diagnosis and treatment of blast injuries in members of the Armed Forces, including, but not limited to, traumatic brain injury.

(16) A program under which each member of the Armed Forces who incurs a traumatic brain injury or post-traumatic stress disorder during service in the Armed Forces—

(A) is enrolled in the program; and

(B) receives, under the program, treatment and rehabilitation meeting a standard of care such that each individual who is a member of the Armed Forces who qualifies for care under the program shall—

(i) be provided the highest quality of care possible based on the medical judgment of qualified medical professionals in facilities that most appropriately meet the specific needs of the individual; and

(ii) be rehabilitated to the fullest extent possible using the most up-to-date medical technology, medical rehabilitation practices, and medical expertise available.

(17) A requirement that if a member of the Armed Forces participating in a program established in accordance with paragraph (16) believes that care provided to such participant does not meet the standard of care specified in subparagraph (B) of such paragraph, the Secretary of Defense shall, upon request of the participant, provide to such participant a referral to another Department of Defense or Department of Veterans Affairs provider of medical or rehabilitative care for a second opinion regarding the care that would meet the standard of care specified in such subparagraph.

(18) The provision of information by the Secretary of Defense to members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder and their families about their rights with respect to the following:

(A) The receipt of medical and mental health care from the Department of Defense and the Department of Veterans Affairs.

(B) The options available to such members for treatment of traumatic brain injury and post-traumatic stress disorder.

(C) The options available to such members for rehabilitation.

(D) The options available to such members for a referral to a public or private provider of medical or rehabilitative care.

(E) The right to administrative review of any decision with respect to the provision of care by the Department of Defense for such members.

(c) COORDINATION IN DEVELOPMENT.—Each plan submitted under subsection (a) shall be developed in coordination with the Secretary of the Army (who was designated by the Secretary of Defense as executive agent for the prevention, mitigation, and treatment of blast injuries under section 256 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3181; 10 U.S.C. 1071 note)).

(d) ADDITIONAL ACTIVITIES.—In carrying out programs and activities for the prevention, diagnosis, mitigation, and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, the Secretary of Defense shall—

(1) examine the results of the recently completed Phase 2 study, funded by the National Institutes of Health, on the use of progesterone for acute traumatic brain injury;

(2) determine if Department of Defense funding for a Phase 3 clinical trial on the use of progesterone for acute traumatic brain injury, or for further research regarding the use of progesterone or its metabolites for treatment of traumatic brain injury, is warranted; and

(3) provide for the collaboration of the Department of Defense, as appropriate, in clinical trials and research on pharmacological approaches to treatment for traumatic brain injury and post-traumatic stress disorder that is conducted by other departments and agencies of the Federal Government.

**SEC. 132. IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.**

(a) PROTOCOL FOR ASSESSMENT OF COGNITIVE FUNCTIONING.—

(1) PROTOCOL REQUIRED.—Subsection (b) of section 1074f of title 10, United States Code, is amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

''(C) An assessment of post-traumatic stress disorder.''; and

(B) by adding at the end the following new paragraph:

''(3)(A) The Secretary shall establish for purposes of subparagraphs (B) and (C) of paragraph (2) a protocol for the predeployment assessment and documentation of the cognitive (including memory) functioning of a member who is deployed outside the United States in order to facilitate the assessment of the postdeployment cognitive (including memory) functioning of the member.

''(B) The protocol under subparagraph (A) shall include appropriate mechanisms to permit the differential diagnosis of traumatic brain injury in members returning from deployment in a combat zone.''.

(2) PILOT PROJECTS.—(A) In developing the protocol required by paragraph (3) of section 1074f(b) of title 10, United States Code (as amended by paragraph (1) of this subsection), for purposes of assessments for traumatic brain injury, the Secretary of Defense shall conduct up to three pilot projects to evaluate various mechanisms for use in the protocol for such purposes. One of the mechanisms to be so evaluated shall be a computer-based assessment tool.

(B) Not later than 60 days after the completion of the pilot projects conducted under this paragraph, the Secretary shall submit to the appropriate committees of Congress a report on the pilot projects. The report shall include—

(i) a description of the pilot projects so conducted;

(ii) an assessment of the results of each such pilot project; and

(iii) a description of any mechanisms evaluated under each such pilot project that will incorporated into the protocol.

(C) Not later than 180 days after completion of the pilot projects conducted under this paragraph, the Secretary shall establish a mechanism for implementing any mechanism evaluated under such a pilot project that is selected for incorporation in the protocol.

(D) There is hereby authorized to be appropriated to the Department of Defense, $3,000,000 for the pilot projects authorized by this paragraph. Of the amount so authorized to be appropriated, not more than $1,000,000 shall be available for any particular pilot project.

(b) QUALITY ASSURANCE.—Subsection (d)(2) of section 1074f of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) The diagnosis and treatment of traumatic brain injury and post-traumatic stress disorder.''.

(c) STANDARDS FOR DEPLOYMENT.—Subsection (f) of such section is amended—

(1) in the subsection heading, by striking ''MENTAL HEALTH''; and

(2) in paragraph (2)(B), by striking ''or'' and inserting '', traumatic brain injury, or''.

**SEC. 133. CENTERS OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.**

(a) CENTER OF EXCELLENCE ON TRAUMATIC BRAIN INJURY.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

**''§ 1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury**

''(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury (TBI), including mild, moderate, and severe traumatic brain injury, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury'.

''(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, 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 responsibilities as follows:

''(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury.

''(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of traumatic brain injury.

''(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with traumatic brain injury.

''(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of traumatic brain injury.

''(5) To facilitate advancements in the study of the short-term and long-term psychological effects of traumatic brain injury.

''(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to traumatic brain injury.

''(7) To conduct basic science and translational research on traumatic brain injury for the purposes of understanding the etiology of traumatic brain injury and developing preventive interventions and new treatments.

''(8) To develop outreach strategies and treatments for families of members of the armed forces with traumatic brain injury in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from traumatic brain injury.

''(9) To conduct research on the unique mental health needs of women members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

''(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

''(11) To conduct research on the mental health needs of families of members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

''(12) To conduct longitudinal studies (using imaging technology and other proven research methods) on members of the armed forces with traumatic brain injury to identify early signs of Alzheimer's disease, Parkinson's disease, or other manifestations of neurodegeneration in such members, which studies should be conducted in coordination with the studies authorized by section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2294) and other studies of the Department of Defense and the Department of Veterans Affairs that address the connection between exposure to combat and the development of Alzheimer's disease, Parkinson's disease, and other neurodegenerative disorders.

''(13) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with traumatic brain injury until their transition to care and treatment from the Department of Veterans Affairs.

''(14) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

''(15) Such other responsibilities as the Secretary shall specify.''.

(b) CENTER OF EXCELLENCE ON POST-TRAUMATIC STRESS DISORDER.—Chapter 55 of such title is further amended by inserting after section 1105a, as added by subsection (a), the following new section:

**''§ 1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder**

''(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder (PTSD), including mild, moderate, and severe post-traumatic stress disorder, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder'.

''(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the National Center for Post-Traumatic Stress Disorder of the Department of Veterans Affairs, 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 responsibilities as follows:

''(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder.

''(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of post-traumatic stress disorder.

''(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with post-traumatic stress disorder.

''(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of post-traumatic stress disorder.

''(5) To facilitate advancements in the study of the short-term and long-term psychological effects of post-traumatic stress disorder.

''(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to post-traumatic stress disorder.

''(7) To conduct basic science and translational research on post-traumatic stress disorder for the purposes of understanding the etiology of post-traumatic stress disorder and developing preventive interventions and new treatments.

''(8) To develop outreach strategies and treatments for families of members of the armed forces with post-traumatic stress disorder in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from post-traumatic stress disorder.

''(9) To conduct research on the unique mental health needs of women members of the armed forces, including victims of sexual assault, with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

''(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

''(11) To conduct research on the mental health needs of families of members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

''(12) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with post-traumatic stress disorder until their transition to care and treatment from the Department of Veterans Affairs.

''(13) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

''(14) Such other responsibilities as the Secretary shall specify.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new items:

''1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury.

''1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder.''.

(d) REPORT ON ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code (as added by subsection (a)), and the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code (as added by subsection (b)). The report shall, for each such Center—

(1) describe in detail the activities and proposed activities of such Center; and

(2) assess the progress of such Center in discharging the responsibilities of such Center.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program, $10,000,000, of which—

(1) $5,000,000 shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code; and

(2) $5,000,000 shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code.

**SEC. 134. REVIEW OF MENTAL HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES AND VETERANS.**

(a) COMPREHENSIVE REVIEW.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a comprehensive review of—

(1) the need for mental health treatment and services for female members of the Armed Forces and veterans; and

(2) the efficacy and adequacy of existing mental health treatment programs and services for female members of the Armed Forces and veterans.

(b) ELEMENTS.—The review required by subsection (a) shall include, but not be limited to, an assessment of the following:

(1) The need for mental health outreach, prevention, and treatment services specifically for female members of the Armed Forces and veterans.

(2) The access to and efficacy of existing mental health outreach, prevention, and treatment services and programs (including substance abuse programs) for female veterans who served in a combat zone.

(3) The access to and efficacy of services and treatment for female members of the Armed Forces and veterans who experience post-traumatic stress disorder (PTSD).

(4) The availability of services and treatment for female members of the Armed Forces and veterans who experienced sexual assault or abuse.

(5) The access to and need for treatment facilities focusing on the mental health care needs of female members of the Armed Forces and veterans.

(6) The need for further clinical research on the unique needs of female veterans who served in a combat zone.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the review required by subsection (a).

(d) POLICY REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a comprehensive policy to address the treatment and care needs of female members of the Armed Forces and veterans who experience mental health problems and conditions, including post-traumatic stress disorder. The policy shall take into account and reflect the results of the review required by subsection (a).

**SEC. 135. FUNDING FOR IMPROVED DIAGNOSIS, TREATMENT, AND REHABILITATION OF MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY OR POST-TRAUMATIC STRESS DISORDER.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program in the amount of $50,000,000, with such amount to be available for activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury (TBI).

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by paragraph (1), $17,000,000 shall be available for the Defense and Veterans Brain Injury Center of the Department of Defense.

(b) SUPPLEMENT NOT SUPPLANT.—The amount authorized to be appropriated by subsection (a) for Defense Health Program is in addition to any other amounts authorized to be appropriated by this Act for Defense Health Program.

**SEC. 136. REPORTS.**

(a) REPORTS ON IMPLEMENTATION OF CERTAIN REQUIREMENTS.—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 describing the progress in implementing the requirements as follows:

(1) The requirements of section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2294), relating to a longitudinal study on traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) The requirements arising from the amendments made by section 738 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2303), relating to enhanced mental health screening and services for members of the Armed Forces.

(3) The requirements of section 741 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2304), relating to pilot projects on early diagnosis and treatment of post-traumatic stress disorder and other mental health conditions.

(b) ANNUAL REPORTS ON EXPENDITURES FOR ACTIVITIES ON TBI AND PTSD.—

(1) REPORTS REQUIRED.—Not later than March 1, 2008, and each year thereafter through 2013, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the amounts expended by the Department of Defense during the preceding calendar year on activities described in paragraph (2), including the amount allocated during such calendar year to the Defense and Veterans Brain Injury Center of the Department.

(2) COVERED ACTIVITIES.—The activities described in this paragraph are activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury (TBI).

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(3) ELEMENTS.—Each report under paragraph (1) shall include—

(A) a description of the amounts expended as described in that paragraph, including a description of the activities for which expended;

(B) a description and assessment of the outcome of such activities;

(C) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of traumatic brain injury in members of the Armed Forces during the year in which such report is submitted and in future calendar years;

(D) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of post-traumatic stress disorder in members of the Armed Forces during the year in which such report is submitted and in future calendar years; and

(E) an assessment of the progress made toward achieving the priorities stated in subparagraphs (C) and (D) in the report under paragraph (1) in the previous year, and a description of any actions planned during the year in which such report is submitted to achieve any unfulfilled priorities during such year.

## PART IV—OTHER MATTERS

**SEC. 141. JOINT ELECTRONIC HEALTH RECORD FOR THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly—

(1) develop and implement a joint electronic health record for use by the Department of Defense and the Department of Veterans Affairs; and

(2) accelerate the exchange of health care information between the Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(b) DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS INTERAGENCY PROGRAM OFFICE FOR A JOINT ELECTRONIC HEALTH RECORD.—

(1) IN GENERAL.—There is hereby established a joint element of the Department of Defense and the Department of Veterans Affairs to be known as the ''Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record'' (in this section referred to as the ''Office'').

(2) PURPOSES.—The purposes of the Office shall be as follows:

(A) To act as a single point of accountability for the Department of Defense and the Department of Veterans Affairs in the rapid development, test, and implementation of a joint electronic health record for use by the Department of Defense and the Department of Veterans Affairs.

(B) To accelerate the exchange of health care information between Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(c) LEADERSHIP.—

(1) DIRECTOR.—The Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record shall be the head of the Office.

(2) DEPUTY DIRECTOR.—The Deputy Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record shall be the deputy head of the office and shall assist the Director in carrying out the duties of the Director.

(3) APPOINTMENTS.—(A) The Director shall be appointed by the Secretary of Defense, with the concurrence of the Secretary of Veterans Affairs, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development and acquisition of major information technology capabilities.

(B) The Deputy Director shall be appointed by the Secretary of Veterans Affairs, with the concurrence of the Secretary of Defense, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development and acquisition of major information technology capabilities.

(4) ADDITIONAL GUIDANCE.—In addition to the direction, supervision, and control provided by the Secretary of Defense and the Secretary of Veterans Affairs, the Office shall also receive guidance from the Department of Veterans Affairs-Department of Defense Joint Executive Committee under section 320 of title 38, United States Code, in the discharge of the functions of the Office under this section.

(5) TESTIMONY.—Upon request by any of the appropriate committees of Congress, the Director and the Deputy Director shall testify

before such committee regarding the discharge of the functions of the Office under this section.

(d) FUNCTION.—The function of the Office shall be to develop and prepare for deployment, by not later than September 30, 2010, a joint electronic health record to be utilized by both the Department of Defense and the Department of Veterans Affairs in the provision of medical care and treatment to members of the Armed Forces and veterans, which health record shall comply with applicable interoperability standards, implementation specifications, and certification criteria (including for the reporting of quality measures) of the Federal Government.

(e) SCHEDULES AND BENCHMARKS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly establish a schedule and benchmarks for the discharge by the Office of its function under this section, including each of the following:

(1) A schedule for the establishment of the Office.

(2) A schedule and deadline for the establishment of the requirements for the joint electronic health record described in subsection (d), including coordination with the Office of the National Coordinator for Health Information Technology in the development of a nationwide interoperable health information technology infrastructure.

(3) A schedule and associated deadlines for any acquisition and testing required in the development and deployment of the joint electronic health record.

(4) A schedule and associated deadlines and requirements for the deployment of the joint electronic health record.

(5) Proposed funding for the Office for each of fiscal years 2009 through 2013 for the discharge of its function.

(f) PILOT PROJECTS.—

(1) AUTHORITY.—In order to assist the Office in the discharge of its function under this section, the Secretary of Defense and the Secretary of Veterans Affairs may, acting jointly, carry out one or more pilot projects to assess the feasability and advisability of various technological approaches to the achievement of the joint electronic health record described in subsection (d).

(2) TREATMENT AS SINGLE HEALTH CARE SYSTEM.—For purposes of each pilot project carried out under this subsection, the health care system of the Department of Defense and the health care system of the Department of Veterans Affairs shall be treated as a single health care system for purposes of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(g) STAFF AND OTHER RESOURCES.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall assign to the Office such personnel and other resources of the Department of Defense and the Department of Veterans Affairs as are required for the discharge of its function under this section.

(2) ADDITIONAL SERVICES.—Subject to the approval of the Secretary of Defense and the Secretary of Veterans Affairs, the Director may utilize the services of private individuals and entities as consultants to the Office in the discharge of its function under this section. Amounts available to the Office shall be available for payment for such services.

(h) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than January 1, 2009, and each year thereafter through 2014, the Director shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to the appropriate committees of Congress, a report on the activities of the Office during the preceding calendar year. Each report shall include, for the year covered by such report, the following:

(A) A detailed description of the activities of the Office, including a detailed description of the amounts expended and the purposes for which expended.

(B) An assessment of the progress made by the Department of Defense and the Department of Veterans Affairs in the development and implementation of the joint electronic health record described in subsection (d).

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs shall make available to the public each report submitted under paragraph (1), including by posting such report on the Internet website of the Department of Defense and the Department of Veterans Affairs, respectively, that is available to the public.

(i) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act and every six months thereafter until the completion of the implementation of the joint electronic health record described in subsection (d), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Department of Defense and the Department of Veterans Affairs in developing and implementing the joint electronic health record.

(j) FUNDING.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall each contribute equally to the costs of the Office in fiscal year 2008 and fiscal years thereafter. The amount so contributed by each Secretary in fiscal year 2008 shall be up to $10,000,000.

(2) SOURCE OF FUNDS.—(A) Amounts contributed by the Secretary of Defense under paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Defense for the Defense Health Program and available for program management and technology resources.

(B) Amounts contributed by the Secretary of Veterans Affairs under paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Veterans Affairs for Medical Care and available for program management and technology resources.

(k) JOINT ELECTRONIC HEALTH RECORD DEFINED.—In this section, the term ''joint electronic health record'' means a single system that includes patient information across the continuum of medical care, including inpatient care, outpatient care, pharmacy care, patient safety, and rehabilitative care.

**SEC. 142. ENHANCED PERSONNEL AUTHORITIES FOR THE DEPARTMENT OF DEFENSE FOR HEALTH CARE PROFESSIONALS FOR CARE AND TREATMENT OF WOUNDED AND INJURED MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—Section 1599c of title 10, United States Code, is amended to read as follows:

**''§ 1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces**

''(a) IN GENERAL.—The Secretary of Defense may, in the discretion of the Secretary, exercise any authority for the appointment and pay of health care personnel under chapter 74 of title 38 for purposes of the recruitment, employment, and retention of civilian health care professionals for the Department of Defense if the Secretary determines that the exercise of such authority is necessary in order to provide or enhance the capacity of the Department to provide care and treatment for members of the armed forces who are wounded or injured on active duty in the armed forces and to support the ongoing patient care and medical readiness, education, and training requirements of the Department of Defense.

''(b) RECRUITMENT OF PERSONNEL.—(1) The Secretaries of the military departments shall each develop and implement a strategy to disseminate among appropriate personnel of the military departments authorities and best practices for the recruitment of medical and health professionals, including the authorities under subsection (a).

''(2) Each strategy under paragraph (1) shall—

''(A) assess current recruitment policies, procedures, and practices of the military department concerned to assure that such strategy facilitates the implementation of efficiencies which reduce the time required to fill vacant positions for medical and health professionals; and

''(B) clearly identify processes and actions that will be used to inform and educate military and civilian personnel responsible for the recruitment of medical and health professionals.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1599c and inserting the following new item:

''1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces.''.

(c) REPORTS ON STRATEGIES ON RECRUITMENT OF MEDICAL AND HEALTH PROFESSIONALS.—Not later than six months after the date of the enactment of this Act, each Secretary of a military department shall submit to the congressional defense committees a report setting forth the strategy developed by such Secretary under section 1599c(b) of title 10, United States Code, as added by subsection (a).

**SEC. 143. PERSONNEL SHORTAGES IN THE MENTAL HEALTH WORKFORCE OF THE DEPARTMENT OF DEFENSE, INCLUDING PERSONNEL IN THE MENTAL HEALTH WORKFORCE.**

(a) RECOMMENDATIONS ON MEANS OF ADDRESSING SHORTAGES.—

(1) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the recommendations of the Secretary for such legislative or administrative actions as the Secretary considers appropriate to address shortages in health care professionals within the Department of Defense, including personnel in the mental health workforce.

(2) ELEMENTS.—The report required by paragraph (1) shall address the following:

(A) Enhancements or improvements of financial incentives for health care professionals, including personnel in the mental health workforce, of the Department of Defense in order to enhance the recruitment and retention of such personnel, including recruitment, accession, or retention bonuses and scholarship, tuition, and other financial assistance.

(B) Modifications of service obligations of health care professionals, including personnel in the mental health workforce.

(C) Such other matters as the Secretary considers appropriate.

(b) RECRUITMENT.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall

implement programs to recruit qualified individuals in health care fields (including mental health) to serve in the Armed Forces as health care and mental health personnel of the Armed Forces.

**Subtitle C—Disability Matters**

**PART I—DISABILITY EVALUATIONS**

**SEC. 151. 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.—Clause (i) of section 1201(b)(3)(B) of title 10, United States Code, is amended to read as follows:

''(i) the member has six months or more of active military service and the disability was not noted at the time of the member's entrance on active duty (unless compelling evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty);''.

(b) SEPARATION OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1203(b)(4)(B) of such title is amended by striking ''and the member has at least eight years of service computed under section 1208 of this title'' and inserting '', the member has six months or more of active military service, and the disability was not noted at the time of the member's entrance on active duty (unless evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty)''.

**SEC. 152. REQUIREMENTS AND LIMITATIONS ON DEPARTMENT OF DEFENSE DETERMINATIONS OF DISABILITY WITH RESPECT TO MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1216 the following new section:

**''§ 1216a. Determinations of disability: requirements and limitations on determinations**

''(a) UTILIZATION OF VA SCHEDULE FOR RATING DISABILITIES IN DETERMINATIONS OF DISABILITY.—(1) In making a determination of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned—

''(A) shall, to the extent feasible, utilize the schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of the schedule by the United States Court of Appeals for Veterans Claims; and

''(B) except as provided in paragraph (2), may not deviate from the schedule or any such interpretation of the schedule.

''(2) In making a determination described in paragraph (1), the Secretary concerned may utilize in lieu of the schedule described in that paragraph such criteria as the Secretary of Defense and the Secretary of Veterans Affairs may jointly prescribe for purposes of this subsection if the utilization of such criteria will result in a determination of a greater percentage of disability than would be otherwise determined through the utilization of the schedule.

''(b) CONSIDERATION OF ALL MEDICAL CONDITIONS.—In making a determination of the rating of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned shall take into account all medical conditions, whether individually or collectively, that render the member unfit to perform the duties of the member's office, grade, rank, or rating.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1216 the following new item:

''1216a. Determinations of disability: requirements and limitations on determinations.''.

**SEC. 153. REVIEW OF SEPARATION OF MEMBERS OF THE ARMED FORCES SEPARATED FROM SERVICE WITH A DISABILITY RATING OF 20 PERCENT DISABLED OR LESS.**

(a) BOARD REQUIRED.—

(1) IN GENERAL.—Chapter 79 of title 10, United States Code, is amended by inserting after section 1554 adding the following new section:

**''§ 1554a. Review of separation with disability rating of 20 percent disabled or less**

''(a) IN GENERAL.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense a board of review to review the disability determinations of covered individuals by Physical Evaluation Boards. The board shall be known as the 'Physical Disability Board of Review'.

''(2) The Board shall consist of not less than three members appointed by the Secretary.

''(b) COVERED INDIVIDUALS.—For purposes of this section, covered individuals are members and former members of the armed forces who, during the period beginning on September 11, 2001, and ending on December 31, 2009—

''(1) are separated from the armed forces due to unfitness for duty due to a medical condition with a disability rating of 20 percent disabled or less; and

''(2) are found to be not eligible for retirement.

''(c) REVIEW.—(1) Upon its own motion, or upon the request of a covered individual, or a surviving spouse, next of kin, or legal representative of a covered individual, the Board shall review the findings and decisions of the Physical Evaluation Board with respect to such covered individual.

''(2) The review by the Board under paragraph (1) shall be based on the records of the armed force concerned and such other evidence as may be presented to the Board. A witness may present evidence to the Board by affidavit or by any other means considered acceptable by the Secretary of Defense.

''(d) AUTHORIZED RECOMMENDATIONS.—The Board may, as a result of its findings under a review under subsection (c), recommend to the Secretary concerned the following (as applicable) with respect to a covered individual:

''(1) No recharacterization of the separation of such individual or modification of the disability rating previously assigned such individual.

''(2) The recharacterization of the separation of such individual to retirement for disability.

''(3) The modification of the disability rating previously assigned such individual by the Physical Evaluation Board concerned, which modified disability rating may not be a reduction of the disability rating previously assigned such individual by that Physical Evaluation Board.

''(4) The issuance of a new disability rating for such individual.

''(e) CORRECTION OF MILITARY RECORDS.—(1) The Secretary concerned may correct the military records of a covered individual in accordance with a recommendation made by the Board under subsection (d). Any such correction may be made effective as of the effective date of the action taken on the report of the Physical Evaluation Board to which such recommendation relates.

''(2) In the case of a member previously separated pursuant to the findings and decision of a Physical Evaluation Board together with a lump-sum or other payment of back pay and allowances at separation, the amount of pay or other monetary benefits to which such member would be entitled based on the member's military record as corrected shall be reduced to take into account receipt of such lump-sum or other payment in such manner as the Secretary of Defense considers appropriate.

''(3) If the Board makes a recommendation not to correct the military records of a covered individual, the action taken on the report of the Physical Evaluation Board to which such recommendation relates shall be treated as final as of the date of such action.

''(f) REGULATIONS.—(1) This section shall be carried out in accordance with regulations prescribed by the Secretary of Defense.

''(2) The regulations under paragraph (1) shall specify reasonable deadlines for the performance of reviews required by this section.

''(3) The regulations under paragraph (1) shall specify the effect of a determination or pending determination of a Physical Evaluation Board on considerations by boards for correction of military records under section 1552 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of such title is amended by inserting after the item relating to section 1554 the following new item:

''1554a. Review of separation with disability rating of 20 percent disabled or less.''.

(b) IMPLEMENTATION.—The Secretary of Defense shall establish the board of review required by section 1554a of title 10, United States Code (as added by subsection (a)), and prescribe the regulations required by such section, not later than 90 days after the date of the enactment of this Act.

**SEC. 154. PILOT PROGRAMS ON REVISED AND IMPROVED DISABILITY EVALUATION SYSTEM FOR MEMBERS OF THE ARMED FORCES.**

(a) PILOT PROGRAMS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, carry out pilot programs with respect to the disability evaluation system of the Department of Defense for the purpose set forth in subsection (d).

(2) REQUIRED PILOT PROGRAMS.—In carrying out this section, the Secretary of Defense shall carry out the pilot programs described in paragraphs (1) through (3) of subsection (c). Each such pilot program shall be implemented not later than 90 days after the date of the enactment of this Act.

(3) AUTHORIZED PILOT PROGRAMS.—In carrying out this section, the Secretary of Defense may carry out such other pilot programs as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(b) DISABILITY EVALUATION SYSTEM OF THE DEPARTMENT OF DEFENSE.—For purposes of this section, the disability evaluation system of the Department of Defense is the system of the Department for the evaluation of the disabilities of members of the Armed Forces who are being separated or retired from the Armed Forces for disability under chapter 61 of title 10, United States Code.

(c) SCOPE OF PILOT PROGRAMS.—

(1) DISABILITY DETERMINATIONS BY DOD UTILIZING VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs under subsection (a), for purposes of making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, upon a determination by the Secretary of the military department concerned that the member is unfit to

perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) the Secretary of Veterans Affairs shall—

(i) conduct an evaluation of the member for physical disability; and

(ii) assign the member a rating of disability in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) the Secretary of the military department concerned shall make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A)(ii).

(2) DISABILITY DETERMINATIONS UTILIZING JOINT DOD/VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs under subsection (a), in making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, the Secretary of the military department concerned shall, upon determining that the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) provide for the joint evaluation of the member for disability by the Secretary of the military department concerned and the Secretary of Veterans Affairs, including the assignment of a rating of disability for the member in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A).

(3) ELECTRONIC CLEARING HOUSE.—Under one of the pilot programs, the Secretary of Defense shall establish and operate a single Internet website for the disability evaluation system of the Department of Defense that enables participating members of the Armed Forces to fully utilize such system through the Internet, with such Internet website to include the following:

(A) The availability of any forms required for the utilization of the disability evaluation system by members of the Armed Forces under the system.

(B) Secure mechanisms for the submission of such forms by members of the Armed Forces under the system, and for the tracking of the acceptance and review of any forms so submitted.

(C) Secure mechanisms for advising members of the Armed Forces under the system of any additional information, forms, or other items that are required for the acceptance and review of any forms so submitted.

(D) The continuous availability of assistance to members of the Armed Forces under the system (including assistance through the caseworkers assigned to such members of the Armed Forces) in submitting and tracking such forms, including assistance in obtaining information, forms, or other items described by subparagraph (C).

(E) Secure mechanisms to request and receive personnel files or other personnel records of members of the Armed Forces under the system that are required for submission under the disability evaluation system, including the capability to track requests for such files or records and to determine the status of such requests and of responses to such requests.

(4) OTHER PILOT PROGRAMS.—Under any pilot program carried out by the Secretary of Defense under subsection (a)(3), the Secretary shall provide for the development, evaluation, and identification of such practices and procedures under the disability evaluation system of the Department of Defense as the Secretary considers appropriate for purpose set forth in subsection (d).

(d) PURPOSE.—The purpose of each pilot program under subsection (a) shall be—

(1) to provide for the development, evaluation, and identification of revised and improved practices and procedures under the disability evaluation system of the Department of Defense in order to—

(A) reduce the processing time under the disability evaluation system of members of the Armed Forces who are likely to be retired or separated for disability, and who have not requested continuation on active duty, including, in particular, members who are severely wounded;

(B) identify and implement or seek the modification of statutory or administrative policies and requirements applicable to the disability evaluation system that—

(i) are unnecessary or contrary to applicable best practices of civilian employers and civilian healthcare systems; or

(ii) otherwise result in hardship, arbitrary, or inconsistent outcomes for members of the Armed Forces, or unwarranted inefficiencies and delays;

(C) eliminate material variations in policies, interpretations, and overall performance standards among the military departments under the disability evaluation system; and

(D) determine whether it enhances the capability of the Department of Veterans Affairs to receive and determine claims from members of the Armed Forces for compensation, pension, hospitalization, or other veterans benefits; and

(2) in conjunction with the findings and recommendations of applicable Presidential and Department of Defense study groups, to provide for the eventual development of revised and improved practices and procedures for the disability evaluation system in order to achieve the objectives set forth in paragraph (1).

(e) UTILIZATION OF RESULTS IN UPDATES OF COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF COVERED SERVICEMEMBERS.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly incorporate responses to any findings and recommendations arising under the pilot programs required by subsection (a) in updating the comprehensive policy on the care and management of covered servicemembers under section 111.

(f) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) IN GENERAL.—Subject to paragraph (2), in carrying out a pilot program under subsection (a)—

(A) the rules and regulations of the Department of Defense and the Department of Veterans Affairs relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces shall apply to the pilot program only to the extent provided in the report on the pilot program under subsection (h)(1); and

(B) the Secretary of Defense and the Secretary of Veterans Affairs may waive any provision of title 10, 37, or 38, United States Code, relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces if the Secretaries determine in writing that the application of such provision would be inconsistent with the purpose of the pilot program.

(2) LIMITATION.—Nothing in paragraph (1) shall be construed to authorize the waiver of any provision of section 1216a of title 10, United States Code, as added by section 152 of this Act.

(g) DURATION.—Each pilot program under subsection (a) shall be completed not later than one year after the date of the commencement of such pilot program under that subsection.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the pilot programs under subsection (a). The report shall include—

(A) a description of the scope and objectives of each pilot program;

(B) a description of the methodology to be used under such pilot program to ensure rapid identification under such pilot program of revised or improved practices under the disability evaluation system of the Department of Defense in order to achieve the objectives set forth in subsection (d)(1); and

(C) a statement of any provision described in subsection (f)(1)(B) that shall not apply to the pilot program by reason of a waiver under that subsection.

(2) INTERIM REPORT.—Not later than 150 days after the date of the submittal of the report required by paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report describing the current status of such pilot program.

(3) FINAL REPORT.—Not later than 90 days after the completion of all the pilot programs described in paragraphs (1) through (3) of subsection (c), the Secretary shall submit to the appropriate committees of Congress a report setting forth a final evaluation and assessment of such pilot programs. The report shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of such pilot programs.

**SEC. 155. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IN THE ARMY PHYSICAL DISABILITY EVALUATION SYSTEM.**

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of corrective measures by the Department of Defense with respect to the Physical Disability Evaluation System (PDES) in response to the following:

(1) The report of the Inspector General of the Army on that system of March 6, 2007.

(2) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(3) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include current information on the following:

(1) The total number of cases, and the number of cases involving combat disabled servicemembers, pending resolution before the Medical and Physical Disability Evaluation Boards of the Army, including information on the number of members of the Army who have been in a medical hold or holdover status for more than each of 100, 200, and 300 days.

(2) The status of the implementation of modifications to disability evaluation processes of the Department of Defense in response to the following:

(A) The report of the Inspector General on such processes dated March 6, 2007.

(B) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(C) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(c) POSTING ON INTERNET.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

**PART II—OTHER DISABILITY MATTERS**

**SEC. 161. ENHANCEMENT OF DISABILITY SEVERANCE PAY FOR MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—Section 1212 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''his years of service, but not more than 12, computed under section 1208 of this title'' in the matter preceding subparagraph (A) and inserting ''the member's years of service computed under section 1208 of this title (subject to the minimum and maximum years of service provided for in subsection (c))'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

''(c)(1) The minimum years of service of a member for purposes of subsection (a)(1) shall be as follows:

''(A) Six years in the case of a member separated from the armed forces for a disability incurred in line of duty in a combat zone (as designated by the Secretary of Defense for purposes of this subsection) or incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense.

''(B) Three years in the case of any other member.

''(2) The maximum years of service of a member for purposes of subsection (a)(1) shall be 19 years.''.

(b) NO DEDUCTION FROM COMPENSATION OF SEVERANCE PAY FOR DISABILITIES INCURRED IN COMBAT ZONES.—Subsection (d) of such section, as redesignated by subsection (a)(2) of this section, is further amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by striking the second sentence; and

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

''(2) No deduction may be made under paragraph (1) in the case of disability severance pay received by a member for a disability incurred in line of duty in a combat zone or incurred during performance of duty in combat-related operations as designated by the Secretary of Defense.

''(3) No deduction may be made under paragraph (1) from any death compensation to which a member's dependents become entitled after the member's death.''.

(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 members of the Armed Forces separated from the Armed Forces under chapter 61 of title 10, United States Code, on or after that date.

**SEC. 162. TRAUMATIC SERVICEMEMBERS' GROUP LIFE INSURANCE.**

(a) DESIGNATION OF FIDUCIARY FOR MEMBERS WITH LOST MENTAL CAPACITY OR EXTENDED LOSS OF CONSCIOUSNESS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a form for the designation of a recipient for the funds distributed under section 1980A of title 38, United States Code, as the fiduciary of a member of the Armed Forces in cases where the member is medically incapacitated (as determined by the Secretary of Defense in consultation with the Secretary of Veterans Affairs) or experiencing an extended loss of consciousness.

(b) ELEMENTS.—The form under subsection (a) shall require that a member may elect that—

(1) an individual designated by the member be the recipient as the fiduciary of the member; or

(2) a court of proper jurisdiction determine the recipient as the fiduciary of the member for purposes of this subsection.

(c) COMPLETION AND UPDATE.—The form under subsection (a) shall be completed by an individual at the time of entry into the Armed Forces and updated periodically thereafter.

**SEC. 163. ELECTRONIC TRANSFER FROM THE DEPARTMENT OF DEFENSE TO THE DEPARTMENT OF VETERANS AFFAIRS OF DOCUMENTS SUPPORTING ELIGIBILITY FOR BENEFITS.**

The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and implement a mechanism to provide for the electronic transfer from the Department of Defense to the Department of Veterans Affairs of any Department of Defense documents (including Department of Defense form DD–214) necessary to establish or support the eligibility of a member of the Armed Forces for benefits under the laws administered by the Secretary of Veterans Affairs at the time of the retirement, separation, or release of the member from the Armed Forces.

**SEC. 164. ASSESSMENTS OF TEMPORARY DISABILITY RETIRED LIST.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Comptroller General of the United States shall each submit to the congressional defense committees a report assessing the continuing utility of the temporary disability retired list in satisfying the purposes for which the temporary disability retired list was established. Each report shall include such recommendations for the modification or improvement of the temporary disability retired list as the Secretary or the Comptroller General, as applicable, considers appropriate in light of the assessment in such report.

**Subtitle D—Improvement of Facilities Housing Patients**

**SEC. 171. STANDARDS FOR MILITARY MEDICAL TREATMENT FACILITIES, SPECIALTY MEDICAL CARE FACILITIES, AND MILITARY QUARTERS HOUSING PATIENTS.**

(a) ESTABLISHMENT OF STANDARDS.—The Secretary of Defense shall establish for the military facilities referred to in subsection (b) standards with respect to the matters set forth in subsection (c). The standards shall, to the maximum extent practicable—

(1) be uniform and consistent across such facilities; and

(2) be uniform and consistent across the Department of Defense and the military departments.

(b) COVERED MILITARY FACILITIES.—The military facilities referred to in this subsection are the military facilities of the Department of Defense and the military departments as follows:

(1) Military medical treatment facilities.

(2) Specialty medical care facilities.

(3) Military quarters or leased housing for patients.

(c) SCOPE OF STANDARDS.—The standards required by subsection (a) shall include the following:

(1) Generally accepted standards for the accreditation of medical facilities, or for facilities used to quarter individuals that may require medical supervision, as applicable, in the United States.

(2) To the extent not inconsistent with the standards described in paragraph (1), minimally acceptable conditions for the following:

(A) Appearance and maintenance of facilities generally, including the structure and roofs of facilities.

(B) Size, appearance, and maintenance of rooms housing or utilized by patients, including furniture and amenities in such rooms.

(C) Operation and maintenance of primary and back-up facility utility systems and other systems required for patient care, including electrical systems, plumbing systems, heating, ventilation, and air conditioning systems, communications systems, fire protection systems, energy management systems, and other systems required for patient care.

(D) Compliance with Federal Government standards for hospital facilities and operations.

(E) Compliance of facilities, rooms, and grounds, to the maximum extent practicable, with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(F) Such other matters relating to the appearance, size, operation, and maintenance of facilities and rooms as the Secretary considers appropriate.

(d) COMPLIANCE WITH STANDARDS.—

(1) DEADLINE.—In establishing standards under subsection (a), the Secretary shall specify a deadline for compliance with such standards by each facility referred to in subsection (b). The deadline shall be at the earliest date practicable after the date of the enactment of this Act, and shall, to the maximum extent practicable, be uniform across the facilities referred to in subsection (b).

(2) INVESTMENT.—In carrying out this section, the Secretary shall also establish guidelines for investment to be utilized by the Department of Defense and the military departments in determining the allocation of financial resources to facilities referred to in subsection (b) in order to meet the deadline specified under paragraph (1).

(e) REPORT.—

(1) IN GENERAL.—Not later than December 30, 2007, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out this section.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) The standards established under subsection (a).

(B) An assessment of the appearance, condition, and maintenance of each facility referred to in subsection (a), including—

(i) an assessment of the compliance of such facility with the standards established under subsection (a); and

(ii) a description of any deficiency or noncompliance in each facility with the standards.

(C) A description of the investment to be allocated to address each deficiency or noncompliance identified under subparagraph (B)(ii).

**SEC. 172. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IDENTIFIED AT WALTER REED ARMY MEDICAL CENTER.**

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the action plan of the Army to correct deficiencies identified in the condition of facilities, and in the administration of outpatients in medical hold or medical holdover status, at Walter Reed Army Medical Center

(WRAMC) and at other applicable Army installations at which covered members of the Armed Forces are assigned.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include current information on the following:

(1) The number of inpatients at Walter Reed Army Medical Center, and the number of outpatients on medical hold or in a medical holdover status at Walter Reed Army Medical Center, as a result of serious injuries or illnesses.

(2) A description of the lodging facilities and other forms of housing at Walter Reed Army Medical Center, and at each other Army facility, to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses, including—

(A) an assessment of the conditions of such facilities and housing; and

(B) a description of any plans to correct inadequacies in such conditions.

(3) The status, estimated completion date, and estimated cost of any proposed or ongoing actions to correct any inadequacies in conditions as described under paragraph (2).

(4) The number of case managers, platoon sergeants, patient advocates, and physical evaluation board liaison officers stationed at Walter Reed Army Medical Center, and at each other Army facility, to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses, and the ratio of case workers and platoon sergeants to outpatients for whom they are responsible at each such facility.

(5) The number of telephone calls received during the preceding 60 days on the Wounded Soldier and Family hotline (as established on March 19, 2007), a summary of the complaints or communications received through such calls, and a description of the actions taken in response to such calls.

(6) A summary of the activities, findings, and recommendations of the Army tiger team of medical and installation professionals who visited the major medical treatment facilities and community-based health care organizations of the Army pursuant to March 2007 orders, and a description of the status of corrective actions being taken with to address deficiencies noted by that team.

(7) The status of the ombudsman programs at Walter Reed Army Medical Center and at other major Army installations to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses.

(c) POSTING ON INTERNET.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

**SEC. 173. CONSTRUCTION OF FACILITIES REQUIRED FOR THE CLOSURE OF WALTER REED ARMY MEDICAL CENTER, DISTRICT OF COLUMBIA.**

(a) ASSESSMENT OF ACCELERATION OF CONSTRUCTION OF FACILITIES.—The Secretary of Defense shall carry out an assessment of the feasibility (including the cost-effectiveness) of accelerating the construction and completion of any new facilities required to facilitate the closure of Walter Reed Army Medical Center, District of Columbia, as required as a result of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; U.S.C. 2687 note).

(b) DEVELOPMENT AND IMPLEMENTATION OF PLAN FOR CONSTRUCTION OF FACILITIES.—

(1) IN GENERAL.—The Secretary shall develop and carry out a plan for the construction and completion of any new facilities required to facilitate the closure of Walter Reed Army Medical Center as required as described in subsection (a). If the Secretary determines as a result of the assessment under subsection (a) that accelerating the construction and completion of such facilities is feasible, the plan shall provide for the accelerated construction and completion of such facilities in a manner consistent with that determination.

(2) SUBMITTAL OF PLAN.—The Secretary shall submit to the congressional defense committees the plan required by paragraph (1) not later than September 30, 2007.

(c) CERTIFICATIONS.—Not later than September 30, 2007, the Secretary shall submit to the congressional defense committees a certification of each of the following:

(1) That a transition plan has been developed, and resources have been committed, to ensure that patient care services, medical operations, and facilities are sustained at the highest possible level at Walter Reed Army Medical Center until facilities to replace Walter Reed Army Medical Center are staffed and ready to assume at least the same level of care previously provided at Walter Reed Army Medical Center.

(2) That the closure of Walter Reed Army Medical Center will not result in a net loss of capacity in the major military medical centers in the National Capitol Region in terms of total bed capacity or staffed bed capacity.

(3) That the capacity and types of medical hold and out-patient lodging facilities currently operating at Walter Reed Army Medical Center will be available at the facilities to replace Walter Reed Army Medical Center by the date of the closure of Walter Reed Army Medical Center.

(4) That adequate funds have been provided to complete fully all facilities identified in the Base Realignment and Closure Business Plan for Walter Reed Army Medical Center submitted to the congressional defense committees as part of the budget justification materials submitted to Congress together with the budget of the President for fiscal year 2008 as contemplated in that business plan.

(d) ENVIRONMENTAL LAWS.—Nothing in this section shall require the Secretary or any designated representative to waive or ignore responsibilities and actions required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the regulations implementing such Act.

## Subtitle E—Outreach and Related Information on Benefits

**SEC. 181. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.**

(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security, develop and maintain in handbook and electronic form a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the member's separation or retirement from the Armed Forces as a result of a serious injury or illness. The handbook shall set forth the range of such compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and such other factors affecting such compensation and benefits as the Secretary of Defense considers appropriate.

(b) UPDATE.—The Secretary of Defense shall update the comprehensive description required by subsection (a), including the handbook and electronic form of the description, on a periodic basis, but not less often than annually.

(c) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the descriptive handbook under subsection (a) to each member of the Armed Forces described in that subsection as soon as practicable following the injury or illness qualifying the member for coverage under that subsection.

(d) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the descriptive handbook to be provided under subsection (a), the handbook shall be provided to the next of kin or a legal representative of the member (as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section).

## Subtitle F—Other Matters

**SEC. 191. STUDY ON PHYSICAL AND MENTAL HEALTH AND OTHER READJUSTMENT NEEDS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WHO DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND THEIR FAMILIES.**

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, enter into an agreement with the National Academy of Sciences for a study on the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment.

(b) PHASES.—The study required under subsection (a) shall consist of two phases:

(1) A preliminary phase, to be completed not later than 180 days after the date of the enactment of this Act—

(A) to identify preliminary findings on the physical and mental health and other readjustment needs described in subsection (a) and on gaps in care for the members, former members, and families described in that subsection; and

(B) to determine the parameters of the second phase of the study under paragraph (2).

(2) A second phase, to be completed not later than three years after the date of the enactment of this Act, to carry out a comprehensive assessment, in accordance with the parameters identified under the preliminary report required by paragraph (1), of the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment, including, at a minimum—

(A) an assessment of the psychological, social, and economic impacts of such deployment on such members and former members and their families;

(B) an assessment of the particular impacts of multiple deployments in Operation Iraqi Freedom or Operation Enduring Freedom on such members and former members and their families;

(C) an assessment of the full scope of the neurological, psychiatric, and psychological effects of traumatic brain injury (TBI) on members and former members of the Armed Forces, including the effects of such effects on the family members of such members and former members, and an assessment of the efficacy of current treatment approaches for traumatic brain injury in the United States and the efficacy of screenings and treatment approaches for traumatic brain injury within the Department of Defense and the Department of Veterans Affairs;

(D) an assessment of the effects of undiagnosed injuries such as post-traumatic

stress disorder (PTSD) and traumatic brain injury, an estimate of the long-term costs associated with such injuries, and an assessment of the efficacy of screenings and treatment approaches for post-traumatic stress disorder and other mental health conditions within the Department of Defense and Department of Veterans Affairs;

(E) an assessment of the particular needs and concerns of female members of the Armed Forces and female veterans;

(F) an assessment of the particular needs and concerns of children of members of the Armed Forces, taking into account differing age groups, impacts on development and education, and the mental and emotional well being of children;

(G) an assessment of the particular needs and concerns of minority members of the Armed Forces and minority veterans;

(H) an assessment of the particular educational and vocational needs of such members and former members and their families, and an assessment of the efficacy of existing educational and vocational programs to address such needs;

(I) an assessment of the impacts on communities with high populations of military families, including military housing communities and townships with deployed members of the National Guard and Reserve, of deployments associated with Operation Iraqi Freedom and Operation Enduring Freedom, and an assessment of the efficacy of programs that address community outreach and education concerning military deployments of community residents;

(J) an assessment of the impacts of increasing numbers of older and married members of the Armed Forces on readjustment requirements;

(K) the development, based on such assessments, of recommendations for programs, treatments, or policy remedies targeted at preventing, minimizing or addressing the impacts, gaps and needs identified; and

(L) the development, based on such assessments, of recommendations for additional research on such needs.

(c) POPULATIONS TO BE STUDIED.—The study required under subsection (a) shall consider the readjustment needs of each population of individuals as follows:

(1) Members of the regular components of the Armed Forces who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) Members of the National Guard and Reserve who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(3) Veterans of Operation Iraqi Freedom or Operation Enduring Freedom.

(4) Family members of the members and veterans described in paragraphs (1) through (3).

(d) ACCESS TO INFORMATION.—The National Academy of Sciences shall have access to such personnel, information, records, and systems of the Department of Defense and the Department of Veterans Affairs as the National Academy of Sciences requires in order to carry out the study required under subsection (a).

(e) PRIVACY OF INFORMATION.—The National Academy of Sciences shall maintain any personally identifiable information accessed by the Academy in carrying out the study required under subsection (a) in accordance with all applicable laws, protections, and best practices regarding the privacy of such information, and may not permit access to such information by any persons or entities not engaged in work under the study.

(f) REPORTS BY NATIONAL ACADEMY OF SCIENCES.—Upon the completion of each phase of the study required under subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and the Secretary of Veterans Affairs a report on such phase of the study.

(g) DOD AND VA RESPONSE TO NAS REPORTS.—

(1) PRELIMINARY RESPONSE.—Not later than 45 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a preliminary joint Department of Defense-Department of Veterans Affairs plan to address the findings and recommendations of the National Academy of Sciences contained in such report. The preliminary plan shall provide preliminary proposals on the matters set forth in paragraph (3).

(2) FINAL RESPONSE.—Not later than 90 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a final joint Department of Defense-Department of Veterans Affairs plan to address the findings and recommendations of the National Academy of Sciences contained in such report. The final plan shall provide final proposals on the matters set forth in paragraph (3).

(3) COVERED MATTERS.—The matters set forth in this paragraph with respect to a phase of the study required under subsection (a) are as follows:

(A) Modifications of policy or practice within the Department of Defense and the Department of Veterans Affairs that are necessary to address gaps in care or services as identified by the National Academy of Sciences under such phase of the study.

(B) Modifications of policy or practice within the Department of Defense and the Department of Veterans Affairs that are necessary to address recommendations made by the National Academy of Sciences under such phase of the study.

(C) An estimate of the costs of implementing the modifications set forth under subparagraphs (A) and (B), set forth by fiscal year for at least the first five fiscal years beginning after the date of the plan concerned.

(4) REPORTS ON RESPONSES.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth each joint plan developed under paragraphs (1) and (2).

(5) PUBLIC AVAILABILITY OF RESPONSES.—The Secretary of Defense and the Secretary of Veterans Affairs shall each make available to the public each report submitted to Congress under paragraph (4), including by posting an electronic copy of such report on the Internet website of the Department of Defense or the Department of Veterans Affairs, as applicable, that is available to the public.

(6) GAO AUDIT.—Not later than 45 days after the submittal to Congress of the report under paragraph (4) on the final joint Department of Defense-Department of Veterans Affairs plan under paragraph (2), the Comptroller General of the United States shall submit to Congress a report assessing the contents of such report under paragraph (4). The report of the Comptroller General under this paragraph shall include—

(A) an assessment of the adequacy and sufficiency of the final joint Department of Defense-Department of Veterans Affairs plan in addressing the findings and recommendations of the National Academy of Sciences as a result of the study required under subsection (a);

(B) an assessment of the feasibility and advisability of the modifications of policy and practice proposed in the final joint Department of Defense-Department of Veterans Affairs plan;

(C) an assessment of the sufficiency and accuracy of the cost estimates in the final joint Department of Defense-Department of Veterans Affairs plan; and

(D) the comments, if any, of the National Academy of Sciences on the final joint Department of Defense-Department of Veterans Affairs plan.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense such sums as may be necessary to carry out this section.

## TITLE II—VETERANS MATTERS

### SEC. 201. SENSE OF CONGRESS ON DEPARTMENT OF VETERANS AFFAIRS EFFORTS IN THE REHABILITATION AND REINTEGRATION OF VETERANS WITH TRAUMATIC BRAIN INJURY.

It is the sense of Congress that—

(1) the Department of Veterans Affairs is a leader in the field of traumatic brain injury care and coordination of such care;

(2) the Department of Veterans Affairs should have the capacity and expertise to provide veterans who have a traumatic brain injury with patient-centered health care, rehabilitation, and community integration services that are comparable to or exceed similar care and services available to persons with such injuries in the academic and private sector;

(3) rehabilitation for veterans who have a traumatic brain injury should be individualized, comprehensive, and interdisciplinary with the goals of optimizing the independence of such veterans and reintegrating them into their communities;

(4) family support is integral to the rehabilitation and community reintegration of veterans who have sustained a traumatic brain injury, and the Department should provide the families of such veterans with education and support;

(5) the Department of Defense and Department of Veterans Affairs have made efforts to provide a smooth transition of medical care and rehabilitative services to individuals as they transition from the health care system of the Department of Defense to that of the Department of Veterans Affairs, but more can be done to assist veterans and their families in the continuum of the rehabilitation, recovery, and reintegration of wounded or injured veterans into their communities;

(6) in planning for rehabilitation and community reintegration of veterans who have a traumatic brain injury, it is necessary for the Department of Veterans Affairs to provide a system for life-long case management for such veterans; and

(7) in such system for life-long case management, it is necessary to conduct outreach and to tailor specialized traumatic brain injury case management and outreach for the unique needs of veterans with traumatic brain injury who reside in urban and non-urban settings.

### SEC. 202. INDIVIDUAL REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR VETERANS AND OTHERS WITH TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710B the following new section:

**"§ 1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community**

''(a) PLAN REQUIRED.—The Secretary shall, for each veteran or member of the Armed Forces who receives inpatient or outpatient

rehabilitation care from the Department for a traumatic brain injury—

''(1) develop an individualized plan for the rehabilitation and reintegration of such individual into the community; and

''(2) provide such plan in writing to such individual before such individual is discharged from inpatient care, following transition from active duty to the Department for outpatient care, or as soon as practicable following diagnosis.

''(b) CONTENTS OF PLAN.—Each plan developed under subsection (a) shall include, for the individual covered by such plan, the following:

''(1) Rehabilitation objectives for improving the physical, cognitive, and vocational functioning of such individual with the goal of maximizing the independence and reintegration of such individual into the community.

''(2) Access, as warranted, to all appropriate rehabilitative components of the traumatic brain injury continuum of care.

''(3) A description of specific rehabilitative treatments and other services to achieve the objectives described in paragraph (1), which description shall set forth the type, frequency, duration, and location of such treatments and services.

''(4) The name of the case manager designated in accordance with subsection (d) to be responsible for the implementation of such plan.

''(5) Dates on which the effectiveness of the plan will be reviewed in accordance with subsection (f).

''(c) COMPREHENSIVE ASSESSMENT.—

''(1) IN GENERAL.—Each plan developed under subsection (a) shall be based upon a comprehensive assessment, developed in accordance with paragraph (2), of—

''(A) the physical, cognitive, vocational, and neuropsychological and social impairments of such individual; and

''(B) the family education and family support needs of such individual after discharge from inpatient care.

''(2) FORMATION.—The comprehensive assessment required under paragraph (1) with respect to an individual is a comprehensive assessment of the matters set forth in that paragraph by a team, composed by the Secretary for purposes of the assessment from among, but not limited to, individuals with expertise in traumatic brain injury, including the following:

''(A) A neurologist.

''(B) A rehabilitation physician.

''(C) A social worker.

''(D) A neuropsychologist.

''(E) A physical therapist.

''(F) A vocational rehabilitation specialist.

''(G) An occupational therapist.

''(H) A speech language pathologist.

''(I) A rehabilitation nurse.

''(J) An educational therapist.

''(K) An audiologist.

''(L) A blind rehabilitation specialist.

''(M) A recreational therapist.

''(N) A low vision optometrist.

''(O) An orthotist or prostetist.

''(P) An assistive technologist or rehabilitation engineer.

''(Q) An otolaryngology physician.

''(R) A dietician.

''(S) An opthamologist.

''(T) A psychiatrist.

''(d) CASE MANAGER.—(1) The Secretary shall designate a case manager for each individual described in subsection (a) to be responsible for the implementation of the plan, and coordination of such care, required by such subsection for such individual.

''(2) The Secretary shall ensure that such case manager has specific expertise in the care required by the individual to whom such case manager is designated, regardless of whether such case manager obtains such expertise through experience, education, or training.

''(e) PARTICIPATION AND COLLABORATION IN DEVELOPMENT OF PLANS.—(1) The Secretary shall involve each individual described in subsection (a), and the family or legal guardian of such individual, in the development of the plan for such individual under that subsection to the maximum extent practicable.

''(2) The Secretary shall collaborate in the development of a plan for an individual under subsection (a) with a State protection and advocacy system if—

''(A) the individual covered by such plan requests such collaboration; or

''(B) in the case such individual is incapacitated, the family or guardian of such individual requests such collaboration.

''(3) In the case of a plan required by subsection (a) for a member of the Armed Forces who is on active duty, the Secretary shall collaborate with the Secretary of Defense in the development of such plan.

''(4) In developing vocational rehabilitation objectives required under subsection (b)(1) and in conducting the assessment required under subsection (c), the Secretary shall act through the Under Secretary for Health in coordination with the Vocational Rehabilitation and Employment Service of the Department of Veterans Affairs.

''(f) EVALUATION.—

''(1) PERIODIC REVIEW BY SECRETARY.—The Secretary shall periodically review the effectiveness of each plan developed under subsection (a). The Secretary shall refine each such plan as the Secretary considers appropriate in light of such review.

''(2) REQUEST FOR REVIEW BY VETERANS.—In addition to the periodic review required by paragraph (1), the Secretary shall conduct a review of the plan of a veteran under paragraph (1) at the request of such veteran, or in the case that such veteran is incapacitated, at the request of the guardian or the designee of such veteran.

''(g) STATE DESIGNATED PROTECTION AND ADVOCACY SYSTEM DEFINED.—In this section, the term 'State protection and advocacy system' means a system established in a State under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.) to protect and advocate for the rights of persons with development disabilities.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710B the following new item:

''1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community.''.

**SEC. 203. USE OF NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR IMPLEMENTATION OF REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR TRAUMATIC BRAIN INJURY.**

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710C, as added by section 202 of this Act, the following new section:

**''§ 1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation**

''(a) IN GENERAL.—Subject to section 1710(a)(4) of this title and subsection (b) of this section, the Secretary shall provide rehabilitative treatment or services to implement a plan developed under section 1710C of this title at a non-Department facility with which the Secretary has entered into an agreement for such purpose, to an individual—

''(1) who is described in section 1710C(a) of this title; and

''(2)(A) to whom the Secretary is unable to provide such treatment or services at the frequency or for the duration prescribed in such plan; or

''(B) for whom the Secretary determines that it is optimal with respect to the recovery and rehabilitation of such individual .

''(b) STANDARDS.—The Secretary may not provide treatment or services as described in subsection (a) at a non-Department facility under such subsection unless such facility maintains standards for the provision of such treatment or services established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with traumatic brain injury.

''(c) AUTHORITIES OF STATE PROTECTION AND ADVOCACY SYSTEMS.—With respect to the provision of rehabilitative treatment or services described in subsection (a) in a non-Department facility, a State designated protection and advocacy system established under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.) shall have the authorities described under such subtitle.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710C, as added by section 202 of this Act, the following new item:

''1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation.''.

(c) CONFORMING AMENDMENT.—Section 1710(a)(4) of such title is amended by inserting ''the requirement in section 1710D of this title that the Secretary provide certain rehabilitative treatment or services,'' after ''extended care services,''.

**SEC. 204. RESEARCH, EDUCATION, AND CLINICAL CARE PROGRAM ON SEVERE TRAUMATIC BRAIN INJURY.**

(a) PROGRAM REQUIRED.—Subchapter II of chapter 73 of title 38, United States Code, is amended by inserting after section 7330 the following new section:

**''§ 7330A. Severe traumatic brain injury research, education, and clinical care program**

''(a) PROGRAM REQUIRED.—The Secretary shall establish a program on research, education, and clinical care to provide intensive neuro-rehabilitation to veterans with a severe traumatic brain injury, including veterans in a minimally conscious state who would otherwise receive only long-term residential care.

''(b) COLLABORATION REQUIRED.—The Secretary shall establish the program required by subsection (a) in collaboration with the Defense and Veterans Brain Injury Center and other relevant programs of the Federal Government (including other Centers of Excellence).

''(c) EDUCATION REQUIRED.—As part of the program required by subsection (a), the Secretary shall, in collaboration with the Defense and Veterans Brain Injury Center and any other relevant programs of the Federal Government (including other Centers of Excellence), conduct educational programs on recognizing and diagnosing mild and moderate cases of traumatic brain injury.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012, $10,000,000 to carry out the program required by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7330 the following new item:

''7330A. Severe traumatic brain injury research, education, and clinical care program.''.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the research to be conducted under the program required by section 7330A of title 38, United States Code, as added by subsection (a).

**SEC. 205. PILOT PROGRAM ON ASSISTED LIVING SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.**

(a) PILOT PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in collaboration with the Defense and Veterans Brain Injury Center, carry out a pilot program to assess the effectiveness of providing assisted living services to eligible veterans to enhance the rehabilitation, quality of life, and community integration of such veterans.

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the five-year period beginning on the date of the commencement of the pilot program.

(c) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at locations selected by the Secretary for purposes of the pilot program. Of the locations so selected—

(A) at least one shall be in each health care region of the Veterans Health Administration that contains a polytrauma center of the Department of Veterans Affairs; and

(B) any other locations shall be in areas that contain high concentrations of veterans with traumatic brain injury, as determined by the Secretary.

(2) SPECIAL CONSIDERATION FOR VETERANS IN RURAL AREAS.—Special consideration shall be given to provide veterans in rural areas with an opportunity to participate in the pilot program.

(d) PROVISION OF ASSISTED LIVING SERVICES.—

(1) AGREEMENTS.—In carrying out the pilot program, the Secretary may enter into agreements for the provision of assisted living services on behalf of eligible veterans with a provider participating under a State plan or waiver under title XIX of such Act (42 U.S.C. 1396 et seq.).

(2) STANDARDS.—The Secretary may not place, transfer, or admit a veteran to any facility for assisted living services under this program unless the Secretary determines that the facility meets such standards as the Secretary may prescribe for purposes of the pilot program. Such standards shall, to the extent practicable, be consistent with the standards of Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such facilities.

(e) CONTINUATION OF CASE MANAGEMENT AND REHABILITATION SERVICES.—In carrying the pilot program under subsection (a), the Secretary shall continue to provide each veteran who is receiving assisted living services under the pilot program with rehabilitative services and shall designate Department health-care employees to furnish case management services for veterans participating in the pilot program.

(f) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the completion of the pilot program, the Secretary shall submit to the congressional veterans affairs committees a report on the pilot program.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the pilot program.

(B) An assessment of the utility of the activities under the pilot program in enhancing the rehabilitation, quality of life, and community reintegration of veterans with traumatic brain injury.

(C) Such recommendations as the Secretary considers appropriate regarding the extension or expansion of the pilot program.

(g) DEFINITIONS.—In this section:

(1) The term ''assisted living services'' means services of a facility in providing room, board, and personal care for and supervision of residents for their health, safety, and welfare.

(2) The term ''case management services'' includes the coordination and facilitation of all services furnished to a veteran by the Department of Veterans Affairs, either directly or through contract, including assessment of needs, planning, referral (including referral for services to be furnished by the Department, either directly or through a contract, or by an entity other than the Department), monitoring, reassessment, and followup.

(3) The term ''congressional veterans affairs committees'' means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(4) The term ''eligible veteran'' means a veteran who—

(A) is enrolled in the Department of Veterans Affairs health care system;

(B) has received treatment for traumatic brain injury from the Department of Veterans Affairs;

(C) is unable to manage routine activities of daily living without supervision and assistance; and

(D) could reasonably be expected to receive ongoing services after the end of the pilot program under this section under another government program or through other means.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs to carry out this section, $8,000,000 for each of fiscal years 2008 through 2013.

**SEC. 206. RESEARCH ON TRAUMATIC BRAIN INJURY.**

(a) INCLUSION OF RESEARCH ON TRAUMATIC BRAIN INJURY UNDER ONGOING RESEARCH PROGRAMS.—The Secretary of Veterans Affairs shall, in carrying out research programs and activities under the provisions of law referred to in subsection (b), ensure that such programs and activities include research on the sequelae of mild to severe forms of traumatic brain injury, including—

(1) research on visually-related neurological conditions;

(2) research on seizure disorders;

(3) research on means of improving the diagnosis, rehabilitative treatment, and prevention of such sequelae;

(4) research to determine the most effective cognitive and physical therapies for the sequelae of traumatic brain injury; and

(5) research on dual diagnosis of post-traumatic stress disorder and traumatic brain injury.

(b) RESEARCH AUTHORITIES.—The provisions of law referred to in this subsection are the following:

(1) Section 3119 of title 38, United States Code, relating to rehabilitation research and special projects.

(2) Section 7303 of such title, relating to research programs of the Veterans Health Administration.

(3) Section 7327 of such title, relating to research, education, and clinical activities on complex multi-trauma associated with combat injuries.

(c) COLLABORATION.—In carrying out the research required by subsection (a), the Secretary shall collaborate with facilities that—

(1) conduct research on rehabilitation for individuals with traumatic brain injury; and

(2) receive grants for such research from the National Institute on Disability and Rehabilitation Research of the Department of Education.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report describing in comprehensive detail the research to be carried out pursuant to subsection (a).

**SEC. 207. AGE-APPROPRIATE NURSING HOME CARE.**

(a) FINDING.—Congress finds that young veterans who are injured or disabled through military service and require long-term care should have access to age-appropriate nursing home care.

(b) REQUIREMENT TO PROVIDE AGE-APPROPRIATE NURSING HOME CARE.—Section 1710A of title 38, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) The Secretary shall ensure that nursing home care provided under subsection (a) is provided in an age-appropriate manner.''.

**SEC. 208. EXTENSION OF PERIOD OF ELIGIBILITY FOR HEALTH CARE FOR COMBAT SERVICE IN THE PERSIAN GULF WAR OR FUTURE HOSTILITIES.**

Section 1710(e)(3)(C) of title 38, United States Code, is amended by striking ''2 years'' and inserting ''5 years''.

**SEC. 209. MENTAL HEALTH: SERVICE-CONNECTION STATUS AND EVALUATIONS FOR CERTAIN VETERANS.**

(a) PRESUMPTION OF SERVICE-CONNECTION OF MENTAL ILLNESS FOR CERTAIN VETERANS.—Section 1702 of title 38, United States Code, is amended—

(1) by striking ''psychosis'' and inserting ''mental illness''; and

(2) in the heading, by striking ''**psychosis**'' and inserting ''**mental illness**''.

(b) PROVISION OF MENTAL HEALTH EVALUATIONS FOR CERTAIN VETERANS.—Upon the request of a veteran described in section 1710(e)(3)(C) of title 38, United States Code, the Secretary shall provide to such veteran a preliminary mental health evaluation as soon as practicable, but not later than 30 days after such request.

**SEC. 210. MODIFICATION OF REQUIREMENTS FOR FURNISHING OUTPATIENT DENTAL SERVICES TO VETERANS WITH A SERVICE-CONNECTED DENTAL CONDITION OR DISABILITY.**

Section 1712(a)(1)(B)(iv) of title 38, United States Code, is amended by striking ''90-day'' and inserting ''180-day''.

**SEC. 211. DEMONSTRATION PROGRAM ON PREVENTING VETERANS AT-RISK OF HOMELESSNESS FROM BECOMING HOMELESS.**

(a) DEMONSTRATION PROGRAM.—The Secretary of Veterans Affairs shall carry out a demonstration program for the purpose of—

(1) identifying members of the Armed Forces on active duty who are at risk of becoming homeless after they are discharged or released from active duty; and

(2) providing referral, counseling, and supportive services, as appropriate, to help prevent such members, upon becoming veterans, from becoming homeless.

(b) PROGRAM LOCATIONS.—The Secretary shall carry out the demonstration program in at least three locations.

(c) IDENTIFICATION CRITERIA.—In developing and implementing the criteria to identify members of the Armed Forces, who upon becoming veterans, are at-risk of becoming homeless, the Secretary of Veterans Affairs shall consult with the Secretary of Defense and such other officials and experts as the Secretary considers appropriate.

(d) CONTRACTS.—The Secretary of Veterans Affairs may enter into contracts to provide the referral, counseling, and supportive services required under the demonstration program with entities or organizations that

meet such requirements as the Secretary may establish.

(e) SUNSET.—The authority of the Secretary under subsection (a) shall expire on September 30, 2011.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for the purpose of carrying out the provisions of this section.

**SEC. 212. CLARIFICATION OF PURPOSE OF THE OUTREACH SERVICES PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) CLARIFICATION OF INCLUSION OF MEMBERS OF THE NATIONAL GUARD AND RESERVE IN PROGRAM.—Subsection (a)(1) of section 6301 of title 38, United States Code, is amended by inserting '', or from the National Guard or Reserve,'' after ''active military, naval, or air service''.

(b) DEFINITION OF OUTREACH.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

''(1) the term 'outreach' means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws;''.

**TITLE III**

**SEC. . FISCAL YEAR 2008 INCREASE IN MILITARY BASIC PAY.**

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2008 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, 2008, the rates of monthly basic pay for members of the uniformed services are increased by 3.5 percent.

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**SA 2403.** Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, lines 18 and 19, insert after ''executed'' the following: '': *Provided further*, That, notwithstanding any other provision of law, funds awarded through grants under subparagraph (F) and available for transit security may be available for expenditure for a period of 4 years''.

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**SA 2404.** Mr. MARTINEZ (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. INTERNATIONAL REGISTERED TRAVELER PROGRAM.**

Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

''(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US–VISIT program, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security.

''(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the program. Amounts so credited shall remain available until expended.

''(C) RULEMAKING.—Within 180 days after the date of enactment of this paragraph, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

''(D) IMPLEMENTATION.—Not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US–VISIT entry and exit system, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

''(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

''(i) establishing a reasonable cost of enrollment;

''(ii) making program enrollment convenient and easily accessible; and

''(iii) providing applicants with clear and consistent eligibility guidelines.

''(F) TECHNOLOGIES.—The Secretary shall coordinate with the Secretary of State to define a schedule for their respective departments for the deployment of appropriate technologies to begin capturing applicable and sufficient biometrics from visa applicants and individuals seeking admission to the United States, if such visa applicant or individual has not previously provided such information, at each consular location and port of entry. The Secretary of Homeland Security shall also coordinate with the Secretary of State regarding the feasibility of allowing visa applicants or individuals to enroll in the International Registered Traveler program at consular offices.''.

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**SA 2405.** Mr. ALEXANDER (for himself, Ms. COLLINS, Mr. VOINOVICH, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 40, after line 24, insert the following:

REAL ID GRANTS TO STATES

SEC. ____. (a) For grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109–13; 119 Stat. 302), $300,000,000 to remain available until expended.

(b) All discretionary amounts made available under this Act, other than the amount appropriated under subsection (a), shall be reduced a total of $300,000,000, on a pro rata basis.

(c) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives on the accounts subject to pro rata reductions pursuant to subsection (b) and the amount to be reduced in each account.

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**SA 2406.** Mr. BAUCUS (for himself, Mr. SUNUNU, Mr. LEAHY, Mr. TESTER, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

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**SA 2407.** Mr. LIEBERMAN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 20, strike ''$3,030,500,000'' and insert ''$3,130,500,000''.

On page 39, line 21, strike the colon, insert a period and add the following:

(4) $100,000,000 for grants under the Interoperable Emergency Communications Grants Program established under title XVIII of the Homeland Security Act of 2002; Provided, That the amounts appropriated to the Department of Homeland Security for discretionary spending in this Act shall be reduced on a pro rata basis by the percentage necessary to reduce the overall amount of such spending by $100,000,000.

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**SA 2408.** Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. (a) The amount appropriated by title III for necessary expenses for the United States Fire Administration is increased by $1,000,000 of which not to exceed $1,000,000 shall be available to develop a web-based version of the National Fire Incident Reporting System that will ensure that fire-related data can be submitted and accessed by fire departments in real time.

(b) The amount appropriated by title I under the heading ''ANALYSIS AND OPERATIONS'' is increased by $250,000, of which not

to exceed $250,000 shall be used to pay salaries and expenses associated with maintaining rotating State and local fire service representation in the National Operations Center.

(c) The total amount appropriated by title II under the heading ''TRANSPORTATION SECURITY ADMINISTRATION'' to provide for civil aviation security services pursuant to the Aviation and Transportation Security Act is reduced by $1,250,000 of which $1,250,000 shall be from the amount appropriated for screening operations: *Provided*, That the total amount of such reductions shall be from the amounts available for privatized screening airports.

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**SA 2409.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE ____—ASYLUM AND DETENTION SAFEGUARDS**

**SEC. ____01. SHORT TITLE.**

This title may be cited as the ''Secure and Safe Detention and Asylum Act''.

**SEC. ____02. DEFINITIONS.**

In this title:

(1) CREDIBLE FEAR OF PERSECUTION.—The term ''credible fear of persecution'' has the meaning given that term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(2) DETAINEE.—The term ''detainee'' means an alien in the custody of the Department of Homeland Security who is held in a detention facility.

(3) DETENTION FACILITY.—The term ''detention facility'' means any Federal facility in which an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(4) REASONABLE FEAR OF PERSECUTION OR TORTURE.—The term ''reasonable fear of persecution or torture'' has the meaning given that term in section 208.31 of title 8, Code of Federal Regulations.

(5) STANDARD.—The term ''standard'' means any policy, procedure, or other requirement.

**SEC. ____03. RECORDING EXPEDITED REMOVAL INTERVIEWS.**

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures and take steps to effectively ensure that questions by employees of the Department exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) are asked in a standard manner, and that both these questions and the answers provided in response to them are recorded in a uniform fashion.

(b) FACTORS RELATING TO SWORN STATEMENTS.—Where practicable, as determined by the Secretary, in the Secretary's discretion, any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) EXEMPTION AUTHORITY.—

(1) IN GENERAL.—Subsection (b) shall not apply to interviews that occur at facilities, locations, or areas exempted by the Secretary pursuant to this subsection.

(2) EXEMPTION.—The Secretary or the Secretary's designee may exempt any facility, location, or area from the requirements of this section based on a determination by the Secretary or the Secretary's designee that compliance with subsection (b) at that facility would impair operations or impose undue burdens or costs.

(3) REPORT.—The Secretary or the Secretary's designee shall report annually to Congress on the facilities that have been exempted pursuant to this subsection.

(d) INTERPRETERS.—The Secretary shall ensure that a competent interpreter, not affiliated with the government of the country from which the alien may claim asylum, is used when the interviewing officer does not speak a language understood by the alien and there is no other Federal, State, or local government employee available who is able to interpret effectively, accurately, and impartially.

(e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—Recordings of interviews of aliens subject to expedited removal shall be included in the record of proceeding and may be considered as evidence in any further proceedings involving the alien.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

**SEC. ____04. OPTIONS REGARDING DETENTION DECISIONS.**

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(ii) in the second sentence by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''Attorney General'' and inserting ''Secretary''; and

(II) by striking ''or'' at the end;

(ii) in subparagraph (B), by striking ''but'' at the end; and

(iii) by inserting after subparagraph (B) the following:

''(C) the alien's own recognizance; or

''(D) a secure alternatives program as provided for in this section; but'';

(2) in subsection (b), by striking ''Attorney General'' and inserting ''Secretary'';

(3) in subsection (c)—

(A) by striking ''Attorney General'' and inserting ''Secretary'' each place it appears; and

(B) in paragraph (2), by inserting ''or for humanitarian reasons,'' after ''such an investigation,''; and

(4) in subsection (d)—

(A) in paragraph (1), by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (1), in subparagraphs (A) and (B), by striking ''Service'' each place it appears and inserting ''Department of Homeland Security''; and

(C) in paragraph (3), by striking ''Service'' and inserting ''Secretary of Homeland Security''.

**SEC. ____05. REPORT TO CONGRESS ON PAROLE PROCEDURES AND STANDARDIZATION OF PAROLE PROCEDURES.**

(a) IN GENERAL.—The Attorney General and the Secretary of Homeland Security shall jointly conduct a review and report to the appropriate Committees of the Senate and the House of Representatives within 180 days of the date of enactment of this Act regarding the effectiveness of parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts. The report shall include the following:

(1) An analysis of the rate at which release from detention (including release on parole) is granted to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts throughout the United States, and any disparity that exists between locations or geographical areas, including explanation of the reasons for this disparity and what actions are being taken to have consistent and uniform application of the standards for granting parole.

(2) An analysis of the effect of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary on the alien's pursuit of their asylum claim before an immigration court.

(3) An analysis of the effect of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary on the alien's physical and psychological well-being.

(4) An analysis of the effectiveness of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary in securing the alien's presence at the immigration court proceedings.

(b) RECOMMENDATIONS.—The report shall include recommendations with respect to whether the existing parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts should be modified in order to ensure a more consistent application of these procedures in a way that both respects the interests of aliens pursuing valid claims of asylum and ensures the presence of the aliens at the immigration court proceedings.

**SEC. ____06. LEGAL ORIENTATION PROGRAM.**

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Homeland Security, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered and implemented by the Executive Office for Immigration Review of the Department of Justice.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this section shall be based on the Legal Orientation Program carried out by the Executive Office for Immigration Review on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for aliens awaiting a credible fear of persecution interview or an interview related to a reasonable fear of persecution or torture determination under section 241(b)(3).

**SEC. ____07. CONDITIONS OF DETENTION.**

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to comply with the following policies and procedures:

(1) FAIR AND HUMANE TREATMENT.—Procedures to prevent detainees from being subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) LIMITATIONS ON SOLITARY CONFINEMENT.—Procedures limiting the use of solitary confinement, shackling, and strip searches of detainees to situations where the use of such techniques is necessitated by security interests, the safety of officers and other detainees, or other extraordinary circumstances.

(3) INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees.

(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low-cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINEES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—

(A) IN GENERAL.—Essential medical care provided promptly at no cost to the detainee, including dental care, eye care, mental health care, and where appropriate, individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(B) EXCEPTION.—A detention facility that is not operated by the Department of Homeland Security or by a private contractor on behalf of the Department of Homeland Security shall not be required to maintain current accreditation by the NCCHC or to seek accreditation by the JCAHO.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Frequent access to indoor and outdoor recreational programs and activities.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the distinctions between persons with criminal convictions or a history of violent behavior and all other detainees; and

(2) ensure that procedures and conditions of detention are appropriate for a noncriminal, nonviolent population.

(d) SPECIAL STANDARDS FOR SPECIFIC POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of—

(A) victims of persecution, torture, trafficking, and domestic violence;

(B) families with children;

(C) detainees who do not speak English; and

(D) detainees with special religious, cultural, or spiritual considerations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations described in paragraph (1).

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where such personnel work. The training should address the unique needs of—

(A) aliens who have established credible fear of persecution;

(B) victims of torture or other trauma and victims of persecution, trafficking, and domestic violence; and

(C) families with children, detainees who do not speak English, and detainees with special religious, cultural, or spiritual considerations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

**SEC. ___08. OFFICE OF DETENTION OVERSIGHT.**

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight (in this section referred to as the ''Office'').

(2) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator. At the discretion of the Secretary, the Administrator of the Office shall be appointed by, and shall report to, either the Secretary or the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement. The Office shall be independent of the Office of Detention and Removal Operations, but shall be subject to the supervision and direction of the Secretary or Assistant Secretary.

(3) SCHEDULE.—The Office shall be established and the Administrator of the Office appointed not later than 6 months after the date of the enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Administrator of the Office shall—

(A) undertake regular and, where appropriate, unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a confidential written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Administrator of the Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) conduct any review or audit relating to detention as directed by the Secretary or the Assistant Secretary;

(C) report to the Secretary and the Assistant Secretary the results of all investigations, reviews, or audits; and

(D) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department;

(iii) the Office of Civil Rights and Civil Liberties of the Department; or

(iv) any other relevant office or agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Administrator of the Office shall submit to the Secretary, the Assistant Secretary, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives an annual report on the Administrator's findings on detention conditions and the results of the completed investigations carried out by the Administrator.

(B) CONTENTS OF REPORT.—Each report required by subparagraph (A) shall include—

(i) a description of—

(I) each detention facility found to be in noncompliance with the standards for detention required by this title; and

(II) the actions taken by the Department to remedy any findings of noncompliance or other identified problems; and

(ii) information regarding whether such actions were successful and resulted in compliance with detention standards.

(c) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Administrator of the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department;

(2) the Office of Civil Rights and Civil Liberties of the Department;

(3) the Privacy Officer of the Department;

(4) the Department of Justice; or

(5) any other relevant office or agency.

**SEC. ___09. SECURE ALTERNATIVES PROGRAM.**

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program under which an alien who has been detained may be released under enhanced supervision to prevent the alien from absconding and to ensure that the alien makes appearances related to such detention.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing pilot programs such as the Intensive Supervision Appearance Program developed by the Department.

(2) UTILIZATION OF ALTERNATIVES.—In facilitating the development of the secure alternatives program, the Secretary shall have discretion to utilize a continuum of alternatives to a supervision of the alien, including placement of the alien with an individual or organizational sponsor, or in a supervised group home.

(3) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236(b)(2), or who are released pursuant to section 236(c)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAMS.—In developing the secure alternatives program, the Secretary shall take into account the extent to which the program includes only those alternatives to detention that reasonably and reliably ensure—

(i) the alien's continued presence at all future immigration proceedings;

(ii) the alien's compliance with any future order or removal; and

(iii) the public safety or national security.

(C) CONTINUED EVALUATION.—The Secretary shall evaluate regularly the effectiveness of the program, including the effectiveness of the particular alternatives to detention used under the program, and make such modifications as the Secretary deems necessary to improve the program's effectiveness or to deter abuse.

(4) CONTRACTS AND OTHER CONSIDERATIONS.—The Secretary may enter into contracts with qualified nongovernmental entities to implement the secure alternatives program and, in designing such program, shall consult with relevant experts and consider programs that have proven successful in the past.

**SEC. ___10. LESS RESTRICTIVE DETENTION FACILITIES.**

(a) CONSTRUCTION.—To the extent practicable, the Secretary shall facilitate the construction or use of secure but less restrictive detention facilities for the purpose of long-term detention where detainees are held longer than 72 hours.

(b) CRITERIA.—In pursuing the development of detention facilities pursuant to this section, the Secretary shall—

(1) consider the design, operation, and conditions of existing secure but less restrictive detention facilities; and

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(D) detainees have frequent access to programs and recreation;

(E) detainees are permitted contact visits with legal representatives and family members; and

(F) special facilities are provided to families with children.

(c) FACILITIES FOR FAMILIES WITH CHILDREN.—In any case in which release or secure alternatives programs are not a practicable option, the Secretary shall, to the extent practicable, ensure that special detention facilities for the purposes of long-term detention where detainees are held longer than 72 hours are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) living and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child's parents.

(d) PLACEMENT IN NONPUNITIVE FACILITIES.—Among the factors to be considered with respect to placing a detainee in a less restrictive facility is whether the detainee is—

(1) part of a family with minor children;

(2) a victim of persecution, torture, trafficking, or domestic violence; or

(3) a nonviolent, noncriminal detainee.

(e) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

**SEC. ___11. AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title.

(b) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect on the date that is 180 days after the date of the enactment of this Act.

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**SA 2410.** Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. IG REPORT ON RISK-BASED GRANT PROGRAM.**

Not later than 180 days after the date of enactment, of this Act, the Inspector General of the Department of Homeland Security shall submit a report to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))) which assesses the criteria the Department uses in its grant programs to determine the risk of an applicant to a terrorist attack and whether it is following Congressional directive related to the distribution of funds based on risk. The report shall include—

(1) an analysis of the Department's policy of ranking states, cities, and other grantees by tiered groups;

(2) an analysis of whether the grantees within those tiers are at a similar level of risk;

(3) examples of how the Department applied its risk methodologies to individual locations;

(4) recommendations to improve the Department's grant programs; and

(5) any other information the Inspector General finds relevant.

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**SA 2411.** Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, line 7, insert '', whether or not located in high-threat, high-density urban areas,'' after ''code)''.

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**SA 2412.** Mr. GRAHAM (for himself, Mr. GREGG, Mr. SESSIONS, Mr. KYL, Mr. CORNYN, Mr. MCCONNELL, Mr. DOMENICI, Mr. MCCAIN, Mr. SUNUNU, Mr. MARTINEZ, Mr. COLEMAN, and Mr. SPECTER) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end, add the following:

**DIVISION B—BORDER SECURITY**

**TITLE X—BORDER SECURITY REQUIREMENTS**

**SEC. 1001. SHORT TITLE.**

This division may be cited as the ''Border Security First Act of 2007''.

**SEC. 1002. BORDER SECURITY REQUIREMENTS.**

(a) REQUIREMENTS.—Not later than 2 years after the date of the enactment of this Act, the President shall ensure that the following are carried out:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol shall hire, train, and report for duty 23,000 full-time agents.

(3) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol shall—

(A) install along the international land border between the United States and Mexico at least—

(i) 300 miles of vehicle barriers;

(ii) 700 linear miles of fencing as required by the Secure Fence Act of 2006 (Public Law 109–367), as amended by this Act; and

(iii) 105 ground-based radar and camera towers; and

(B) deploy for use along the international land border between the United States and Mexico 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security shall detain all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement shall have the resources to maintain this practice, including the resources necessary to detain up to 45,000 aliens per day on an annual basis.

(b) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (4) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

**SEC. 1003. APPROPRIATIONS FOR BORDER SECURITY.**

There is hereby appropriated $3,000,000,000 to satisfy the requirements set out in section 1002(a) and, if any amount remains after satisfying such requirements, to achieve and maintain operational control over the international land and maritime borders of the United States and for employment eligibility verification improvements. These amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

## TITLE XI—BORDER CONTROL ENHANCEMENTS

### Subtitle A—Assets for Controlling United States Borders

**SEC. 1101. ENFORCEMENT PERSONNEL.**

(a) ADDITIONAL PERSONNEL.—

(1) U.S. CUSTOMS AND BORDER PROTECTION OFFICERS.—In each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 500 the number of positions for full-time active duty CBP officers and provide appropriate training, equipment, and support to such additional CBP officers.

(2) INVESTIGATIVE PERSONNEL.—

(A) IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.—Section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended by striking ''800'' and inserting ''1000''.

(B) ADDITIONAL PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended by subparagraph (A), during each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(3) DEPUTY UNITED STATES MARSHALS.—In each of the fiscal years 2008 through 2012, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that assist in matters related to immigration.

(4) RECRUITMENT OF FORMER MILITARY PERSONNEL.—

(A) IN GENERAL.—The Commissioner of United States Customs and Border Protection, in conjunction with the Secretary of Defense or a designee of the Secretary of Defense, shall establish a program to actively recruit members of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have elected to separate from active duty.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report on the implementation of the recruitment program established pursuant to subparagraph (A) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) U.S. CUSTOMS AND BORDER PROTECTION OFFICERS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out paragraph (1) of subsection (a).

(2) DEPUTY UNITED STATES MARSHALS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a)(3).

(3) BORDER PATROL AGENTS.—Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3734) is amended to read as follows:

**''SEC. 5202. INCREASE IN FULL-TIME BORDER PATROL AGENTS.**

''(a) ANNUAL INCREASES.—The Secretary of Homeland Security shall increase the number of positions for full-time active duty border patrol agents within the Department of Homeland Security (above the number of such positions for which funds were appropriated for the preceding fiscal year), by not less than—

''(1) 2,000 in fiscal year 2007;

''(2) 2,400 in fiscal year 2008;

''(3) 2,400 in fiscal year 2009;

''(4) 2,400 in fiscal year 2010;

''(5) 2,400 in fiscal year 2011; and

''(6) 2,400 in fiscal year 2012.

''(b) NORTHERN BORDER.—In each of the fiscal years 2008 through 2012, in addition to the border patrol agents assigned along the northern border of the United States during the previous fiscal year, the Secretary shall assign a number of border patrol agents equal to not less than 20 percent of the net increase in border patrol agents during each such fiscal year.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.''.

(c) SHADOW WOLVES APPREHENSION AND TRACKING.—

(1) PURPOSE.—The purpose of this subsection is to authorize the Secretary, acting through the Assistant Secretary of Immigration and Customs Enforcement (referred to in this subsection as the ''Secretary''), to establish new units of Customs Patrol Officers (commonly known as ''Shadow Wolves'') during the 5-year period beginning on the date of enactment of this Act.

(2) ESTABLISHMENT OF NEW UNITS.—

(A) IN GENERAL.—During the 5-year period beginning on the date of enactment of this Act, the Secretary is authorized to establish within United States Immigration and Customs Enforcement up to 5 additional units of Customs Patrol Officers in accordance with this subsection, as appropriate.

(B) MEMBERSHIP.—Each new unit established pursuant to subparagraph (A) shall consist of up to 15 Customs Patrol Officers.

(3) DUTIES.—The additional Immigration and Customs Enforcement units established pursuant to paragraph (2)(A) shall operate on Indian reservations (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452)) located on or near (as determined by the Secretary) an international border with Canada or Mexico, and such other Federal land as the Secretary determines to be appropriate, by—

(A) investigating and preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) carrying out such other duties as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2008 through 2013.

**SEC. 1102. TECHNOLOGICAL ASSETS.**

(a) ACQUISITION.—Subject to the availability of appropriations for such purpose, the Secretary shall procure additional unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the borders of the United States.

(b) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary and the Secretary of Defense shall develop and implement a plan to use authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist the Secretary in carrying out surveillance activities conducted at or near the international land borders of the United States to prevent illegal immigration.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2008 through 2012 to carry out subsection (a).

**SEC. 1103. INFRASTRUCTURE.**

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking ''Attorney General, in consultation with the Commissioner of Immigration and Naturalization,'' and inserting ''Secretary of Homeland Security''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

''(1) FENCING NEAR SAN DIEGO, CALIFORNIA.—In carrying out subsection (a), the Secretary shall provide for the construction along the 14 miles of the international land border of the United States, starting at the Pacific Ocean and extending eastward, of second and third fences, in addition to the existing reinforced fence, and for roads between the fences.''.

(C) in paragraph (2), as redesignated—

(i) in the header, by striking ''SECURITY FEATURES'' and inserting ''ADDITIONAL FENCING ALONG SOUTHWEST BORDER''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

''(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

''(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

''(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

''(C) CONSULTATION.—

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of the Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

''(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

''(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

''(II) affect the eminent domain laws of the United States or of any State.

''(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.''; and

(D) in paragraph (5), as redesignated, by striking ''to carry out this subsection not to exceed $12,000,000'' and inserting ''such sums as may be necessary to carry out this subsection''.

**SEC. 1104. PORTS OF ENTRY.**

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Division C of Public Law 104–208, is amended by the addition, at the end of that section, of the following new subsection:

''(e) CONSTRUCTION AND IMPROVEMENTS.—The Secretary is authorized to—

''(1) construct additional ports of entry along the international land borders of the United States, at locations to be determined by the Secretary; and

''(2) make necessary improvements to the ports of entry.''.

**SEC. 1105. INCREASED BORDER PATROL TRAINING CAPACITY.**

(a) IN GENERAL.—If the Secretary of Homeland Security, in his discretion, determines that existing capacity is insufficient to meet Border Patrol training needs, Secretary of Homeland Security shall acquire sufficient training staff and training facilities to increase the capacity of the Department of Homeland Security to train 2,400 new, full-time, active duty Border Patrol agents per year for fiscal years 2008 through 2012.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such amounts as may be necessary for each of the fiscal years 2008 through 2012 to carry out this section.

**SEC. 1106. INCREASED IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.**

(a) REMOVAL PERSONNEL.—During each of the fiscal years 2008 through 2012, the Secretary of Homeland Security shall increase by not less than 1,000 each year the number of positions for full-time active duty forensic auditors, intelligence officers, and investigators in United States Immigration and Customs Enforcement to carry out the removal of aliens who are not admissible to or are subject to removal from the United States, or have overstayed their nonimmigrant visas.

(b) INVESTIGATION PERSONNEL.—During each of the fiscal years 2008 through 2012, the Secretary of Homeland Security shall increase by not less than 1,000 each year the number of positions for full-time investigators in United States Immigration and Customs Enforcement to investigate immigration fraud and enforce workplace violations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such amounts as may be necessary for each of the fiscal years 2008 through 2012 to carry out this section.

## Subtitle B—Other Border Security Initiatives

**SEC. 1107. BIOMETRIC ENTRY-EXIT SYSTEM.**

(a) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES.—Section 215 (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g);

(2) by moving subsection (g), as redesignated by paragraph (1), to the end; and

(3) by inserting after subsection (b) the following:

''(c) The Secretary is authorized to require aliens entering and departing the United States to provide biometric data and other information relating to their immigration status.''.

(b) INSPECTION OF APPLICANTS FOR ADMISSION.—Section 235(d) (8 U.S.C. 1225 (d)) is amended by adding at the end the following:

''(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsections (a) and (b), immigration officers are authorized to collect biometric data from—

''(A) any applicant for admission or any alien who is paroled under section 212(d)(5), seeking to or permitted to land temporarily as an alien crewman, or seeking to or permitted transit through the United States; or

''(B) any lawful permanent resident who is entering the United States and who is not regarded as seeking admission pursuant to section 101(a)(13)(C).''.

(c) COLLECTION OF BIOMETRIC DATA FROM ALIEN CREWMEN.—Section 252 (8 U.S.C. 1282) is amended by adding at the end the following:

''(d) An immigration officer is authorized to collect biometric data from an alien crewman seeking permission to land temporarily in the United States.''.

(d) GROUNDS OF INADMISSIBILITY.—Section 212 (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

''(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who fails or has failed to comply with a lawful request for biometric data under section 215(c), 235(d), or 252(d) is inadmissible.''; and

(2) in subsection (d), by inserting after paragraph (1) the following:

''(2) The Secretary may waive the application of subsection (a)(7)(C) for an individual alien or class of aliens.''.

(e) IMPLEMENTATION.—Section 7208 of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1365b) is amended—

(1) in subsection (c), by adding at the end the following:

''(3) IMPLEMENTATION.—In fully implementing the automated biometric entry and exit data system under this section, the Secretary is not required to comply with the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act) or any other law relating to rulemaking, information collection, or publication in the Federal Register.''; and

(2) in subsection (l)—

(A) by striking ''There are authorized'' and inserting the following:

''(1) IN GENERAL.—There are authorized''; and

(B) by adding at the end the following:

''(2) IMPLEMENTATION AT ALL LAND BORDER PORTS OF ENTRY.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 and 2009 to implement the automated biometric entry and exit data system at all land border ports of entry.''.

**SEC. 1108. UNLAWFUL FLIGHT FROM IMMIGRATION OR CUSTOMS CONTROLS.**

Section 758 of title 18, United States Code, is amended to read as follows:

**''SEC. 758. UNLAWFUL FLIGHT FROM IMMIGRATION OR CUSTOMS CONTROLS.**

''(a) EVADING A CHECKPOINT.—Any person who, while operating a motor vehicle or vessel, knowingly flees or evades a checkpoint operated by the Department of Homeland Security or any other Federal law enforcement agency, and then knowingly or recklessly disregards or disobeys the lawful command of any law enforcement agent, shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) FAILURE TO STOP.—Any person who, while operating a motor vehicle, aircraft, or vessel, knowingly, or recklessly disregards or disobeys the lawful command of an officer of the Department of Homeland Security engaged in the enforcement of the immigration, customs, or maritime laws, or the lawful command of any law enforcement agent assisting such officer, shall be fined under this title, imprisoned not more than 2 years, or both.

''(c) ALTERNATIVE PENALTIES.—Notwithstanding the penalties provided in subsection (a) or (b), any person who violates such subsection shall—

''(1) be fined under this title, imprisoned not more than 10 years, or both, if the violation involved the operation of a motor vehicle, aircraft, or vessel—

''(A) in excess of the applicable or posted speed limit;

''(B) in excess of the rated capacity of the motor vehicle, aircraft, or vessel; or

''(C) in an otherwise dangerous or reckless manner;

''(2) be fined under this title, imprisoned not more than 20 years, or both, if the violation created a substantial and foreseeable risk of serious bodily injury or death to any person;

''(3) be fined under this title, imprisoned not more than 30 years, or both, if the violation caused serious bodily injury to any person; or

''(4) be fined under this title, imprisoned for any term of years or life, or both, if the violation resulted in the death of any person.

''(d) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit any offense under this section shall be punished in the same manner as a person who completes the offense.

''(e) FORFEITURE.—Any property, real or personal, constituting or traceable to the gross proceeds of the offense and any property, real or personal, used or intended to be used to commit or facilitate the commission of the offense shall be subject to forfeiture.

''(f) FORFEITURE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of this title, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security or the Attorney General. Nothing in this section shall limit the authority of the Secretary to seize and forfeit motor vehicles, aircraft, or vessels under the Customs laws or any other laws of the United States.

''(g) DEFINITIONS.—For purposes of this section—

''(1) The term 'checkpoint' includes, but is not limited to, any customs or immigration inspection at a port of entry.

''(2) The term 'lawful command' includes, but is not limited to, a command to stop, decrease speed, alter course, or land, whether communicated orally, visually, by means of lights or sirens, or by radio, telephone, or other wire communication.

''(3) The term 'law enforcement agent' means any Federal, State, local or tribal official authorized to enforce criminal law, and, when conveying a command covered under subsection (b) of this section, an air traffic controller.

''(4) The term 'motor vehicle' means any motorized or self-propelled means of terrestrial transportation.

''(5) The term 'serious bodily injury' has the meaning given in section 2119(2) of this title.''.

**SEC. 1109. SEIZURE OF CONVEYANCE WITH CONCEALED COMPARTMENT: EXPANDING THE DEFINITION OF CONVEYANCES WITH HIDDEN COMPARTMENTS SUBJECT TO FORFEITURE.**

(a) IN GENERAL.—Section 1703 of title 19, United States Code is amended:

(1) by amending the title of such section to read as follows:

**''SEC. 1703. SEIZURE AND FORFEITURE OF VESSELS, VEHICLES, OTHER CONVEYANCES, AND INSTRUMENTS OF INTERNATIONAL TRAFFIC.'';**

(2) by amending the title of subsection (a) to read as follows:

''(a) VESSELS, VEHICLES, OTHER CONVEYANCES, AND INSTRUMENTS OF INTERNATIONAL TRAFFIC SUBJECT TO SEIZURE AND FORFEITURE.—'';

(3) by amending the title of subsection (b) to read as follows:

''(b) VESSELS, VEHICLES, OTHER CONVEYANCES, AND INSTRUMENTS OF INTERNATIONAL TRAFFIC DEFINED.—'';

(4) by inserting '', vehicle, other conveyance, or instrument of international traffic'' after the word ''vessel'' everywhere it appears in the text of subsections (a) and (b); and

(5) by amending subsection (c) to read as follows:

''(c) ACTS CONSTITUTING PRIMA FACIE EVIDENCE OF VESSEL, VEHICLE, OR OTHER CONVEYANCE OR INSTRUMENT OF INTERNATIONAL TRAFFIC ENGAGED IN SMUGGLING.—For the purposes of this section, prima facie evidence that a conveyance is being, or has been, or is attempted to be employed in smuggling or to defraud the revenue of the United States shall be—

''(1) in the case of a vessel, the fact that a vessel has become subject to pursuit as provided in section 1581 of this title, or is a hovering vessel, or that a vessel fails, at any place within the customs waters of the United States or within a customs-enforcement area, to display light as required by law; and

''(2) in the case of a vehicle, other conveyance, or instrument of international traffic, the fact that a vehicle, other conveyance, or instrument of international traffic has any compartment or equipment that is built or fitted out for smuggling.''.

(b) CLERICAL AMENDMENT.—The table of sections for Chapter 5 in title 19, United States Code, is amended by striking the items relating to section 1703 and inserting in lieu thereof the following:

''Sec. 1703. Seizure and forfeiture of vessels, vehicles, other conveyances and instruments of international traffic.''.

**Subtitle C—Other Measures**

**SEC. 1110. DEATHS AT UNITED STATES-MEXICO BORDER.**

(a) COLLECTION OF STATISTICS.—The Commissioner of the Bureau of Customs and Border Protection shall collect statistics relating to deaths occurring at the border between the United States and Mexico, including—

(1) the causes of the deaths; and

(2) the total number of deaths.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Commissioner of the Bureau of Customs and Border Protection shall submit to the Secretary a report that—

(1) analyzes trends with respect to the statistics collected under subsection (a) during the preceding year; and

(2) recommends actions to reduce the deaths described in subsection (a).

**SEC. 1111. BORDER SECURITY ON CERTAIN FEDERAL LAND.**

(a) DEFINITIONS.—In this section:

(1) PROTECTED LAND.—The term ''protected land'' means land under the jurisdiction of the Secretary concerned.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—

(A) increased United States Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(B) Federal land resource training for United States Customs and Border Protection agents dedicated to protected land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the United States Fish and Wildlife Service, the Forest Service, or the relevant agency of the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources from border protection activities.

(c) ANALYSIS OF DAMAGE TO PROTECTED LANDS.—The Secretary and Secretaries concerned shall develop an analysis of damage to protected lands relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(d) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service, the United States Fish and Wildlife Service, and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and

(2) not later than 1 year from the date of enactment, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation, and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects the homeland, including—

(1) units of the National Park System;

(2) National Forest System land;

(3) land under the jurisdiction of the United States Fish and Wildlife Service; and

(4) other relevant land under the jurisdiction of the Department of the Interior or the Department of Agriculture.

**SEC. 1112. SECURE COMMUNICATION.**

The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations; and

(3) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

**SEC. 1113. UNMANNED AIRCRAFT SYSTEMS.**

(a) UNMANNED AIRCRAFT AND ASSOCIATED INFRASTRUCTURE.—The Secretary shall acquire and maintain unmanned aircraft systems for use on the border, including related equipment such as—

(1) additional sensors;

(2) critical spares;

(3) satellite command and control; and

(4) other necessary equipment for operational support.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out subsection (a)—

(A) $178,400,000 for fiscal year 2008; and

(B) $276,000,000 for fiscal year 2009.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

**SEC. 1114. SURVEILLANCE TECHNOLOGIES PROGRAMS.**

(a) AERIAL SURVEILLANCE PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1701 note), the Secretary, not later than 90 days after the date of enactment of this Act, shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The goal of the program shall be to ensure continuous monitoring of each mile of each such border.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment which the Secretary may deploy along an international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—The program developed under this subsection shall include the use of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near an international border of the United States, in order to evaluate, for a range of circumstances—

(A) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(B) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(C) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of the utilization of such technologies.

(5) REPORT TO CONGRESS.—Not later than 180 days after implementing the program under this subsection, the Secretary shall submit a report to Congress regarding the program developed under this subsection. The Secretary shall include in the report a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) REQUIREMENT FOR PROGRAM.—Subject to the availability of appropriations, the Secretary shall establish a program to procure additional unmanned aerial vehicles, cameras, poles, sensors, satellites, radar coverage, and other technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a ''virtual fence'' along such international borders to provide a barrier to illegal immigration. Such program shall be known as the Integrated and Automated Surveillance Program.

(2) PROGRAM COMPONENTS.—The Secretary shall ensure, to the maximum extent feasible, the Integrated and Automated Surveillance Program is carried out in a manner that—

(A) the technologies utilized in the Program are integrated and function cohesively in an automated fashion, including the integration of motion sensor alerts and cameras, whereby a sensor alert automatically activates a corresponding camera to pan and tilt in the direction of the triggered sensor;

(B) cameras utilized in the Program do not have to be manually operated;

(C) such camera views and positions are not fixed;

(D) surveillance video taken by such cameras can be viewed at multiple designated communications centers;

(E) a standard process is used to collect, catalog, and report intrusion and response data collected under the Program;

(F) future remote surveillance technology investments and upgrades for the Program can be integrated with existing systems;

(G) performance measures are developed and applied that can evaluate whether the Program is providing desired results and increasing response effectiveness in monitoring and detecting illegal intrusions along the international borders of the United States;

(H) plans are developed under the Program to streamline site selection, site validation, and environmental assessment processes to minimize delays of installing surveillance technology infrastructure;

(I) standards are developed under the Program to expand the shared use of existing private and governmental structures to install remote surveillance technology infrastructure where possible; and

(J) standards are developed under the Program to identify and deploy the use of nonpermanent or mobile surveillance platforms that will increase the Secretary's mobility and ability to identify illegal border intrusions.

(3) REPORT TO CONGRESS.—Not later than 1 year after the initial implementation of the Integrated and Automated Surveillance Program, the Secretary shall submit to Congress a report regarding the Program. The Secretary shall include in the report a description of the Program together with any recommendation that the Secretary finds appropriate for enhancing the program.

(4) EVALUATION OF CONTRACTORS.—

(A) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services to carry out the Integrated and Automated Surveillance Program.

(B) REVIEW BY THE INSPECTOR GENERAL.—The Inspector General of the Department shall timely review each new contract related to the Program that has a value of more than $5,000,000, to determine whether such contract fully complies with applicable cost requirements, performance objectives, program milestones, and schedules. The Inspector General shall report the findings of such review to the Secretary in a timely manner. Not later than 30 days after the date the Secretary receives a report of findings from the Inspector General, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, a report of such findings and a description of any the steps that the Secretary has taken or plans to take in response to such findings.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

**SEC. 1115. SURVEILLANCE PLAN.**

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States.

(b) CONTENT.—The plan required by subsection (a) shall include the following:

(1) An assessment of existing technologies employed on the international land and maritime borders of the United States.

(2) A description of the compatibility of new surveillance technologies with surveillance technologies in use by the Secretary on the date of the enactment of this Act.

(3) A description of how the Commissioner of the United States Customs and Border Protection of the Department is working, or is expected to work, with the Under Secretary for Science and Technology of the Department to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) Identification of any obstacles that may impede such deployment.

(6) A detailed estimate of all costs associated with such deployment and with continued maintenance of such technologies.

(7) A description of how the Secretary is working with the Administrator of the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles.

(c) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress the plan required by this section.

**SEC. 1116. NATIONAL STRATEGY FOR BORDER SECURITY.**

(a) REQUIREMENT FOR STRATEGY.—The Secretary, in consultation with the heads of other appropriate Federal agencies, shall develop a National Strategy for Border Security that describes actions to be carried out to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States.

(b) CONTENT.—The National Strategy for Border Security shall include the following:

(1) The implementation schedule for the comprehensive plan for systematic surveillance described in section 1115.

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at locations along the international land and maritime borders of the United States.

(3) A risk assessment for all United States ports of entry and all portions of the international land and maritime borders of the United States that includes a description of activities being undertaken—

(A) to prevent the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) to protect critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

(5) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(6) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(7) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations regarding actions the Secretary can carry out to improve coordination with such authorities to enable border security and enforcement activities to be carried out in a more efficient and effective manner.

(8) An assessment of existing efforts and technologies used for border security and the effect of the use of such efforts and technologies on civil rights, personal property rights, privacy rights, and civil liberties, including an assessment of efforts to take into account asylum seekers, trafficking victims, unaccompanied minor aliens, and other vulnerable populations.

(9) A prioritized list of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(10) A description of ways to ensure that the free flow of travel and commerce is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(11) An assessment of additional detention facilities and beds that are needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States.

(12) A description of the performance metrics to be used to ensure accountability by the bureaus of the Department in implementing such Strategy.

(13) A schedule for the implementation of the security measures described in such Strategy, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, an estimate of the resources needed to carry out such measures, and a description of how such resources should be allocated.

(c) CONSULTATION.—In developing the National Strategy for Border Security, the Secretary shall consult with representatives of—

(1) State, local, and tribal authorities with responsibility for locations along the international land and maritime borders of the United States; and

(2) appropriate private sector entities, nongovernmental organizations, and affected communities that have expertise in areas related to border security.

(d) COORDINATION.—The National Strategy for Border Security shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13, dated December 21, 2004.

(e) SUBMISSION TO CONGRESS.—

(1) STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress the National Strategy for Border Security.

(2) UPDATES.—The Secretary shall submit to Congress any update of such Strategy that the Secretary determines is necessary, not

later than 30 days after such update is developed.

(f) IMMEDIATE ACTION.—Nothing in this section or section 1107 may be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

**SEC. 1117. BORDER PATROL TRAINING CAPACITY REVIEW.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Secretary to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how such curriculum has changed since September 11, 2001, and an evaluation of language and cultural diversity training programs provided within such curriculum.

(2) A review and a detailed breakdown of the costs incurred by the Bureau of Customs and Border Protection and the Federal Law Enforcement Training Center to train 1 new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2), of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar training programs provided by State and local agencies, nonprofit organizations, universities, and the private sector.

(4) An evaluation of whether utilizing comparable non-Federal training programs, proficiency testing, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year;

(B) the per agent costs of basic training; and

(C) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

**SEC. 1118. BIOMETRIC DATA ENHANCEMENTS.**

Not later than October 1, 2008, the Secretary shall—

(1) in consultation with the Attorney General, enhance connectivity between the Automated Biometric Fingerprint Identification System (IDENT) of the Department and the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a).

**SEC. 1119. US–VISIT SYSTEM.**

Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with the heads of other appropriate Federal agencies, shall submit to Congress a schedule for—

(1) equipping all land border ports of entry of the United States with the U.S.–Visitor and Immigrant Status Indicator Technology (US–VISIT) system implemented under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a);

(2) developing and deploying at such ports of entry the exit component of the US-VISIT system; and

(3) making interoperable all immigration screening systems operated by the Secretary.

**SEC. 1120. DOCUMENT FRAUD DETECTION.**

(a) TRAINING.—Subject to the availability of appropriations, the Secretary shall provide all United States Customs and Border Protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the head of the Forensic Document Laboratory of the United States Immigration and Customs Enforcement.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary shall provide all United States Customs and Border Protection officers with access to the Forensic Document Laboratory.

(c) ASSESSMENT.—

(1) REQUIREMENT FOR ASSESSMENT.—The Inspector General of the Department shall conduct an independent assessment of the accuracy and reliability of the Forensic Document Laboratory.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Inspector General shall submit to Congress the findings of the assessment required by paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

**SEC. 1121. BORDER RELIEF GRANT PROGRAM.**

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants, subject to the availability of appropriations, to an eligible law enforcement agency to provide assistance to such agency to address—

(A) criminal activity that occurs in the jurisdiction of such agency by virtue of such agency's proximity to the United States border; and

(B) the impact of any lack of security along the United States border.

(2) DURATION.—Grants may be awarded under this subsection during fiscal years 2008 through 2012.

(3) COMPETITIVE BASIS.—The Secretary shall award grants under this subsection on a competitive basis, except that the Secretary shall give priority to applications from any eligible law enforcement agency serving a community—

(A) with a population of less than 50,000; and

(B) located no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—

(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term ''eligible law enforcement agency'' means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term ''High Impact Area'' means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents of that county;

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $100,000,000 for each of fiscal years 2008 through 2012 to carry out the provisions of this section.

(2) DIVISION OF AUTHORIZED FUNDS.—Of the amounts authorized under paragraph (1)—

(A) ⅔ shall be set aside for eligible law enforcement agencies located in the 6 States with the largest number of undocumented alien apprehensions; and

(B) ⅓ shall be set aside for areas designated as a High Impact Area under subsection (d).

(f) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this section shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this title.

**SEC. 1122. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.**

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services, in consultation with United States Customs and Border Protection, shall update the Port of Entry Infrastructure Assessment Study prepared by United States Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106–319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 3422; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

**SEC. 1123. NATIONAL LAND BORDER SECURITY PLAN.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary, after consultation with representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

**SEC. 1124. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.**

(a) ESTABLISHMENT.—The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTING.—Under the technology demonstration program, the Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) DEVELOPMENT OF FACILITIES.—At a demonstration site selected pursuant to subsection (c)(2), the Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the United States Customs and Border Protection.

**SEC. 1125. COMBATING HUMAN SMUGGLING.**

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the United States Immigration and Customs Enforcement and the United States Customs and Border Protection of the Department and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

(d) SAVINGS PROVISION.—Nothing in this section may be construed to provide additional authority to any State or local entity to enforce Federal immigration laws.

**SEC. 1126. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.**

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—The Secretary shall construct or acquire, in addition to existing facilities for the detention of aliens, at least 20 detention facilities in the United States that have the capacity to detain a combined total of not less than 20,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States subject to available appropriations.

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a), subject to available appropriations.

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) (8 U.S.C. 1231(g)(1)) is amended by striking ''may expend'' and inserting ''shall expend''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 1127. UNITED STATES-MEXICO BORDER ENFORCEMENT REVIEW COMMISSION.**

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is established an independent commission to be known as the United States-Mexico Border Enforcement Review Commission (referred to in this section as the ''Commission'').

(2) PURPOSES.—The purposes of the Commission are—

(A) to study the overall enforcement strategies, programs, and policies of Federal agencies along the United States-Mexico border; and

(B) to make recommendations to the President and Congress with respect to such strategies, programs, and policies.

(3) MEMBERSHIP.—The Commission shall be composed of 17 voting members, who shall be appointed as follows:

(A) The Governors of the States of California, New Mexico, Arizona, and Texas shall each appoint 4 voting members of whom—

(i) 1 shall be a local elected official from the State's border region;

(ii) 1 shall be a local law enforcement official from the State's border region; and

(iii) 2 shall be from the State's communities of academia, religious leaders, civic leaders, or community leaders.

(B) 2 nonvoting members, of whom—

(i) 1 shall be appointed by the Secretary;

(ii) 1 shall be appointed by the Attorney General; and

(iii) 1 shall be appointed by the Secretary of State.

(4) QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Commission shall be—

(i) individuals with expertise in migration, border enforcement and protection, civil and human rights, community relations, cross-border trade, and commerce or other pertinent qualifications or experience; and

(ii) representative of a broad cross section of perspectives from the region along the international border between the United States and Mexico;

(B) POLITICAL AFFILIATION.—Not more than 2 members of the Commission appointed by each Governor under paragraph (3)(A) may be members of the same political party.

(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed as a voting member to the Commission may not be an officer or employee of the Federal Government.

(5) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 6 months after the enactment of this Act. If any member of the Commission described in paragraph (3)(A) is not appointed by such date, the Commission shall carry out its duties under this section without the participation of such member.

(6) TERM OF SERVICE.—The term of office for members shall be for life of the Commission.

(7) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(8) MEETINGS.—

(A) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members.

(9) QUORUM.—Nine members of the Commission shall constitute a quorum.

(10) CHAIR AND VICE CHAIR.—The voting members of the Commission shall elect a Chairman and Vice Chairman from among its members. The term of office shall be for the life of the Commission.

(b) DUTIES.—The Commission shall review, examine, and make recommendations regarding border enforcement policies, strategies, and programs, including recommendations regarding—

(1) the protection of human and civil rights of community residents and migrants along the international border between the United States and Mexico;

(2) the adequacy and effectiveness of human and civil rights training of enforcement personnel on such border;

(3) the adequacy of the complaint process within the agencies and programs of the Department that are employed when an individual files a grievance;

(4) the effect of the operations, technology, and enforcement infrastructure along such border on the—

(A) environment;

(B) cross-border traffic and commerce; and

(C) the quality of life of border communities;

(5) local law enforcement involvement in the enforcement of Federal immigration law; and

(6) any other matters regarding border enforcement policies, strategies, and programs the Commission determines appropriate.

(c) INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION FROM FEDERAL AGENCIES.—The Commission may seek directly from any department or agency of the United States such information, including suggestions, estimates, and statistics, as allowed by law and as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—The Administrator of General Services shall, on a reimbursable basis, provide the Commission with administrative support and other services for the performance of the Commission's functions. The departments and agencies of the United States may provide the Commission with such services, funds, facilities, staff, and other support services as they determine advisable and as authorized by law.

(d) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Commission shall be reimbursed for reasonable travel expenses and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

(e) REPORT.—Not later than 2 years after the date of the first meeting called pursuant to (a)(8)(A), the Commission shall submit a report to the President and Congress that contains—

(1) findings with respect to the duties of the Commission;

(2) recommendations regarding border enforcement policies, strategies, and programs;

(3) suggestions for the implementation of the Commission's recommendations; and

(4) a recommendation as to whether the Commission should continue to exist after the date of termination described in subsection (g), and if so, a description of the purposes and duties recommended to be carried out by the Commission after such date.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) SUNSET.—Unless the Commission is reauthorized by Congress, the Commission shall terminate on the date that is 90 days after the date the Commission submits the report described in subsection (e).

**SEC. 1128. OPERATION JUMP START.**

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount authorized to be appropriated for operation and maintenance for Defense-wide activities is hereby increased by $400,000,000, for the Department of Defense.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for operation and maintenance for Defense-wide activities, as increased by subsection (a), $400,000,000 shall be available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border.

(2) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available in this Act for that purpose.

## TITLE XII—ENFORCEMENT ENHANCEMENTS

**SEC. 1201. INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS.**

Subsection (b) of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended by adding at the end the following new paragraph:

''(4) Acquiring such information, if the person seeking such information has probable cause to believe that the individual is not lawfully present in the United States.''.

**SEC. 1202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.**

(a) AMENDMENTS.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking ''Attorney General'' the first place it appears, except for the first reference in subsection (a)(4)(B)(i), and inserting ''Secretary of Homeland Security'';

(2) by striking ''Attorney General'' any other place it appears and inserting ''Secretary'';

(3) in paragraph (1)—

(A) in subparagraph (B), by amending clause (ii) to read as follows:

''(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the expiration date of the stay of removal.'';

(B) by amending subparagraph (C) to read as follows:

''(C) EXTENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to—

''(i) make all reasonable efforts to comply with the removal order; or

''(ii) fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including failing to make timely application in good faith for travel or other documents necessary to the alien's departure, or conspiring or acting to prevent the alien's removal.''; and

(C) by adding at the end the following:

''(D) TOLLING OF PERIOD.—If, at the time described in subparagraph (B), the alien is not in the custody of the Secretary under the authority of this Act, the removal period shall not begin until the alien is taken into such custody. If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall recommence on the date on which the alien is returned to the custody of the Secretary.'';

(4) in paragraph (2), by adding at the end the following: ''If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of discretion, may detain the alien during the pendency of such stay of removal.'';

(5) in paragraph (3), by amending subparagraph (D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform

affirmative acts, that the Secretary prescribes for the alien—

''(i) to prevent the alien from absconding;

''(ii) for the protection of the community; or

''(iii) for other purposes related to the enforcement of the immigration laws.'';

(6) in paragraph (6), by striking ''removal period and, if released,'' and inserting ''removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien'';

(7) by redesignating paragraph (7) as paragraph (10); and

(8) by inserting after paragraph (6) the following:

''(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

''(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

''(A) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FULLY COOPERATE WITH REMOVAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether an alien described in subparagraph (B) should be detained or released after the removal period in accordance with this paragraph.

''(B) ALIEN DESCRIBED.—An alien is described in this subparagraph if the alien—

''(i) has effected an entry into the United States;

''(ii) has made all reasonable efforts to comply with the alien's removal order;

''(iii) has cooperated fully with the Secretary's efforts to establish the alien's identity and to carry out the removal order, including making timely application in good faith for travel or other documents necessary for the alien's departure; and

''(iv) has not conspired or acted to prevent removal.

''(C) EVIDENCE.—In making a determination under subparagraph (A), the Secretary—

''(i) shall consider any evidence submitted by the alien; and

''(ii) may consider any other evidence, including—

''(I) any information or assistance provided by the Department of State or other Federal agency; and

''(II) any other information available to the Secretary pertaining to the ability to remove the alien.

''(D) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien for 90 days beyond the removal period (including any extension of the removal period under paragraph (1)(C)).

''(E) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion and without any limitations other than those specified in this section, may detain an alien beyond the 90-day period authorized under subparagraph (D) until the alien is removed, if the Secretary—

''(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future; or

''(ii) certifies in writing—

''(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(II) after receipt of a written recommendation from the Secretary of State, that the release of the alien would likely have serious adverse foreign policy consequences for the United States;

''(III) based on information available to the Secretary (including classified, sensitive, or national security information, and regardless of the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States;

''(IV) that—

''(aa) the release of the alien would threaten the safety of the community or any person, and conditions of release cannot reasonably be expected to ensure the safety of the community or any person; and

''(bb) the alien—

''(AA) has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), or of 1 or more attempts or conspiracies to commit any such aggravated felonies for an aggregate term of imprisonment of at least 5 years; or

''(BB) has committed a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, is likely to engage in acts of violence in the future; or

''(V) that—

''(aa) the release of the alien would threaten the safety of the community or any person, notwithstanding conditions of release designed to ensure the safety of the community or any person; and

''(bb) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)) for which the alien was sentenced to an aggregate term of imprisonment of not less than 1 year.

''(F) ATTORNEY GENERAL REVIEW.—If the Secretary authorizes an extension of detention under subparagraph (E), the alien may seek review of that determination before the Attorney General. If the Attorney General concludes that the alien should be released, then the Secretary shall release the alien pursuant to subparagraph (I). The Attorney General, in consultation with the Secretary, shall promulgate regulations governing review under this paragraph.

''(G) ADMINISTRATIVE REVIEW PROCESS.—The Secretary, without any limitations other than those specified in this section, may detain an alien pending a determination under subparagraph (E)(ii), if the Secretary has initiated the administrative review process identified in subparagraph (A) not later than 30 days after the expiration of the removal period (including any extension of the removal period under paragraph (1)(C)).

''(H) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary may renew a certification under subparagraph (E)(ii) every 6 months, without limitation, after providing the alien with an opportunity to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such certification, the Secretary shall release the alien, pursuant to subparagraph (I). If the Secretary authorizes an extension of detention under paragraph (E), the alien may seek review of that determination before the Attorney General. If the Attorney General concludes that the alien should be released, then the Secretary shall release the alien pursuant to subparagraph (I).

''(ii) DELEGATION.—Notwithstanding any other provision of law, the Secretary may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (E)(ii) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

''(iii) HEARING.—The Secretary may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in subparagraph (E)(ii)(IV)(bb)(BB).

''(I) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary may, in the Secretary's discretion, impose conditions on release in accordance with the regulations prescribed pursuant to paragraph (3).

''(J) REDETENTION.—The Secretary, without any limitations other than those specified in this section, may detain any alien subject to a final removal order who has previously been released from custody if—

''(i) the alien fails to comply with the conditions of release;

''(ii) the alien fails to continue to satisfy the conditions described in subparagraph (B); or

''(iii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (E).

''(K) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any alien returned to custody under subparagraph (I) as if the removal period terminated on the day of the redetention.

''(L) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE EFFECTED AN ENTRY AND FAIL TO COOPERATE WITH REMOVAL.—The Secretary shall detain an alien until the alien makes all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary's efforts, if the alien—

''(i) has effected an entry into the United States; and

''(ii)(I) and the alien faces a significant likelihood that the alien will be removed in the reasonably foreseeable future, or would have been removed if the alien had not—

''(aa) failed or refused to make all reasonable efforts to comply with a removal order;

''(bb) failed or refused to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including the failure to make timely application in good faith for travel or other documents necessary to the alien's departure; or

''(cc) conspired or acted to prevent removal; or

''(II) the Secretary makes a certification as specified in subparagraph (E), or the renewal of a certification specified in subparagraph (H).

''(M) DETENTION REVIEW PROCESS FOR ALIENS WHO HAVE NOT EFFECTED AN ENTRY.—Except as otherwise provided in this subparagraph, the Secretary shall follow the guidelines established in section 241.4 of title 8, Code of Federal Regulations, when detaining aliens who have not effected an entry. The Secretary may decide to apply the review process outlined in this paragraph.

''(9) JUDICIAL REVIEW.—Judicial review of any action or decision made pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding brought in a United States district court and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to—

(A) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act, unless —

(i) that order was issued and the alien was subsequently released or paroled before the enactment of this Act and

(ii) the alien has complied with and remains in compliance with the terms and conditions of that release or parole; and

(B) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

(c) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) DETENTION OF INADMISSIBLE ARRIVING ALIENS.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

''(e) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON OTHER DETENTION.—The length of a detention under this section shall not affect the validity of any detention under section 241.

''(f) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia if the alien has exhausted all administrative remedies available to the alien as of right.''.

(2) DETENTION OF APPREHENDED ALIENS.—Section 236 of such Act (8 U.S.C. 1226) is amended—

(A) by redesignating subsection (e) as subsection (f);

(B) by inserting after subsection (d) the following:

''(e) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON OTHER DETENTION.—The length of a detention under this section shall not affect the validity of any detention under section 241.''; and

(C) in subsection (f), as redesignated by subparagraph (A), by adding at the end the following: ''Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia if the alien has exhausted all administrative remedies available to the alien as of right.''.

(d) SEVERABILITY.—If any provision of this section, any amendment made by this section, or the application of any such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this section, the amendments made by this section, and the application of the provisions and amendments made by this section to any other person or circumstance shall not be affected by such holding.

**SEC. 1203. DETENTION PENDING DEPORTATION OF ALIENS WHO OVERSTAY.**

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) DETENTION OF ALIENS WHO EXCEED THE ALIEN'S PERIOD OF AUTHORIZED ADMISSION.—

''(1) CUSTODY.—An alien shall be arrested and detained by the Secretary of Homeland Security pending a decision on whether the alien is to be removed from the United States if the alien knowingly, or with reason to know exceeded, for willfully exceeding, by 60 days or more, the period of the alien's authorized admission or parole into the United States.

''(2) REASON TO KNOW.—An alien shall be deemed to have reason to know that they exceeded the period of authorized admission if their passport is stamped with the expected departure date, or if the code section under which the visa they applied for contains a length of time for which the visa can be issued.

''(3) WAIVER.—The Secretary of Homeland Security may waive the application of paragraph (1) if the Secretary determines that the alien exceeded the alien's period of authorized admission or parole as a result of exceptional circumstances beyond the control of the alien or the Secretary determines a waiver is necessary for humanitarian purposes.''.

**SEC. 1204. ILLEGAL REENTRY.**

Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by striking subsections (a) through (c) and inserting the following:

''(a) REENTRY AFTER REMOVAL.—An alien who has been denied admission, excluded, deported, or removed, or who has departed the United States while an order of exclusion, deportation, or removal is outstanding, and subsequently enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 60 days and not more than 2 years.

''(b) REENTRY OF CRIMINAL OFFENDERS.—Notwithstanding the penalty provided in subsection (a), if an alien described in that subsection—

''(1) was convicted for 3 or more misdemeanors or a felony before such removal or departure, the alien shall be fined under title 18, United States Code, and imprisoned not less than 1 year and not more than 10 years;

''(2) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 30 months, the alien shall be fined under such title, and imprisoned not less than 2 years and not more than 15 years;

''(3) was convicted for a felony before such removal or departure for which the alien was sentenced to a term of imprisonment of not less than 60 months, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years;

''(4) was convicted for 3 felonies before such removal or departure, the alien shall be fined under such title, and imprisoned not less than 4 years and not more than 20 years; or

''(5) was convicted, before such removal or departure, for murder, rape, kidnapping, or a felony offense described in chapter 77 (relating to peonage and slavery) or 113B (relating to terrorism) of such title, the alien shall be fined under such title, and imprisoned not less than 5 years and not more than 20 years.

''(c) REENTRY AFTER REPEATED REMOVAL.—Any alien who has been denied admission, excluded, deported, or removed 3 or more times and thereafter enters, attempts to enter, crosses the border to, attempts to cross the border to, or is at any time found in the United States, shall be fined under title 18, United States Code, and imprisoned not less than 2 years and not more than 10 years.''.

**SEC. 1205. AGGRAVATED FELONY.**

(a) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking ''The term 'aggravated felony' means—'' and inserting ''Notwithstanding any other provision of law, the term 'aggravated felony' applies to an offense described in this paragraph, whether in violation of Federal or State law, and to such an offense in violation of the law of a foreign country for which the term of imprisonment was completed within the previous 15 years, even if the length of the term of imprisonment for the offense is based on recidivism or other enhancements, and regardless of whether the conviction was entered before, on, or after September 30, 1996, and means—'';

(2) in subparagraph (A), by striking ''murder, rape, or sexual abuse of a minor;'' and inserting ''murder, rape, or sexual abuse of a minor, whether or not the minority of the victim is established by evidence contained in the record of conviction or by evidence extrinsic to the record of conviction;'';

(3) in subparagraph (N), by striking ''paragraph (1)(A) or (2) of'';

(4) in subparagraph (O), by striking ''section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph'' and inserting ''section 275 or 276 for which the term of imprisonment is at least 1 year'';

(5) by striking the undesignated matter following subparagraph (U);

(6) in subparagraph (E)—

(A) in clause (ii), by inserting '', (c),'' after ''924(b)'' and by striking ''or'' at the end; and

(B) by adding at the end the following new clauses:

''(iv) section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or

''(v) section 521(d) of title 18, United States Code (relating to penalties for offenses committed by criminal street gangs);''; and

(7) by amending subparagraph (F) to read as follows:

''(F) either—

''(i) a crime of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense); or

''(ii) a third conviction for driving while intoxicated (including a third conviction for driving while under the influence or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under State law, for which the term of imprisonment is at least 1 year;''.

(b) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any act that occurred before, on, or after such date of enactment.

**SEC. 1206. INADMISSIBILITY AND DEPORTABILITY OF GANG MEMBERS AND OTHER CRIMINALS.**

(a) DEFINITION OF CRIMINAL GANG.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by inserting after paragraph (51) the following:

''(52)(A) The term 'criminal gang' means an ongoing group, club, organization, or association of 5 or more persons—

''(i) that has, as 1 of its primary purposes, the commission of 1 or more of the criminal offenses described in subparagraph (B); and

''(ii) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subparagraph (B).

''(B) Offenses described in this subparagraph, whether in violation of Federal or State law or in violation of the law of a foreign country, regardless of whether charged, and regardless of whether the conduct occurred before, on, or after the date of the enactment of this paragraph, are—

''(i) a felony drug offense (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(ii) a felony offense involving firearms or explosives, including a violation of section 924(c), 924(h), or 931 of title 18 (relating to purchase, ownership, or possession of body armor by violent felons);

''(iii) an offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to the importation of an alien for immoral purpose);

''(iv) a felony crime of violence as defined in section 16 of title 18, United States Code;

''(v) a crime involving obstruction of justice; tampering with or retaliating against a witness, victim, or informant; or burglary;

''(vi) any conduct punishable under sections 1028 and 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery and trafficking in persons), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property); and

''(vii) a conspiracy to commit an offense described in clause (i) through (vi).''.

(b) INADMISSIBILITY.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (J); and

(2) by inserting after subparagraph (E) the following:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe participated in a criminal gang, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang, is inadmissible.''.

(c) DEPORTABILITY.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien, in or admitted to the United States, who at any time has participated in a criminal gang, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang is deportable.''.

(d) TEMPORARY PROTECTED STATUS.—Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) is amended—

(1) by striking '', Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subsection (c)(2)(B)—

(A) in clause (i), by striking ''or'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting ''or''; and

(C) by adding at the end the following:

''(iii) the alien participates in, or at any time after admission has participated in, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang, the activities of a criminal gang.''; and

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking ''Subject to paragraph (3), such'' and inserting ''Such''; and

(ii) by striking ''(under paragraph (3))'';

(B) by striking paragraph (3); and

(C) by redesignating paragraph (4) as paragraph (3); and

(D) in paragraph (3), as redesignated, by adding at the end the following: ''The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision.''.

(e) PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF SERIOUS CRIMINAL OFFENSES AND DOMESTIC VIOLENCE, STALKING, CHILD ABUSE AND VIOLATION OF PROTECTION ORDERS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(2), by adding at the end the following:

''(J) CERTAIN FIREARM OFFENSES.—Any alien who at any time has been convicted under any law of, or who admits having committed or admits committing acts which constitute the essential elements of, purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer to sale, exchange, use, own, possess, or carry, any weapon, part, or accessory, which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code) in violation of any law is inadmissible.

''(K) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTIVE ORDERS; CRIMES AGAINST CHILDREN.—

''(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who has been convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment, provided the alien served at least 1 year's imprisonment for the crime or provided the alien was convicted of or admitted to acts constituting more than 1 such crime, not arising out of a single scheme of criminal misconduct, is inadmissible. In this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

''(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that constitutes criminal contempt of the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued, is inadmissible. In this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as an independent order in another proceeding.

''(iii) APPLICABILITY.—This subparagraph shall not apply to an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship, upon a determination by the Attorney General or the Secretary of Homeland Security that—

''(I) the alien was acting in self-defense;

''(II) the alien was found to have violated a protection order intended to protect the alien; or

''(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury.

''(L) AGGRAVATED FELONS.—Any alien who has been convicted of an aggravated felony at any time is inadmissible.''.

(2) in subsection (h)—

(A) by striking ''The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)'' and inserting ''The Attorney General or the Secretary of Homeland Security may waive the application of subparagraphs (A)(i)(I), (B), (D), (E), and (K) of subsection (a)(2)''; and

(B) by inserting ''or Secretary of Homeland Security'' after ''the Attorney General'' each place it appears.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) any act that occurred before, on, or after the date of enactment; and

(2) to all aliens who are required to establish admissibility on or after the date of enactment of this section, and in all removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

**SEC. 1207. IMMIGRATION INJUNCTION REFORM.**

(a) APPROPRIATE REMEDIES FOR IMMIGRATION LEGISLATION.—

(1) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(i) limit the relief to the minimum necessary to correct the violation of law;

(ii) adopt the least intrusive means to correct the violation of law;

(iii) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety, and

(iv) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(B) WRITTEN EXPLANATION.—The requirements described in subparagraph (A) shall be discussed and explained in writing in the order granting prospective relief and must be sufficiently detailed to allow review by another court.

(C) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(i) makes the findings required under subparagraph (A) for the entry of permanent prospective relief; and

(ii) makes the order final before expiration of such 90-day period.

(D) REQUIREMENTS FOR ORDER DENYING MOTION.—This paragraph shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(A) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(B) AUTOMATIC STAYS.—

(i) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(ii) DURATION OF AUTOMATIC STAY.—An automatic stay under clause (i) shall continue until the court enters an order granting or denying the Government's motion.

(iii) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under clause (i) for not longer than 15 days.

(iv) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in clause (i), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under clause (iii), shall be—

(I) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(II) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(3) SETTLEMENTS.—

(A) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with paragraph (1).

(B) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this subsection shall preclude parties from entering into a private settlement agreement that does not comply with paragraph (1) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(4) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this subsection.

(5) DEFINITIONS.—In this subsection:

(A) CONSENT DECREE.—The term ''consent decree''—

(i) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(ii) does not include private settlements.

(B) GOOD CAUSE.—The term ''good cause'' does not include discovery or congestion of the court's calendar.

(C) GOVERNMENT.—The term ''Government'' means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(D) PERMANENT RELIEF.—The term ''permanent relief'' means relief issued in connection with a final decision of a court.

(E) PRIVATE SETTLEMENT AGREEMENT.—The term ''private settlement agreement'' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(F) PROSPECTIVE RELIEF.—The term ''prospective relief'' means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(2) PENDING MOTIONS.—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(3) AUTOMATIC STAY FOR PENDING MOTIONS.—

(A) IN GENERAL.—An automatic stay with respect to the prospective relief that is the subject of a motion described in paragraph (2) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(i) was pending for 45 days as of the date of the enactment of this Act; and

(ii) is still pending on the date which is 10 days after such date of enactment.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay that takes effect under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion under subsection (a)(2). There shall be no further postponement of the automatic stay with respect to any such pending motion under subsection (a)(2)(B). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in paragraph (2) shall be an order blocking an automatic stay subject to immediate appeal under subsection (a)(2)(B)(iv).

**SEC. 1208. DEFINITION OF GOOD MORAL CHARACTER.**

(a) IN GENERAL.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

''(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or Attorney General, based upon any relevant information or evidence, including classified, sensitive, or national security information;'';

(2) in paragraph (8), by striking ''(as defined in subsection (a)(43))'' and inserting ''regardless of whether the crime was classified as an aggravated felony under subsection (a)(43) at the time of conviction, unless the Secretary of Homeland Security or Attorney General, in his discretion, determine that this paragraph shall not apply to a person who completed the term of imprisonment or sentence (whichever is later) more than 10 years prior to the date of application''; and

(3) in the undesignated matter following paragraph (9), by striking ''a finding that for other reasons such person is or was not a person of good moral character.'' and inserting ''a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant's moral character, the Secretary of Homeland Security and the Attorney General may take into consideration the applicant's conduct and acts at any time and are not limited solely to the period during which good moral character is required.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(1) any act that occurred before, on or after such date of enactment; and

(2) any application for naturalization or any other benefit or relief, or any other case or matter under the immigration laws, pending on or filed after such date of enactment.

**SEC. 1209. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS TO DETAIN AND TRANSFER TO FEDERAL CUSTODY.**

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et. seq.) is amended by adding after section 240C the following new section:

**''SEC. 240D. LAW ENFORCEMENT AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS TO DETAIN AND TRANSFER TO FEDERAL CUSTODY.**

''(a) IN GENERAL.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

''(1) shall—

''(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an alien lawfully admitted to the United States or is otherwise lawfully present in the United States or is removable; and

''(B) if the individual is an alien who is removable or who is not lawfully admitted to the United States or otherwise is not lawfully present in the United States—

''(i) take the illegal alien into the custody of the Federal Government not later than 72 hours after—

''(I) the conclusion of the State charging process or dismissal process; or

''(II) the illegal alien is apprehended, if no State charging or dismissal process is required; or

''(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the alien to a location for transfer to Federal custody; and

''(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of aliens to the Department of Homeland Security.

''(b) REIMBURSEMENT.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State, or a political subdivision of a State, for expenses, as verified by the Secretary, incurred by the State or political subdivision in the detention and transportation of an alien as described in subparagraphs (A) and (B) of subsection (c)(1).

''(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (c)(1) shall be—

''(A) the product of—

''(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

''(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

''(B) the cost of transporting the alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

''(C) the cost of uncompensated emergency medical care provided to a detained alien during the period between the time of transmittal of the request described in subsection (c) and the time of transfer into Federal custody.

''(c) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that—

''(1) aliens incarcerated in a Federal facility pursuant to this section are held in facilities which provide an appropriate level of security; and

''(2) if practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

''(d) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended aliens from the custody of those States, and political subdivisions of States, which routinely submit requests described in subsection (c), into Federal custody.

''(e) AUTHORITY FOR CONTRACTS.—

''(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

''(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or if appropriate, the political subdivision in which the agencies are located, has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.''.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION BY A STATE, OR A POLITICAL SUBDIVISION OF A STATE, AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS BELIEVED TO NOT BE LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2008 and each subsequent fiscal year to reimburse States, and political divisions of States, for the up to 72 hour detention and transportation to Federal custody aliens believed to not be lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et. seq.).

**SEC. 1210. INCARCERATION OF CRIMINAL ALIENS.**

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary of Homeland Security shall continue to operate the Institutional Removal Program (referred to in this section as the ''Program'') or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $300,000,000 for fiscal year 2008 to carry out the Institutional Removal Program.

**SEC. 1211. AUTHORIZATION FOR DETENTION AND TRANSPORTATION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.**

(a) AUTHORIZATION FOR DETENTION AND TRANSPORTATION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States;

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of the Bureau of Immigration and Customs Enforcement can take the alien into custody; or

(3) transport the alien (including the transportation across State lines to detention centers) to a location where transfer to Federal custody can be effectuated.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000,000 per year to reimburse the expenses incurred by States, or political subdivisions of a state, in the detention or transportation of criminal aliens to Federal custody.

**SEC. 1212. STRENGTHENING THE DEFINITION OF CONVICTION.**

Section 101(a)(48) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:

''(C) Any reversal, vacatur, expungement, or modification of a conviction, sentence, or conviction record that was granted to ameliorate the consequences of the conviction, sentence, or conviction record, or was granted for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt, shall have no effect on the immigration consequences resulting from the original conviction. The alien shall have the burden of demonstrating that any reversal, vacatur, expungement, or modification was not granted to ameliorate the consequences of the conviction, sentence, or conviction record, for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt.''.

**SEC. 1213. PERMITTING STATE AND LOCAL GRANTS FOR 287(G) TRAINING EXPENSES AND DETENTION AND TRANSPORTATION EXPENSES.**

State and local program grants provided in the amount of $294,500,000 in this Act for ''training, exercises, technical assistance, and other programs'' may be used for the initial payment of, or reimbursement of, state and local expenses related to the implementation of agreements between the Department of Homeland Security and state and local governments in accordance with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) and for the initial payment of, or reimbursement of, state and local expenses related to the costs incurred to detain and transport criminal aliens after the completion of their state and local criminal sentences for the purpose of facilitating transfer to Federal custody.''

**SEC. 1214. IMPROVEMENTS TO EMPLOYMENT ELIGIBILITY VERIFICATION.**

(a) IN GENERAL.—The Secretary of Homeland Security shall improve the Basic Pilot Program (as described in section 403(a) of division C of title IV of Public Law 104-208) to—

(1) respond to inquiries made by participating employers through the Internet concerning an individual's identity and whether the individual is authorized to be employed in the United States;

(2) electronically confirm the issuance of an employment authorization or identity document to the individual who is seeking employment, and to display the photograph that the issuer placed on such document, so that an employer can compare the photograph displayed on the document presented by the individual to the photograph transmitted by the Department of Homeland Security to verify employment authorization or identity;

(3) maximize its reliability and ease of use by employers consistent with insulating and protecting the privacy and security of the underlying information;

(4) respond accurately to all inquiries made by employers on whether individuals are authorized to be employed;

(5) maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

(6) allow for auditing use of the system to detect fraud and identify theft, and to preserve the security of the information in the Program, including—

(A) the development and use of algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

(B) the development and use of algorithms to detect misuse of the system by employers and employees;

(C) the development of capabilities to detect anomalies in the use of the Program that may indicate potential fraud or misuse of the Program; and

(D) auditing documents and information submitted by potential employees to employers, including authority to conduct interviews with employers and employees.

(b) COORDINATION WITH STATE GOVERNMENTS.—If use of an employer verification system is mandated by State or local law, the Secretary of the Department of Homeland Security, in consultation with appropriate State and local officials, shall—

(1) ensure that such state and local programs have sufficient access to the federal government's Employment Eligibility Verification (EEV) system and ensure that the EEV has sufficient capacity to—

(A) register employers of states with employer verification requirements;

(B) respond to inquiries by employers; and

(C) enter into Memoranda of Understanding with states to ensure responses to subparagraphs (A) and (B);

(2) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the Basic Pilot Program, including appropriate privacy and security training for State employees.

(c) RESPONSIBILITIES OF THE SOCIAL SECURITY ADMINISTRATION.—For purposes of preventing identity theft, protecting employees, and reducing burden on employers, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security, shall—

(1) review the Social Security Administration databases and information technology to identify any deficiencies and discrepancies related to name, birth date, citizenship status, or to death records of the social security accounts and social security account holders that are likely to contribute to fraudulent use of documents, or identity theft, or to affect the proper functioning of the Basic Pilot Program;

(2) work to correct any errors identified under subclause (A); and

(3) work to ensure that a system for identifying and promptly correcting such deficiencies and discrepancies is adopted to ensure the accuracy of the Social Security Administration's databases.

(d) RULEMAKING.—The Secretary is authorized, with notice to the public provided in the Federal Register, to issue regulations concerning operational and technical aspects of the Basic Pilot Program and the efficiency, accuracy, and security of that Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $60,000,000 for fiscal year 2008 to carry out this section.

**SEC. 1215. IMMUNITY FOR REPORTS OF SUSPICIOUS BEHAVIOR AND RESPONSE.**

(a) IMMUNITY FOR REPORTS OF SUSPICIOUS BEHAVIOR.—

(1) IN GENERAL.—Any person who, in good faith and based on objectively reasonable suspicion, makes, or causes to be made, a voluntary report of covered activity to an authorized official shall be immune from civil liability under Federal, State, and local law for such report.

(2) FALSE REPORTS.—Paragraph (1) shall not apply to any report that the person knew to be false at the time that person made that report.

(b) IMMUNITY FOR RESPONSE.—

(1) IN GENERAL.—Any authorized official who observes, or receives a report of, covered activity and takes reasonable action to respond to such activity shall be immune from civil liability under Federal, State, and local law for such action.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall affect the ability of any authorized official to assert any defense, privilege, or immunity that would otherwise be available, and this subsection shall not be construed as affecting any such defense, privilege, or immunity.

(c) ATTORNEY FEES AND COSTS.—Any person or authorized official found to be immune from civil liability under this section shall be entitled to recover from the plaintiff all reasonable costs and attorney fees.

(d) DEFINITIONS.—In this section:

(1) AUTHORIZED OFFICIAL.—The term ''authorized official'' means—

(A) any employee or agent of a mass transportation system;

(B) any officer, employee, or agent of the Department of Homeland Security, the Department of Transportation, or the Department of Justice;

(C) any Federal, State, or local law enforcement officer; or

(D) any transportation security officer.

(2) COVERED ACTIVITY.—The term ''covered activity'' means any suspicious transaction, activity, or occurrence that involves, or is directed against, a mass transportation system or vehicle or its passengers indicating that an individual may be engaging, or preparing to engage, in—

(A) a violent act or act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be such a violation if committed within the jurisdiction of the United States or any State; or

(B) an act of terrorism (as that term is defined in section 3077 of title 18, United States Code).

(3) MASS TRANSPORTATION.—The term ''mass transportation''—

(A) has the meaning given to that term in section 5302(a)(7) of title 49, United States Code; and

(B) includes—

(i) school bus, charter, or intercity bus transportation;

(ii) intercity passenger rail transportation;

(iii) sightseeing transportation;

(iv) a passenger vessel as that term is defined in section 2101(22) of title 46, United States Code;

(v) other regularly scheduled waterborne transportation service of passengers by vessel of at least 20 gross tons; and

(vi) air transportation as that term is defined in section 40102 of title 49, United States Code.

(4) MASS TRANSPORTATION SYSTEM.—The term ''mass transportation system'' means an entity or entities organized to provide mass transportation using vehicles, including the infrastructure used to provide such transportation.

(5) VEHICLE.—The term ''vehicle'' has the meaning given to that term in section 1992(16) of title 18, United States Code.

(e) EFFECTIVE DATE.—This section shall take effect on November 20, 2006, and shall apply to all activities and claims occurring on or after such date.

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**SA 2413.** Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 20, strike ''which shall'' and all that follows through ''3714):'' on line 26 and insert the following: ''which shall be allocated based solely on an assessment of risk (as determined by the Secretary of Homeland Security) as follows:

''(1) $900,000,000 for grants to States, of which $375,000,000 shall be for law enforcement terrorism prevention grants:''.

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**SA 2414.** Mr. VOINOVICH (for himself, Mr. AKAKA, Mr. LEVIN, Mr. CARPER, and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

**SEC. 536. DEPUTY SECRETARY OF HOMELAND SECRETARY FOR MANAGEMENT.**

(a) ESTABLISHMENT AND SUCCESSION.—Section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''DEPUTY SECRETARY'' and inserting ''DEPUTY SECRETARIES'';

(B) by striking paragraph (6);

(C) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(D) by striking paragraph (1) and inserting the following:

''(1) A Deputy Secretary of Homeland Security.

''(2) A Deputy Secretary of Homeland Security for Management.''; and

(2) by adding at the end the following:

''(g) VACANCIES.—

''(1) VACANCY IN OFFICE OF SECRETARY.—

''(A) DEPUTY SECRETARY.—In case of a vacancy in the office of the Secretary, or of the absence or disability of the Secretary, the Deputy Secretary of Homeland Security may exercise all the duties of that office, and for the purpose of section 3345 of title 5, United States Code, the Deputy Secretary of Homeland Security is the first assistant to the Secretary.

''(B) DEPUTY SECRETARY FOR MANAGEMENT.—When by reason of absence, disability, or vacancy in office, neither the Secretary nor the Deputy Secretary of Homeland Security is available to exercise the duties of the office of the Secretary, the Deputy Secretary of Homeland Security for Management shall act as Secretary.

''(2) VACANCY IN OFFICE OF DEPUTY SECRETARY.—In the case of a vacancy in the office of the Deputy Secretary of Homeland Security, or of the absence or disability of the Deputy Secretary of Homeland Security, the Deputy Secretary of Homeland Security for Management may exercise all the duties of that office.

''(3) FURTHER ORDER OF SUCCESSION.—The Secretary may designate such other officers of the Department in further order of succession to act as Secretary.''.

(b) RESPONSIBILITIES.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in the section heading, by striking ''**UNDER SECRETARY**'' and inserting ''**DEPUTY SECRETARY OF HOMELAND SECURITY**'';

(2) in subsection (a)—

(A) by inserting ''The Deputy Secretary of Homeland Security for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs.'' before ''The Secretary'';

(B) by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management'';

(C) by striking paragraph (7) and inserting the following:

''(7) Strategic planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department.''; and

(D) by striking paragraph (9), and inserting the following:

''(9) The integration and transformation process, to ensure an efficient and orderly consolidation of functions and personnel to the Department, including the development of a management integration strategy for the Department.''; and

(3) in subsection (b)—

(A) in paragraph (1), by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management''; and

(B) in paragraph (2), by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management''.

(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended by adding at the end the following:

''(c) APPOINTMENT, EVALUATION, AND REAPPOINTMENT.—The Deputy Secretary of Homeland Security for Management—

''(1) shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

''(A) extensive executive level leadership and management experience in the public or private sector;

''(B) strong leadership skills;

''(C) a demonstrated ability to manage large and complex organizations; and

''(D) a proven record in achieving positive operational results;

''(2) shall—

''(A) serve for a term of 5 years; and

''(B) be subject to removal by the President if the President—

''(i) finds that the performance of the Deputy Secretary of Homeland Security for Management is unsatisfactory; and

''(ii) communicates the reasons for removing the Deputy Secretary of Homeland Security for Management to Congress before such removal;

''(3) may be reappointed in accordance with paragraph (1), if the Secretary has made a satisfactory determination under paragraph (5) for the 3 most recent performance years;

''(4) shall enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

''(5) shall be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Deputy Secretary of Homeland Security for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (4).''.

(d) INCUMBENT.—The individual who serves in the position of Under Secretary for Management of the Department of Homeland Security on the date of enactment of this Act—

(1) may perform all the duties of the Deputy Secretary of Homeland Security for Management at the pleasure of the President, until a Deputy Secretary of Homeland Security for Management is appointed in accordance with subsection (c) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by this Act; and

(2) may be appointed Deputy Secretary of Homeland Security for Management, if such appointment is otherwise in accordance with sections 103 and 701 of the Homeland Security Act of 2002 (6 U.S.C. 113 and 341), as amended by this Act.

(e) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Under Secretary for Management of the Department of Homeland Security shall be deemed to refer to the Deputy Secretary of Homeland Security for Management.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OTHER REFERENCE.—Section 702(a) of the Homeland Security Act of 2002 (6 U.S.C. 342(a)) is amended by striking ''Under Secretary for Management'' and inserting ''Deputy Secretary of Homeland Security for Management''.

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by striking the item relating to section 701 and inserting the following:

''Sec. 701. Deputy Secretary of Homeland Security for Management.''.

(3) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by inserting after the item relating to the Deputy Secretary of Homeland Security the following:

''Deputy Secretary of Homeland Security for Management.''.

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**SA 2415.** Mr. GREGG proposed an amendment to amendment SA 2412 proposed by Mr. GRAHAM (for himself, Mr. GREGG, Mr. SESSIONS, Mr. KYL, Mr. CORNYN, Mr. MCCONNELL, Mr. DOMENICI, Mr. MCCAIN, Mr. SUNUNU, Mr. MARTINEZ, Mr. COLEMAN, and Mr. SPECTER) to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of the amendment, add the following:

This division shall become effective one day after the date of enactment.

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**SA 2416.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. ___. INDEPENDENT PASSPORT CARD TECHNOLOGY EVALUATION.**

(a) IN GENERAL.—Before issuing a final rule to implement the passport card requirements described in section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note), the Secretary of State and the Secretary of Homeland Security, using funds appropriated by this Act, shall jointly conduct an independent technology evaluation to test any card technologies appropriate for secure and efficient border crossing, including not fewer than 2 potential radio frequency card technologies, in a side by side trial to determine the most appropriate solution for any passport card in the land and sea border crossing environment.

(b) EVALUATION CRITERIA.—The criteria to be evaluated in the evaluation under subsection (a) shall include—

(1) the security of the technology, including its resistance to tampering and fraud;

(2) the efficiency of the use of the technology under typical conditions at land and sea ports of entry;

(3) ease of use by card holders;

(4) reliability;

(5) privacy protection for card holders; and

(6) cost.

(c) SELECTION.—The Secretary of State and the Secretary of Homeland Security shall jointly select the most appropriate technology for the passport card based on the performance observed in the evaluation under subsection (a).

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**SA 2417.** Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. ADDITIONAL ASSISTANCE FOR PREPARATION OF PLANS.

Subparagraph (L) of section 33(b)(3) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(3)) is amended to read as follows:

''(L) To fund fire prevention programs, including the development and implementation of community wildfire protection plans (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511)).''.

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**SA 2418.** Mr. SALAZAR submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

**SEC. 536. REPORT REGARDING MAJOR DISASTERS IN RURAL AND URBAN AREAS.**

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency;

(2) the term ''major disaster'' has the meaning give that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(3) the term ''next appropriate Federal agency'' means the department or agency of the Federal Government that will be assisting in the recovery from the effects of a major disaster in an area after the period during which the Federal Emergency Management Agency will provide such assistance in that area; and

(4) the terms ''rural'' and ''rural area'' have the meanings given those terms in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

(b) STUDY.—The Administrator, in conjunction with State and local governments, shall conduct a study of the differences between the response to major disasters occurring in rural and urban areas, including—

(1) identifying the differences in the response mechanisms available for major disasters occurring in rural and urban areas;

(2) identifying barriers (including regulations) that limit the ability of the Administrator to respond to major disasters occurring in rural areas, as compared with major disasters occurring in urban areas;

(3) evaluating the need to designate a specific official of the Federal Emergency Management Agency to act as a coordinator between the Federal Emergency Management Agency and the next appropriate Federal agency;

(4) assessing the feasibility of providing partial reimbursement to individuals who provide assistance, without compensation, in recovering from the effects of a major disaster for costs to such individuals relating to such assistance; and

(5) evaluating ways to improve consultation with State and local governments to identify and resolve any problems in coordinating efforts to respond to major disasters occurring in rural areas.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit to Congress a report regarding the study conducted under subsection (b) that—

(1) details the results of that study;

(2) provides a plan to address the differences, if any, in the response to major disasters occurring in rural and urban areas; and

(3) incorporates a description of best management practices to ensure that the Federal Emergency Management Agency incorporates necessary programmatic and other improvements identified during the response to a major disaster occurring in a rural area in responding to subsequent major disasters.

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**SA 2419.** Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 2400 submitted by Mr. VITTER (for himself, Mr. NELSON of Florida, and Ms. STABENOW) and intended to be proposed to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike all after ''Sec. 536.'' and insert the following:

None of the funds made available in this Act for fiscal year 2008 for U.S. Customs and Border Protection may be used to prevent an individual from importing a prescription drug from Canada if—

(1) such individual—

(A) is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)));

(B) imports such drug by transporting it on their person; and

(C) while importing such drug, only transports a personal-use quantity of such drug that does not exceed a 90-day supply; and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

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**SA 2420.** Ms. COLLINS (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 21, strike the period and insert the following: ": *Provided further*, That of the total, $5,000,000 shall not be available until the Director of the United States Citizenship and Immigration Services submits to Congress the fraud risk assessment related to the H-1B program that was started more than a year ago."

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**SA 2421.** Mr. DOMENICI (for himself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

**TITLE VI—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION**

**SEC. 601. SHORT TITLE.**

This title may be cited as the "Border Infrastructure and Technology Modernization Act of 2007".

**SEC. 602. DEFINITIONS.**

In this title:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of United States Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term "maquiladora" means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term "northern border" means the international border between the United States and Canada.

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(5) SOUTHERN BORDER.—The term "southern border" means the international border between the United States and Mexico.

**SEC. 603. HIRING AND TRAINING OF BORDER AND TRANSPORTATION SECURITY PERSONNEL.**

(a) OFFICERS AND AGENTS.—

(1) INCREASE IN OFFICERS AND AGENTS.—During each of fiscal years 2008 through 2012, the Secretary shall—

(A) increase the number of full-time agents and associated support staff in United States Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees as of the end of the preceding fiscal year; and

(B) increase the number of full-time officers, agricultural specialists, and associated support staff in United States Customs and Border Protection by the equivalent of at least 200 more than the number of such employees as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—The Secretary, acting through the Assistant Secretary for United States Immigration and Customs Enforcement and the Commissioner, shall provide appropriate training for agents, officers, agricultural specialists, and associated support staff of the Department of Homeland Security on an ongoing basis to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

**SEC. 604. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.**

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Commissioner, in consultation with the Administrator of General Services shall—

(1) review—

(A) the Port of Entry Infrastructure Assessment Study prepared by the United States Customs Service, the Immigration and Naturalization Service, and the General Services Administration in accordance with the matter relating to the ports of entry infrastructure assessment set forth in the joint explanatory statement on page 67 of conference report 106–319, accompanying Public Law 106–58; and

(B) the nationwide strategy to prioritize and address the infrastructure needs at the land ports of entry prepared by the Department of Homeland Security and the General Services Administration in accordance with the committee recommendations on page 22 of Senate report 108–86, accompanying Public Law 108–90;

(2) update the assessment of the infrastructure needs of all United States land ports of entry; and

(3) submit an updated assessment of land port of entry infrastructure needs to Congress.

(b) CONSULTATION.—In preparing the updated studies required under subsection (a), the Commissioner and the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and affected State and local agencies on the northern and southern borders of the United States.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 605; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project—

(A) to enhance the ability of United States Customs and Border Protection to achieve its mission and to support operations;

(B) to fulfill security requirements; and

(C) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner, as appropriate, shall—

(1) implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3); or

(2) forward the prioritized list of infrastructure and technology improvement projects to the Administrator of General Services for implementation in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, including immediate security needs, changes in infrastructure in Mexico or Canada, or similar concerns, compellingly alter the need for a project in the United States.

**SEC. 605. NATIONAL LAND BORDER SECURITY PLAN.**

(a) REQUIREMENT FOR PLAN.—Not later than January 31 of each year, the Secretary, acting through the Commissioner, shall prepare a National Land Border Security Plan and submit such plan to Congress.

(b) CONSULTATION.—In preparing the plan required under subsection (a), the Commissioner shall consult with other appropriate Federal agencies, State, and local law enforcement agencies, and private entities that are involved in international trade across the northern or southern border.

(c) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required under subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary, acting through the Commissioner, may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required under subsection (a).

**SEC. 606. EXPANSION OF COMMERCE SECURITY PROGRAMS.**

(a) COMMERCE SECURITY PROGRAMS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope, including personnel needs, of the Customs-Trade Partnership Against Terrorism program or other voluntary programs involving government entities and the private sector to strengthen and improve the overall security of the international supply chain and security along the northern and southern border of the United States.

(2) SOUTHERN BORDER DEMONSTRATION PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall establish a demonstration program along the southern border for the purpose of implementing at least 1 voluntary program involving government entities and the private sector to strengthen and improve the overall security of the international supply chain and security along the international borders of the United States. The program selected for the demonstration program shall have been successfully implemented along the northern border as of the date of the enactment of this Act.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security along the southern border.

**SEC. 607. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.**

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall carry out a

technology demonstration program to test and evaluate new port of entry technologies, refine port of entry technologies and operational concepts, and train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTED.—Under the demonstration program, the Commissioner shall test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(2) FACILITIES DEVELOPED.—At a demonstration site selected pursuant to subsection (c)(3), the Commissioner shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including cross-training among agencies, advanced law enforcement training, and equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Commissioner shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) LOCATION.—Of the sites selected under subsection (c)—

(A) at least 1 shall be located on the northern border of the United States; and

(B) at least 1 shall be located on the southern border of the United States.

(3) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion onto not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 12 months preceding the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary, acting through the Commissioner, shall permit personnel from appropriate Federal and State agencies to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report shall include an assessment by the Commissioner of the feasibility of incorporating any demonstrated technology for use throughout United States Customs and Border Protection.

**SEC. 608. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) to carry out the provisions of section 603, such sums as may be necessary for the fiscal years 2008 through 2012;

(2) to carry out the provisions of section 604—

(A) to carry out subsection (a) of such section, such sums as may be necessary for the fiscal years 2008 through 2012; and

(B) to carry out subsection (d) of such section—

(i) $100,000,000 for each of the fiscal years 2008 through 2012; and

(ii) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out the provisions of section 606—

(A) to carry out subsection (a) of such section—

(i) $30,000,000 for fiscal year 2008, of which $5,000,000 shall be made available to fund the demonstration project established in paragraph (2) of such subsection; and

(ii) such sums as may be necessary for the fiscal years 2009 through 2012; and

(B) to carry out subsection (b) of such section—

(i) $5,000,000 for fiscal year 2008; and

(ii) such sums as may be necessary for the fiscal years 2009 through 2012; and

(4) to carry out the provisions of section 607, provided that not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) $50,000,000 for fiscal year 2008; and

(B) such sums as may be necessary for each of the fiscal years 2009 through 2012.

(b) INTERNATIONAL AGREEMENTS.—Funds authorized to be appropriated under this title may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this title.

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**SA 2422.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. STUDY OF RADIO COMMUNICATIONS ALONG THE INTERNATIONAL BORDERS OF THE UNITED STATES.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study to determine the areas along the international borders of the United States where Federal and State law enforcement officers are unable to achieve radio communication or where radio communication is inadequate.

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Upon the conclusion of the study described in subsection (a), the Secretary shall develop a plan for enhancing radio communication capability along the international borders of the United States.

(2) CONTENTS.—The plan developed under paragraph (1) shall include—

(A) an estimate of the costs required to implement the plan; and

(B) a description of the ways in which Federal, State, and local law enforcement officers could benefit from the implementation of the plan.

**SA 2423.** Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. TRAVEL PRIVILEGES FOR CERTAIN TEMPORARY VISITORS FROM MEXICO.**

(a) SHORT TITLE.—This section may be cited as the ''Laser Visa Extension Act of 2007''.

(b) IN GENERAL.—Except as provided under subsection (c), the Secretary of Homeland Security shall permit a national of Mexico to travel up to 100 miles from the international border between Mexico and Mexico if such national—

(1) possesses a valid machine-readable biometric border crossing identification card issued by a consular officer of the Department of State;

(2) enters New Mexico through a port of entry where such card is processed using a machine reader;

(3) has successfully completed any background check required by the Secretary for such travel; and

(4) is admitted into the United States as a nonimmigrant under section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)).

(c) EXCEPTION.—On a case-by-case basis, the Secretary of Homeland Security may limit the travel of a national of Mexico who meets the requirements of paragraphs (1) through (4) of subsection (a) to a distance of less than 100 miles from the international border between Mexico and New Mexico if the Secretary determines that the national—

(1) was previously admitted into the United States as a nonimmigrant; and

(2) violated the terms and conditions of the national's nonimmigrant status.

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**SA 2424.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. COOPERATION WITH THE GOVERNMENT OF MEXICO.**

(a) COOPERATION REGARDING BORDER SECURITY.—The Secretary of State, in cooperation with the Secretary and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug trafficking and smuggling between the United States and Mexico;

(4) the reduction of gang membership in the United States and Mexico;

(5) the reduction of violence against women in the United States and Mexico; and

(6) the reduction of other violence and criminal activity.

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under Federal law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico to encourage circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to Congress describing the actions taken by the United States and Mexico pursuant to this section.

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**SA 2425.** Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

**SEC. 536. REPORTING OF WASTE, FRAUD, AND ABUSE.**

Not later than 30 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security shall establish and maintain on the homepage of the website of the Department of Homeland Security, a direct link to the website of the Office of Inspector General of the Department of Homeland Security; and

(2) the Inspector General of the Department of Homeland Security shall establish and maintain on the homepage of the website of the Office of Inspector General a direct link for individuals to anonymously report waste, fraud, or abuse.

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**SA 2426.** Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 20, strike ''$3,030,500,000'' and insert ''$3,080,500,000''.

On page 36, line 22, strike ''$1,836,000,000'' and insert ''$1,886,000,000''.

On page 38, line 8, strike ''and''.

On page 38, strike lines 9 and 10 and insert the following:

(J) $15,000,000 shall be for Citizens Corps; and

(K) $50,000,000 shall be used to provide grants, after consultation with the Administrator of the Environmental Protection Agency, to any treatment works or public water system that—

(i) as of the date of enactment of this Act, uses any chemical, toxin, or other substance that, if transported, or stored in a sufficient quantity, would have a high likelihood of causing casualties and economic damage if released or otherwise targeted by terrorists (referred to in this section as an ''extremely hazardous material''), including—

(I) any substance included in table 1 or 2 contained in section 68.130 of title 40, Code of Federal Regulations (or a successor regulation), published in accordance with section 112(r)(3) of the Clean Air Act (42 U.S.C. 7412(r)(3)); and

(II) any other substances, as determined by the Secretary; and

(ii) agrees to use funds from the grant to transition to the use of a technology, product, raw material, or practice, the use of which, as compared to a currently-used technology, product, raw material, or practice, reduces or eliminates—

(I) the possibility of release of an extremely hazardous material; and

(II) the hazards to public health associated with such a release:

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**SA 2427.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. LIMITATION ON LANDOWNER'S LIABILITY.**

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following:

''(i) INDEMNITY FOR ACTIONS OF LAW ENFORCEMENT OFFICERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law and subject to appropriations, an owner of land located within 100 miles of the international land border of the United States may seek reimbursement from the Department of Homeland Security for any adverse final tort judgment for negligence (excluding attorneys' fees and costs) authorized under the Federal or State tort law, arising directly from such border security activity if—

''(A) such owner has been found negligent by a Federal or State court in any tort litigation;

''(B) such owner has not already been reimbursed for the final tort judgment, including outstanding attorney's fees and costs;

''(C) such owner did not have or does not have sufficient property insurance to cover the judgment and have had an insurance claim for such coverage denied; and

''(D) such tort action was brought as a direct result of activity of law enforcement officers of the Department of Homeland Security, acting in their official capacity, on the owner's land.

''(2) DEFINITIONS.—In this subsection—

''(A) the term 'land' includes roads, water, watercourses, and private ways, and buildings, structures, machinery and equipment that is attached to real property; and

''(B) the term 'owner' includes the possessor of a fee interest, a tenant, lessee, occupant, the possessor of any other interest in land, or any person having a right to grant permission to use the land.

''(3) EXCEPTIONS.—Nothing in this subsection may be construed to limit landowner liability which would otherwise exist for—

''(A) willful or malicious failure to guard or warn against a known dangerous condition, use, structure, or activity likely to cause harm;

''(B) maintaining an attractive nuisance;

''(C) gross negligence; or

''(D) direct interference with, or hindrance of, any agent or officer of the Federal Government who is authorized to enforce the immigration laws of the United States during—

''(i) a patrol of such landowner's land; or

''(ii) any action taken to apprehend or detain any alien attempting to enter the United States illegally or evade execution of an arrest warrant for a violation of any immigration law.

''(4) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect any right or remedy available pursuant to the Federal Tort Claims Act.''.

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**SA 2428.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. EMPLOYMENT-BASED VISAS.**

(a) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting ''1994, 1996, 1997, 1998,'' after ''available in fiscal year'';

(B) by striking ''or 2004'' and inserting ''2004, or 2006''; and

(C) by striking ''be available'' and all that follows and inserting the following: ''be available only to—

''(A) employment-based immigrants under paragraphs (1), (2), and (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b));

''(B) the family members accompanying or following to join such employment-based immigrants under section 203(d) of such Act; and

''(C) those immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor.''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''1999 through 2004'' and inserting ''1994, 1996 through 1998, 2001 through 2004, and 2006''; and

(B) in subparagraph (B), by amending clause (ii) to read as follows:

''(ii) DISTRIBUTION OF VISAS.—The total number of visas made available under paragraph (1) from unused visas from fiscal years 1994, 1996 through 1998, 2001 through 2004, and 2006 shall be distributed as follows:

''(I) The total number of visas made available for immigrant workers who had petitions approved based on Schedule A, Group I under section 656.5 of title 20, Code of Federal Regulations, as promulgated by the Secretary of Labor shall be 61,000.

''(II) The visas remaining from the total made available under subclause (I) shall be allocated to employment-based immigrants with approved petitions under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (and their family members accompanying or following to join).''.

(b) H–1B VISA AVAILABILITY.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) in clause (vi), by striking ''and'' at the end;

(2) by redesignating clause (vii) as clause (ix); and

(3) by inserting after clause (vi) the following:

''(vii) 65,000 in each of fiscal years 2004 through 2007;

''(viii) 115,000 in fiscal year 2008; and''.

**SA 2429.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. PERIODS OF ADMISSION.**

(a) SHORT TITLE.—This section may be cited as the ''Secure Border Crossing Card Entry Act of 2007''.

(b) PERIODS OF ADMISSION.—Section 214(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(a)(2)) is amended by adding at the end the following:

''(C)(i) Except as provided under clauses (ii) and (iii), the initial period of admission to the United States of an alien who possesses a valid machine-readable biometric border crossing identification card issued by a consular officer, has successfully completed required background checks, and is admitted to the United States as a nonimmigrant under section 101(a)(15)(B) at a port of entry at which such card is processed through a machine reader, shall not be short than the initial period of admission granted to any other alien admitted to the United States under section 101(a)(15)(B).

''(ii) The Secretary of Homeland Security may prescribe, by regulation, the length of the initial period of admission described in clause (i), which period shall be—

''(I) a minimum of 6 months; or

''(II) the length of time provided for under clause (iii)

''(iii) The Secretary may, on a case-by-case basis, provide for a period of admission that is shorter or longer than the initial period described in clause (ii)(I) if the Secretary finds good cause for such action.

''(iv) An alien who possesses a valid machine-readable biometric border crossing identification card may not be admitted to the United States for the period of admission specified under clause (i) or granted extensions of such period of admission if—

''(I) the alien previously violated the terms and conditions of the alien's nonimmigrant status;

''(II) the alien is inadmissible as a nonimmigrant; or

''(III) the alien's border crossing card has not been processed through a machine reader at the United States port of entry or land border at which the person seeks admission to the United States.''.

(c) RULEMAKING.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the amendment made by subsection (b).

(2) WAIVER OF APA.—In promulgating regulations under paragraph (1), the Secretary may waive any provision of chapter 5 of title 5, United States Code (commonly known as the ''Administrative Procedures Act'') or any other law relating to rulemaking if the Secretary determines that compliance with such provision would impede the timely implementation of this Act.

**SA 2430.** Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. _____. PLAN FOR THE CONTROL AND MANAGEMENT OF ARUNDO DONAX.**

(a) DEFINITIONS.—In this section:

(1) ARUNDO DONAX.—The term ''Arundo donax'' means a tall perennial reed commonly known as ''Carrizo cane'', ''Spanish cane'', ''wild cane'', and ''giant cane''.

(2) PLAN.—The term ''plan'' means the plan for the control and management of Arundo donax developed under subsection (b).

(3) RIVER.—The term ''River'' means the Rio Grande River.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—The Secretary shall develop a plan for the control and management of Arundo donax along the portion of the River that serves as the international border between the United States and Mexico.

(2) COMPONENTS.—In developing the plan, the Secretary shall address—

(A) information derived by the Secretary of Agriculture and the Secretary of the Interior from ongoing efforts to identify the most effective biological, mechanical, and chemical means of controlling and managing Arundo donax;

(B) past and current efforts to understand—

(i) the ecological damages caused by Arundo donax; and

(ii) the dangers Arundo donax poses to Federal and local law enforcement;

(C) any international agreements and treaties that need to be completed to allow for the control and management of Arundo donax on both sides of the River;

(D) the long-term efforts that the Secretary considers to be necessary to control and manage Arundo donax, including the cost estimates for the implementation of the efforts; and

(E) whether a waiver of applicable Federal environmental laws (including regulations) is necessary.

(3) CONSULTATION.—The Secretary shall develop the plan in consultation with the Secretary of Agriculture, the Secretary of the Interior, the Secretary of State, the Chief of Engineers, and any other Federal and State agencies that have appropriate expertise regarding the control and management of Arundo donax.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit the plan to—

(1) the Committees on the Judiciary of the Senate and the House of Representatives; and

(2) the Committees on Appropriations of the Senate and the House of Representatives.

**SA 2431.** Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending Septembr 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

**SEC. 5___. DHS IMPLEMENTATION PLANS FOR BORDER FENCE CONSTRUCTION.**

Not later than 45 days after the date of enactment of this Act, the Department of Homeland Security (referred to in this section as the ''Department'') shall submit to Congress a report on the construction of physical barriers on the southwest border of the United States that details the type of land (such as Federal, State, tribal, or private land) in which the Department shall seek to acquire interests, via contract or purchase, to construct a fence along the border or at any other location determined by the Department to be necessary to exercise the power of eminent domain and condemn property for such construction: *Provided*, That the report shall include the actual locations of the land (as demonstrated by geological and topological maps), the identity and addresses of private landowners who may be affected by action carried out under this section, and steps the Department has taken or intends to take to consult with affected parties, and, if condemnation is required, to compensate landowners for the property: *Provided further*, That the report shall contain detailed timelines for construction of the fence (including monthly and quarterly timelines), the environmental assessment of the impact of the construction, and a description of the ways in which the Department intends to coordinate the construction with the Corps of Engineers.

**SA 2432.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending Septembr 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. ____. Amounts authorized to be appropriated in the Border Law Enforcement Relief Act of 2007 are increased by $50,000,000 for each of the fiscal years 2008 through 2012.

**SA 2433.** Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending Septembr 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual from importing a prescription drug from Canada or Mexico if—

(1) such individual—

(A) is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)));

(B) imports such drug by transporting it on their person; and

(C) while importing such drug, only transports a personal-use quantity of such drug that does not exceed a 90-day supply; and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

**SA 2434.** Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2400 proposed by Mr.

VITTER (for himself, Mr. NELSON of Florida, and Ms. STABENOW) and intended to be proposed to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 5, insert ''or Mexico'' after ''Canada''.

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**SA 2435.** Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

**SEC. 536. NATIONAL STRATEGY ON CLOSED CIRCUIT TELEVISION SYSTEMS.**

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) develop a national strategy for the effective and appropriate use of closed circuit television to prevent and respond to acts of terrorism, which shall include—

(A) an assessment of how closed circuit television and other public surveillance systems can be used most effectively as part of an overall terrorism preparedness, prevention, and response program, and its appropriate role in such a program;

(B) a comprehensive examination of the advantages and limitations of closed circuit television and, as appropriate, other public surveillance technologies;

(C) best practices on camera use and data storage;

(D) plans for coordination between the Federal Government and State and local governments, and the private sector—

(i) in the development and use of closed circuit television systems; and

(ii) for Federal assistance and support for State and local utilization of such systems;

(E) plans for pilot programs or other means of determining the real-world efficacy and limitations of closed circuit televisions systems;

(F) an assessment of privacy and civil liberties concerns raised by use of closed circuit television and other public surveillance systems, and guidelines to address such concerns; and

(G) an assessment of whether and how closed circuit television systems and other public surveillance systems are effectively utilized by other democratic countries in combating terrorism; and

(2) provide to the Committees on Homeland Security and Governmental Affairs and the Judiciary of the Senate and the Committees on Homeland Security and the Judiciary of the House of Representatives a report that includes—

(A) the strategy required under paragraph (1);

(B) the status and findings of any pilot program involving closed circuit televisions or other public surveillance systems conducted by, in coordination with, or with the assistance of the Department of Homeland Security up to the time of the report; and

(C) the annual amount of funds used by the Department of Homeland Security, either directly by the Department or through grants to State, local, or tribal governments, to support closed circuit television and the public surveillance systems of the Department, since fiscal year 2004.

(b) CONSULTATION.—In preparing the strategy and report required under subsection (a), the Secretary of Homeland Security shall consult with the Attorney General, the Chief Privacy Officer of the Department of Homeland Security, and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security.

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**SA 2436.** Mrs. FEINSTEIN (for herself and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table, as follows:

On page 69, after line 24, add the following:

**TITLE VI—PROTECTION OF UNACCOMPANIED ALIEN CHILDREN**

**SEC. 601. SHORT TITLE.**

This title may be cited as the ''Unaccompanied Alien Child Protection Act of 2007''.

**SEC. 602. DEFINITIONS.**

(a) IN GENERAL.—In this title:

(1) COMPETENT.—The term ''competent'', in reference to counsel, means an attorney, or a representative authorized to represent unaccompanied alien children in immigration proceedings or matters, who—

(A) complies with the duties set forth in this title;

(B) is—

(i) properly qualified to handle matters involving unaccompanied alien children; or

(ii) working under the auspices of a qualified nonprofit organization that is experienced in handling such matters; and

(C) if an attorney—

(i) is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia; and

(ii) is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting the attorney in the practice of law.

(2) DIRECTOR.—The term ''Director'' means the Director of the Office.

(3) OFFICE.—The term ''Office'' means the Office of Refugee Resettlement established by section 411 of the Immigration and Nationality Act (8 U.S.C. 1521).

(4) UNACCOMPANIED ALIEN CHILD.—The term ''unaccompanied alien child'' has the meaning given the term in 101(a)(51) of the Immigration and Nationality Act, as added by subsection (b).

(5) VOLUNTARY AGENCY.—The term ''voluntary agency'' means a private, nonprofit voluntary agency with expertise in meeting the cultural, developmental, or psychological needs of unaccompanied alien children, as certified by the Director.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(51) The term 'unaccompanied alien child' means a child who—

''(A) has no lawful immigration status in the United States;

''(B) has not attained 18 years of age; and

''(C) with respect to whom—

''(i) there is no parent or legal guardian in the United States; or

''(ii) no parent or legal guardian in the United States is available to provide care and physical custody.

''(52) The term 'unaccompanied refugee children' means persons described in paragraph (42) who—

''(A) have not attained 18 years of age; and

''(B) with respect to whom there are no parents or legal guardians available to provide care and physical custody.''.

(c) RULE OF CONSTRUCTION.—

(1) STATE COURTS ACTING IN LOCO PARENTIS.—A department or agency of a State, or an individual or entity appointed by a State court or a juvenile court located in the United States, acting in loco parentis, shall not be considered a legal guardian for purposes of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this title.

(2) CLARIFICATION OF THE DEFINITION OF UNACCOMPANIED ALIEN CHILD.—For the purposes of section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)) and this title, a parent or legal guardian shall not be considered to be available to provide care and physical custody of an alien child unless such parent is in the physical presence of, and able to exercise parental responsibilities over, such child at the time of such child's apprehension and during the child's detention.

**Subtitle A—Custody, Release, Family Reunification, and Detention**

**SEC. 611. PROCEDURES WHEN ENCOUNTERING UNACCOMPANIED ALIEN CHILDREN.**

(a) UNACCOMPANIED CHILDREN FOUND ALONG THE UNITED STATES BORDER OR AT UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—Subject to paragraph (2), an immigration officer who finds an unaccompanied alien child described in paragraph (2) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall—

(A) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)); and

(B) return such child to the child's country of nationality or country of last habitual residence.

(2) SPECIAL RULE FOR CONTIGUOUS COUNTRIES.—

(A) IN GENERAL.—Any child who is a national or habitual resident of a country, which is contiguous with the United States and has an agreement in writing with the United States that provides for the safe return and orderly repatriation of unaccompanied alien children who are nationals or habitual residents of such country, shall be treated in accordance with paragraph (1) if the Secretary determines, on a case-by-case basis, that—

(i) such child is a national or habitual resident of a country described in this subparagraph;

(ii) such child does not have a fear of returning to the child's country of nationality or country of last habitual residence owing to a fear of persecution;

(iii) the return of such child to the child's country of nationality or country of last habitual residence would not endanger the life or safety of such child; and

(iv) the child is able to make an independent decision to withdraw the child's application for admission due to age or other lack of capacity.

(B) RIGHT OF CONSULTATION.—Any child described in subparagraph (A) shall have the right, and shall be informed of that right in the child's native language—

(i) to consult with a consular officer from the child's country of nationality or country of last habitual residence prior to repatriation; and

(ii) to consult, telephonically, with the Office.

(3) RULE FOR APPREHENSIONS AT THE BORDER.—The custody of unaccompanied alien children not described in paragraph (2) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with subsection (b).

(b) CARE AND CUSTODY OF UNACCOMPANIED ALIEN CHILDREN FOUND IN THE INTERIOR OF THE UNITED STATES.—

(1) ESTABLISHMENT OF JURISDICTION.—

(A) IN GENERAL.—Except as otherwise provided under subparagraphs (B) and (C) and subsection (a), the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be under the jurisdiction of the Office.

(B) EXCEPTION FOR CHILDREN WHO HAVE COMMITTED CRIMES.—Notwithstanding subparagraph (A), the Department of Justice shall retain or assume the custody and care of any unaccompanied alien who is—

(i) in the custody of the Department of Justice pending prosecution for a Federal crime other than a violation of the Immigration and Nationality Act; or

(ii) serving a sentence pursuant to a conviction for a Federal crime.

(C) EXCEPTION FOR CHILDREN WHO THREATEN NATIONAL SECURITY.—Notwithstanding subparagraph (A), the Department shall retain or assume the custody and care of an unaccompanied alien child if the Secretary has substantial evidence, based on an individualized determination, that such child could personally endanger the national security of the United States.

(2) NOTIFICATION.—

(A) IN GENERAL.—Each department or agency of the Federal Government shall promptly notify the Office upon—

(i) the apprehension of an unaccompanied alien child;

(ii) the discovery that an alien in the custody of such department or agency is an unaccompanied alien child;

(iii) any claim by an alien in the custody of such department or agency that such alien is younger than 18 years of age; or

(iv) any suspicion that an alien in the custody of such department or agency who has claimed to be at least 18 years of age is actually younger than 18 years of age.

(B) SPECIAL RULE.—The Director shall—

(i) make an age determination for an alien described in clause (iii) or (iv) of subparagraph (A) in accordance with section 615; and

(ii) take whatever other steps are necessary to determine whether such alien is eligible for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or under this title.

(3) TRANSFER OF UNACCOMPANIED ALIEN CHILDREN.—

(A) TRANSFER TO THE OFFICE.—Any Federal department or agency that has an unaccompanied alien child in its custody shall transfer the custody of such child to the Office—

(i) not later than 72 hours after a determination is made that such child is an unaccompanied alien, if the child is not described in subparagraph (B) or (C) of paragraph (1);

(ii) if the custody and care of the child has been retained or assumed by the Attorney General under paragraph (1)(B) or by the Department under paragraph (1)(C), following a determination that the child no longer meets the description set forth in such subparagraphs; or

(iii) if the child was previously released to an individual or entity described in section 612(a)(1), upon a determination by the Director that such individual or entity is no longer able to care for the child.

(B) TRANSFER TO THE DEPARTMENT.—The Director shall transfer the care and custody of an unaccompanied alien child in the custody of the Office or the Department of Justice to the Department upon determining that the child is described in subparagraph (B) or (C) of paragraph (1).

(C) PROMPTNESS OF TRANSFER.—If a child needs to be transferred under this paragraph, the sending office shall make prompt arrangements to transfer such child and the receiving office shall make prompt arrangements to receive such child.

(c) AGE DETERMINATIONS.—If the age of an alien is in question and the resolution of questions about the age of such alien would affect the alien's eligibility for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this title, a determination of whether or not such alien meets such age requirements shall be made in accordance with section 615, unless otherwise specified in subsection (b)(2)(B).

(d) ACCESS TO ALIEN.—The Secretary and the Attorney General shall permit the Office to have reasonable access to aliens in the custody of the Secretary or the Attorney General to ensure a prompt determination of the age of such alien, if necessary under subsection (b)(2)(B).

**SEC. 612. FAMILY REUNIFICATION FOR UNACCOMPANIED ALIEN CHILDREN WITH RELATIVES IN THE UNITED STATES.**

(a) PLACEMENT OF RELEASED CHILDREN.—

(1) ORDER OF PREFERENCE.—Subject to the discretion of the Director under paragraph (4), section 613(a)(2), and section 462(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied alien child in the custody of the Office shall be promptly placed with 1 of the following individuals or entities in the following order of preference:

(A) A parent who seeks to establish custody under paragraph (3)(A).

(B) A legal guardian who seeks to establish custody under paragraph (3)(A).

(C) An adult relative.

(D) An individual or entity designated by the parent or legal guardian that is capable and willing to care for the well being of the child.

(E) A State-licensed family foster home, small group home, or juvenile shelter willing to accept custody of the child.

(F) A qualified adult or entity, as determined by the Director by regulation, seeking custody of the child if the Director determines that no other likely alternative to long-term detention exists and family reunification does not appear to be a reasonable alternative.

(2) SUITABILITY ASSESSMENT.—

(A) GENERAL REQUIREMENTS.—Notwithstanding paragraph (1), and subject to the requirements of subparagraph (B), an unaccompanied alien child may not be placed with a person or entity described in any of subparagraphs (A) through (F) of paragraph (1) unless the Director provides written certification that the proposed custodian is capable of providing for the child's physical and mental well-being, based on—

(i) with respect to an individual custodian—

(I) verification of such individual's identity and employment;

(II) a finding that such individual has not engaged in any activity that would indicate a potential risk to the child, including the people and activities described in paragraph (4)(A)(i);

(III) a finding that such individual is not the subject of an open investigation by a State or local child protective services authority due to suspected child abuse or neglect;

(IV) verification that such individual has a plan for the provision of care for the child;

(V) verification of familial relationship of such individual, if any relationship is claimed; and

(VI) verification of nature and extent of previous relationship;

(ii) with respect to a custodial entity, verification of such entity's appropriate licensure by the State, county, or other applicable unit of government; and

(iii) such other information as the Director determines appropriate.

(B) HOME STUDY.—

(i) IN GENERAL.—The Director shall place a child with any custodian described in any of subparagraphs (A) through (F) of paragraph (1) unless the Director determines that a home study with respect to such custodian is necessary.

(ii) SPECIAL NEEDS CHILDREN.—A home study shall be conducted to determine if the custodian can properly meet the needs of—

(I) a special needs child with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)); or

(II) a child who has been the object of physical or mental injury, sexual abuse, negligent treatment, or maltreatment under circumstances which indicate that the child's health or welfare has been harmed or threatened.

(iii) FOLLOW-UP SERVICES.—The Director shall conduct follow-up services for at least 90 days on custodians for whom a home study was conducted under this subparagraph.

(C) CONTRACT AUTHORITY.—The Director may, by grant or contract, arrange for some or all of the activities under this section to be carried out by—

(i) an agency of the State of the child's proposed residence;

(ii) an agency authorized by such State to conduct such activities; or

(iii) an appropriate voluntary or nonprofit agency.

(D) DATABASE ACCESS.—In conducting suitability assessments, the Director shall have access to all relevant information in the appropriate Federal, State, and local law enforcement and immigration databases.

(3) RIGHT OF PARENT OR LEGAL GUARDIAN TO CUSTODY OF UNACCOMPANIED ALIEN CHILD.—

(A) PLACEMENT WITH PARENT OR LEGAL GUARDIAN.—If an unaccompanied alien child is placed with any person or entity other than a parent or legal guardian, and subsequent to that placement a parent or legal guardian seeks to establish custody, the Director shall—

(i) assess the suitability of placing the child with the parent or legal guardian; and

(ii) make a written determination regarding the child's placement within 30 days.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) supersede obligations under any treaty or other international agreement to which the United States is a party, including—

(I) the Convention on the Civil Aspects of International Child Abduction, done at The Hague, October 25, 1980 (TIAS 11670);

(II) the Vienna Declaration and Program of Action, adopted at Vienna, June 25, 1993; and

(III) the Declaration of the Rights of the Child, adopted at New York, November 20, 1959; or

(ii) limit any right or remedy under such international agreement.

(4) PROTECTION FROM SMUGGLERS AND TRAFFICKERS.—

(A) POLICIES AND PROGRAMS.—

(i) IN GENERAL.—The Director shall establish policies and programs to ensure that unaccompanied alien children are protected from smugglers, traffickers, or other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity.

(ii) WITNESS PROTECTION PROGRAMS INCLUDED.—Programs established pursuant to

clause (i) may include witness protection programs.

(B) CRIMINAL INVESTIGATIONS AND PROSECUTIONS.—Any officer or employee of the Office or of the Department, and any grantee or contractor of the Office or of the Department, who suspects any individual of involvement in any activity described in subparagraph (A) shall report such individual to Federal or State prosecutors for criminal investigation and prosecution.

(C) DISCIPLINARY ACTION.—Any officer or employee of the Office or the Department, and any grantee or contractor of the Office, who believes that a competent attorney or representative has been a participant in any activity described in subparagraph (A), shall report the attorney to the State bar association of which the attorney is a member, or to other appropriate disciplinary authorities, for appropriate disciplinary action, including private or public admonition or censure, suspension, or disbarment of the attorney from the practice of law.

(5) GRANTS AND CONTRACTS.—The Director may award grants to, and enter into contracts with, voluntary agencies to carry out this section or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(b) CONFIDENTIALITY.—

(1) IN GENERAL.—All information obtained by the Office relating to the immigration status of a person described in subparagraphs (A), (B), and (C) of subsection (a)(1) shall remain confidential and may only be used to determine such person's qualifications under subsection (a)(1).

(2) NONDISCLOSURE OF INFORMATION.—In consideration of the needs and privacy of unaccompanied alien children in the custody of the Office or its agents, and the necessity to guarantee the confidentiality of such children's information in order to facilitate their trust and truthfulness with the Office, its agents, and clinicians, the Office shall maintain the privacy and confidentiality of all information gathered in the course of the care, custody, and placement of unaccompanied alien children, consistent with its role and responsibilities under the Homeland Security Act to act as guardian in loco parentis in the best interest of the unaccompanied alien child, by not disclosing such information to other government agencies or nonparental third parties.

(c) REQUIRED DISCLOSURE.—The Secretary or the Secretary of Health and Human Services shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(d) PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

**SEC. 613. APPROPRIATE CONDITIONS FOR DETENTION OF UNACCOMPANIED ALIEN CHILDREN.**

(a) STANDARDS FOR PLACEMENT.—

(1) ORDER OF PREFERENCE.—An unaccompanied alien child who is not released pursuant to section 612(a)(1) shall be placed in the least restrictive setting possible in the following order of preference:

(A) Licensed family foster home.

(B) Small group home.

(C) Juvenile shelter.

(D) Residential treatment center.

(E) Secure detention.

(2) PROHIBITION OF DETENTION IN CERTAIN FACILITIES.—Except as provided under paragraph (3), an unaccompanied alien child shall not be placed in an adult detention facility or a facility housing delinquent children.

(3) DETENTION IN APPROPRIATE FACILITIES.—An unaccompanied alien child who has exhibited violent or criminal behavior that endangers others may be detained in conditions appropriate to such behavior in a facility appropriate for delinquent children.

(4) STATE LICENSURE.—A child shall not be placed with an entity described in section 612(a)(1)(E), unless the entity is licensed by an appropriate State agency to provide residential, group, child welfare, or foster care services for dependent children.

(5) CONDITIONS OF DETENTION.—

(A) IN GENERAL.—The Director and the Secretary shall promulgate regulations incorporating standards for conditions of detention in placements described in paragraph (1) that provide for—

(i) educational services appropriate to the child;

(ii) medical care;

(iii) mental health care, including treatment of trauma, physical and sexual violence, and abuse;

(iv) access to telephones;

(v) access to legal services;

(vi) access to interpreters;

(vii) supervision by professionals trained in the care of children, taking into account the special cultural, linguistic, and experiential needs of children in immigration proceedings;

(viii) recreational programs and activities;

(ix) spiritual and religious needs; and

(x) dietary needs.

(B) NOTIFICATION OF CHILDREN.—Regulations promulgated under subparagraph (A) shall provide that all children in such placements are notified of such standards orally and in writing in the child's native language.

(b) PROHIBITION OF CERTAIN PRACTICES.—The Director and the Secretary shall develop procedures prohibiting the unreasonable use of—

(1) shackling, handcuffing, or other restraints on children;

(2) solitary confinement; or

(3) pat or strip searches.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede procedures favoring release of children to appropriate adults or entities or placement in the least secure setting possible, as described in paragraph 23 of the Stipulated Settlement Agreement under Flores v. Reno.

**SEC. 614. REPATRIATED UNACCOMPANIED ALIEN CHILDREN.**

(a) COUNTRY CONDITIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party, and to the extent practicable, the United States Government should undertake efforts to ensure that it does not repatriate children in its custody into settings that would threaten the life and safety of such children.

(2) ASSESSMENT OF CONDITIONS.—

(A) IN GENERAL.—The Secretary of State shall include, in the annual Country Reports on Human Rights Practices, an assessment of the degree to which each country protects children from smugglers and traffickers.

(B) FACTORS FOR ASSESSMENT.—The Secretary shall consult the Country Reports on Human Rights Practices and the Trafficking in Persons Report in assessing whether to repatriate an unaccompanied alien child to a particular country.

(b) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on efforts to repatriate unaccompanied alien children.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States;

(B) a description of the type of immigration relief sought and denied to such children;

(C) a statement of the nationalities, ages, and gender of such children;

(D) a description of the procedures used to effect the removal of such children from the United States;

(E) a description of steps taken to ensure that such children were safely and humanely repatriated to their country of origin; and

(F) any information gathered in assessments of country and local conditions pursuant to subsection (a)(2).

**SEC. 615. ESTABLISHING THE AGE OF AN UNACCOMPANIED ALIEN CHILD.**

(a) PROCEDURES.—

(1) IN GENERAL.—The Director, in consultation with the Secretary, shall develop procedures to make a prompt determination of the age of an alien, which procedures shall be used—

(A) by the Secretary, with respect to aliens in the custody of the Department;

(B) by the Director, with respect to aliens in the custody of the Office; and

(C) by the Attorney General, with respect to aliens in the custody of the Department of Justice.

(2) EVIDENCE.—The procedures developed under paragraph (1) shall—

(A) permit the presentation of multiple forms of evidence, including testimony of the alien, to determine the age of the unaccompanied alien for purposes of placement, custody, parole, and detention; and

(B) allow the appeal of a determination to an immigration judge.

(b) PROHIBITION ON SOLE MEANS OF DETERMINING AGE.—Radiographs or the attestation of an alien may not be used as the sole means of determining age for the purposes of determining an alien's eligibility for treatment under this title or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to place the burden of proof in determining the age of an alien on the Government.

**SEC. 616. EFFECTIVE DATE.**

This subtitle shall take effect on the date which is 90 days after the date of the enactment of this Act.

## Subtitle B—Access by Unaccompanied Alien Children to Child Advocates and Counsel

**SEC. 621. CHILD ADVOCATES.**

(a) ESTABLISHMENT OF CHILD ADVOCATE PROGRAM.—

(1) APPOINTMENT.—The Director may appoint a child advocate, who meets the qualifications described in paragraph (2), for an unaccompanied alien child. The Director is encouraged, if practicable, to contract with a voluntary agency for the selection of an individual to be appointed as a child advocate under this paragraph.

(2) QUALIFICATIONS OF CHILD ADVOCATE.—

(A) IN GENERAL.—A person may not serve as a child advocate unless such person—

(i) is a child welfare professional or other individual who has received training in child welfare matters;

(ii) possesses special training on the nature of problems encountered by unaccompanied alien children; and

(iii) is not an employee of the Department, the Department of Justice, or the Department of Health and Human Services.

(B) INDEPENDENCE OF CHILD ADVOCATE.—

(i) INDEPENDENCE FROM AGENCIES OF GOVERNMENT.—The child advocate shall act independently of any agency of government in making and reporting findings or making recommendations with respect to the best interests of the child. No agency shall terminate, reprimand, de-fund, intimidate, or retaliate against any person or entity appointed under paragraph (1) because of the findings and recommendations made by such person relating to any child.

(ii) PROHIBITION OF CONFLICT OF INTEREST.—No person shall serve as a child advocate for a child if such person is providing legal services to such child.

(3) DUTIES.—The child advocate of a child shall—

(A) conduct interviews with the child in a manner that is appropriate, taking into account the child's age;

(B) investigate the facts and circumstances relevant to the child's presence in the United States, including facts and circumstances—

(i) arising in the country of the child's nationality or last habitual residence; and

(ii) arising subsequent to the child's departure from such country;

(C) work with counsel to identify the child's eligibility for relief from removal or voluntary departure by sharing with counsel relevant information collected under subparagraph (B);

(D) develop recommendations on issues relative to the child's custody, detention, release, and repatriation;

(E) take reasonable steps to ensure that—

(i) the best interests of the child are promoted while the child participates in, or is subject to, proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

(ii) the child understands the nature of the legal proceedings or matters and determinations made by the court, and that all information is conveyed to the child in an age-appropriate manner;

(F) report factual findings and recommendations consistent with the child's best interests relating to the custody, detention, and release of the child during the pendency of the proceedings or matters, to the Director and the child's counsel;

(G) in any proceeding involving an alien child in which a complaint has been filed with any appropriate disciplinary authority against an attorney or representative for criminal, unethical, or unprofessional conduct in connection with the representation of the alien child, provide the immigration judge with written recommendations or testimony on any information the child advocate may have regarding the conduct of the attorney; and

(H) in any proceeding involving an alien child in which the safety of the child upon repatriation is at issue, and after the immigration judge has considered and denied all applications for relief other than voluntary departure, provide the immigration judge with written recommendations or testimony on any information the child advocate may have regarding the child's safety upon repatriation.

(4) TERMINATION OF APPOINTMENT.—The child advocate shall carry out the duties described in paragraph (3) until the earliest of the date on which—

(A) those duties are completed;

(B) the child departs from the United States;

(C) the child is granted permanent resident status in the United States;

(D) the child reaches 18 years of age; or

(E) the child is placed in the custody of a parent or legal guardian.

(5) POWERS.—The child advocate—

(A) shall have reasonable access to the child, including access while such child is being held in detention or in the care of a foster family;

(B) shall be permitted to review all records and information relating to such proceedings that are not deemed privileged or classified;

(C) may seek independent evaluations of the child;

(D) shall be notified in advance of all hearings or interviews involving the child that are held in connection with proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), and shall be given a reasonable opportunity to be present at such hearings or interviews;

(E) shall be permitted to accompany and consult with the child during any hearing or interview involving such child; and

(F) shall be provided at least 24 hours advance notice of a transfer of that child to a different placement, absent compelling and unusual circumstances warranting the transfer of such child before such notification.

(b) TRAINING.—

(1) IN GENERAL.—The Director shall provide professional training for all persons serving as child advocates under this section.

(2) TRAINING TOPICS.—The training provided under paragraph (1) shall include training in—

(A) the circumstances and conditions faced by unaccompanied alien children; and

(B) various immigration benefits for which such alien child might be eligible.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director shall establish and begin to carry out a pilot program to test the implementation of subsection (a). Any pilot program existing before the date of the enactment of this Act shall be deemed insufficient to satisfy the requirements of this subsection.

(2) PURPOSE.—The purpose of the pilot program established pursuant to paragraph (1) is to—

(A) study and assess the benefits of providing child advocates to assist unaccompanied alien children involved in immigration proceedings or matters;

(B) assess the most efficient and cost-effective means of implementing the child advocate provisions under this section; and

(C) assess the feasibility of implementing such provisions on a nationwide basis for all unaccompanied alien children in the care of the Office.

(3) SCOPE OF PROGRAM.—

(A) SELECTION OF SITE.—The Director shall select 3 sites at which to operate the pilot program established under paragraph (1).

(B) NUMBER OF CHILDREN.—Each site selected under subparagraph (A) should have not less than 25 children held in immigration custody at any given time, to the greatest extent possible.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date on which the first pilot program site is established under paragraph (1), the Director shall submit a report on the achievement of the purposes described in paragraph (2) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 622. COUNSEL.**

(a) ACCESS TO COUNSEL.—

(1) IN GENERAL.—The Director shall ensure, to the greatest extent practicable, that all unaccompanied alien children in the custody of the Office or the Department, who are not described in section 611(a)(2), have competent counsel to represent them in immigration proceedings or matters.

(2) PRO BONO REPRESENTATION.—To the greatest extent practicable, the Director shall—

(A) make every effort to utilize the services of competent pro bono counsel who agree to provide representation to such children without charge; and

(B) ensure that placements made under subparagraphs (D), (E), and (F) of section 612(a)(1) are in cities in which there is a demonstrated capacity for competent pro bono representation.

(3) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—The Director shall develop the necessary mechanisms to identify and recruit entities that are available to provide legal assistance and representation under this subsection.

(4) CONTRACTING AND GRANT MAKING AUTHORITY.—

(A) IN GENERAL.—The Director shall enter into contracts with, or award grants to, nonprofit agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out the responsibilities of this title, including providing legal orientation, screening cases for referral, recruiting, training, and overseeing pro bono attorneys.

(B) SUBCONTRACTING.—Nonprofit agencies may enter into subcontracts with, or award grants to, private voluntary agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out this subsection.

(C) CONSIDERATIONS REGARDING GRANTS AND CONTRACTS.—In awarding grants and entering into contracts with agencies under this paragraph, the Director shall take into consideration the capacity of the agencies in question to properly administer the services covered by such grants or contracts without an undue conflict of interest.

(5) MODEL GUIDELINES ON LEGAL REPRESENTATION OF CHILDREN.—

(A) DEVELOPMENT OF GUIDELINES.—The Director of the Executive Office for Immigration Review of the Department of Justice, in consultation with voluntary agencies and national experts, shall develop model guidelines for the legal representation of alien children in immigration proceedings. Such guidelines shall be based on the children's asylum guidelines, the American Bar Association Model Rules of Professional Conduct, and other relevant domestic or international sources.

(B) PURPOSE OF GUIDELINES.—The guidelines developed under subparagraph (A) shall be designed to help protect each child from any individual suspected of involvement in any criminal, harmful, or exploitative activity associated with the smuggling or trafficking of children, while ensuring the fairness of the removal proceeding in which the child is involved.

(C) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Director of the Executive Office for Immigration Review shall—

(i) adopt the guidelines developed under subparagraph (A); and

(ii) submit the guidelines for adoption by national, State, and local bar associations.

(b) DUTIES.—Counsel under this section shall—

(1) represent the unaccompanied alien child in all proceedings and matters relating

to the immigration status of the child or other actions involving the Department;

(2) appear in person for all individual merits hearings before the Executive Office for Immigration Review and interviews involving the Department; and

(3) owe the same duties of undivided loyalty, confidentiality, and competent representation to the child as is due to an adult client.

(c) ACCESS TO CHILD.—

(1) IN GENERAL.—Counsel under this section shall have reasonable access to the unaccompanied alien child, including access while the child is—

(A) held in detention;

(B) in the care of a foster family; or

(C) in any other setting that has been determined by the Office.

(2) RESTRICTION ON TRANSFERS.—Absent compelling and unusual circumstances, a child who is represented by counsel may not be transferred from the child's placement to another placement unless advance notice of at least 24 hours is made to counsel of such transfer.

(d) NOTICE TO COUNSEL DURING IMMIGRATION PROCEEDINGS.—

(1) IN GENERAL.—Except when otherwise required in an emergency situation involving the physical safety of the child, counsel shall be given prompt and adequate notice of all immigration matters affecting or involving an unaccompanied alien child, including adjudications, proceedings, and processing, before such actions are taken.

(2) OPPORTUNITY TO CONSULT WITH COUNSEL.—An unaccompanied alien child in the custody of the Office may not give consent to any immigration action, including consenting to voluntary departure, unless first afforded an opportunity to consult with counsel.

(e) ACCESS TO RECOMMENDATIONS OF CHILD ADVOCATE.—Counsel shall be given an opportunity to review the recommendations of the child advocate affecting or involving a client who is an unaccompanied alien child.

(f) COUNSEL FOR UNACCOMPANIED ALIEN CHILDREN.—Nothing in this title may be construed to require the Government of the United States to pay for counsel to any unaccompanied alien child.

**SEC. 623. EFFECTIVE DATE; APPLICABILITY.**

(a) EFFECTIVE DATE.—This subtitle shall take effect on the date which is 180 days after the date of the enactment of this Act.

(b) APPLICABILITY.—The provisions of this subtitle shall apply to all unaccompanied alien children in Federal custody before, on, or after the effective date of this subtitle.

## Subtitle C—Strengthening Policies for Permanent Protection of Alien Children

**SEC. 631. SPECIAL IMMIGRANT JUVENILE CLASSIFICATION.**

(a) J CLASSIFICATION.—

(1) IN GENERAL.—Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

''(J) an immigrant, who is 18 years of age or younger on the date of application for classification as a special immigrant and present in the United States—

''(i) who, by a court order supported by written findings of fact, which shall be binding on the Secretary of Homeland Security for purposes of adjudications under this subparagraph—

''(I) was declared dependent on a juvenile court located in the United States or has been legally committed to, or placed under the custody of, a department or agency of a State, or an individual or entity appointed by a State or juvenile court located in the United States; and

''(II) should not be reunified with his or her parents due to abuse, neglect, abandonment, or a similar basis found under State law;

''(ii) for whom it has been determined by written findings of fact in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

''(iii) with respect to a child in Federal custody, for whom the Office of Refugee Resettlement of the Department of Health and Human Services has certified to the Director of U.S. Citizenship and Immigration Services that the classification of an alien as a special immigrant under this subparagraph has not been made solely to provide an immigration benefit to that alien.''.

(2) RULE OF CONSTRUCTION.—Nothing in section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by paragraph (1), shall be construed to grant, to any natural parent or prior adoptive parent of any alien provided special immigrant status under such subparagraph, by virtue of such parentage, any right, privilege, or status under such Act.

(b) ADJUSTMENT OF STATUS.—Section 245(h)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(A)) is amended to read as follows:

''(A) paragraphs (4), (5)(A), (6)(A), (7)(A), 9(B), and 9(C)(i)(I) of section 212(a) shall not apply; and''.

(c) ELIGIBILITY FOR ASSISTANCE.—

(1) IN GENERAL.—A child who has been certified under section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by subsection (a)(1), and who was in the custody of the Office at the time a dependency order was granted for such child, shall be eligible for placement and services under section 412(d) of such Act (8 U.S.C. 1522(d)) until the earlier of—

(A) the date on which the child reaches the age designated in section 412(d)(2)(B) of such Act (8 U.S.C. 1522(d)(2)(B)); or

(B) the date on which the child is placed in a permanent adoptive home.

(2) STATE REIMBURSEMENT.—If foster care funds are expended on behalf of a child who is not described in paragraph (1) and has been granted relief under section 101(a)(27)(J) of the Immigration and Nationality Act, the Federal Government shall reimburse the State in which the child resides for such expenditures by the State.

(d) TRANSITION RULE.—Notwithstanding any other provision of law, a child described in section 101(a)(27)(J) of the Immigration and Nationality Act, as amended by subsection (a)(1), may not be denied such special immigrant juvenile classification after the date of the enactment of this Act based on age if the child—

(1) filed an application for special immigrant juvenile classification before the date of the enactment of this Act and was 21 years of age or younger on the date such application was filed; or

(2) was younger than 21 years of age on the date on which the child applied for classification as a special immigrant juvenile and can demonstrate exceptional circumstances warranting relief.

(e) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall promulgate rules to carry out this section.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens who were in the United States before, on, or after the date of the enactment of this Act.

**SEC. 632. TRAINING FOR OFFICIALS AND CERTAIN PRIVATE PARTIES WHO COME INTO CONTACT WITH UNACCOMPANIED ALIEN CHILDREN.**

(a) TRAINING OF STATE AND LOCAL OFFICIALS AND CERTAIN PRIVATE PARTIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting jointly with the Secretary, shall provide appropriate training materials, and upon request, direct training, to State and county officials, child welfare specialists, teachers, public counsel, and juvenile judges who come into contact with unaccompanied alien children.

(2) CURRICULUM.—The training required under paragraph (1) shall include education on the processes pertaining to unaccompanied alien children with pending immigration status and on the forms of relief potentially available. The Director shall establish a core curriculum that can be incorporated into education, training, or orientation modules or formats that are currently used by these professionals.

(3) VIDEO CONFERENCING.—Direct training requested under paragraph (1) may be conducted through video conferencing.

(b) TRAINING OF DEPARTMENT PERSONNEL.—The Secretary, acting jointly with the Secretary of Health and Human Services, shall provide specialized training to all personnel of the Department who come into contact with unaccompanied alien children. Training for agents of the Border Patrol and immigration inspectors shall include specific training on identifying—

(1) children at the international borders of the United States or at United States ports of entry who have been victimized by smugglers or traffickers; and

(2) children for whom asylum or special immigrant relief may be appropriate, including children described in section 611(a)(2)(A).

**SEC. 633. REPORT.**

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains, for the most recently concluded fiscal year—

(1) data related to the implementation of section 462 of the Homeland Security Act (6 U.S.C. 279);

(2) data regarding the care and placement of children under this title;

(3) data regarding the provision of child advocate and counsel services under this title; and

(4) any other information that the Director or the Secretary of Health and Human Services determines to be appropriate.

## Subtitle D—Children Refugee and Asylum Seekers

**SEC. 641. GUIDELINES FOR CHILDREN'S ASYLUM CLAIMS.**

(a) SENSE OF CONGRESS.—Congress—

(1) commends the former Immigration and Naturalization Service for its ''Guidelines for Children's Asylum Claims'', issued in December 1998;

(2) encourages and supports the Department to implement such guidelines to facilitate the handling of children's affirmative asylum claims;

(3) commends the Executive Office for Immigration Review of the Department of Justice for its ''Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children'', issued in September 2004;

(4) encourages and supports the continued implementation of such guidelines by the Executive Office for Immigration Review in its handling of children's asylum claims before immigration judges; and

(5) understands that the guidelines described in paragraph (3)—

(A) do not specifically address the issue of asylum claims; and

(B) address the broader issue of unaccompanied alien children.

(b) TRAINING.—

(1) IMMIGRATION OFFICERS.—The Secretary shall provide periodic comprehensive training under the ''Guidelines for Children's Asylum Claims'' to asylum officers and immigration officers who have contact with children in order to familiarize and sensitize such officers to the needs of children asylum seekers.

(2) IMMIGRATION JUDGES.—The Director of the Executive Office for Immigration Review shall—

(A) provide periodic comprehensive training under the ''Guidelines for Immigration Court Cases Involving Unaccompanied Alien Children'' and the ''Guidelines for Children's Asylum Claims'' to immigration judges and members of the Board of Immigration Appeals; and

(B) redistribute the ''Guidelines for Children's Asylum Claims'' to all immigration courts as part of its training of immigration judges.

(3) USE OF VOLUNTARY AGENCIES.—Voluntary agencies shall be allowed to assist in the training described in this subsection.

(c) STATISTICS AND REPORTING.—

(1) STATISTICS.—

(A) DEPARTMENT OF JUSTICE.—The Attorney General shall compile and maintain statistics on the number of cases in immigration court involving unaccompanied alien children, which shall include, with respect to each such child, information about—

(i) the age;

(ii) the gender;

(iii) the country of nationality;

(iv) representation by counsel;

(v) the relief sought; and

(vi) the outcome of such cases.

(B) DEPARTMENT OF HOMELAND SECURITY.—The Secretary shall compile and maintain statistics on the instances of unaccompanied alien children in the custody of the Department, which shall include, with respect to each such child, information about—

(i) the age;

(ii) the gender;

(iii) the country of nationality; and

(iv) the length of detention.

(2) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, and annually, thereafter, the Attorney General, in consultation with the Secretary, Secretary of Health and Human Services, and any other necessary government official, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary House of Representatives on the number of alien children in Federal custody during the most recently concluded fiscal year. Information contained in the report, with respect to such children, shall be categorized by—

(A) age;

(B) gender;

(C) country of nationality;

(D) length of time in custody;

(E) the department or agency with custody; and

(F) treatment as an unaccompanied alien child.

**SEC. 642. UNACCOMPANIED REFUGEE CHILDREN.**

(a) IDENTIFYING UNACCOMPANIED REFUGEE CHILDREN.—Section 207(e) of the Immigration and Nationality Act (8 U.S.C. 1157(e)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

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

''(3) An analysis of the worldwide situation faced by unaccompanied refugee children, categorized by region, which shall include an assessment of—

''(A) the number of unaccompanied refugee children;

''(B) the capacity of the Department of State to identify such refugees;

''(C) the capacity of the international community to care for and protect such refugees;

''(D) the capacity of the voluntary agency community to resettle such refugees in the United States;

''(E) the degree to which the United States plans to resettle such refugees in the United States in the following fiscal year; and

''(F) the fate that will befall such unaccompanied refugee children for whom resettlement in the United States is not possible.''.

(b) TRAINING ON THE NEEDS OF UNACCOMPANIED REFUGEE CHILDREN.—Section 207(f)(2) of the Immigration and Nationality Act (8 U.S.C. 1157(f)(2)) is amended—

(1) by striking ''and'' after ''countries,''; and

(2) by inserting '', and instruction on the needs of unaccompanied refugee children'' before the period at the end.

**SEC. 643. EXCEPTIONS FOR UNACCOMPANIED ALIEN CHILDREN IN ASYLUM AND REFUGEE-LIKE CIRCUMSTANCES.**

(a) PLACEMENT IN REMOVAL PROCEEDINGS.—Any unaccompanied alien child apprehended by the Department, except for an unaccompanied alien child subject to exceptions under paragraph (1)(A) or (2) of section 611(a), shall be placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(b) EXCEPTION FROM TIME LIMIT FOR FILING ASYLUM APPLICATION.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) in subsection (a)(2), by adding at the end the following:

''(E) APPLICABILITY.—Subparagraphs (A) and (B) shall not apply to an unaccompanied alien child.''; and

(2) in subsection (b)(3), by adding at the end the following:

''(C) INITIAL JURISDICTION.—United States Citizenship and Immigration Services shall have initial jurisdiction over any asylum application filed by an unaccompanied alien child.''.

**Subtitle E—Amendments to the Homeland Security Act of 2002**

**SEC. 651. ADDITIONAL RESPONSIBILITIES AND POWERS OF THE OFFICE OF REFUGEE RESETTLEMENT WITH RESPECT TO UNACCOMPANIED ALIEN CHILDREN.**

(a) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR.—Section 462(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)) is amended—

(1) in subparagraph (K), by striking ''and'' at the end;

(2) in subparagraph (L), by striking the period at the end and inserting '', including regular follow-up visits to such facilities, placements, and other entities, to assess the continued suitability of such placements; and''; and

(3) by adding at the end the following:

''(M) ensuring minimum standards of care for all unaccompanied alien children—

''(i) for whom detention is necessary; and

''(ii) who reside in settings that are alternative to detention.''.

(b) ADDITIONAL AUTHORITY OF THE DIRECTOR.—Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)) is amended by adding at the end the following:

''(4) AUTHORITY.—In carrying out the duties under paragraph (3), the Director may—

''(A) contract with service providers to perform the services described in sections 612, 613, 621, and 622 of the Unaccompanied Alien Child Protection Act of 2007; and

''(B) compel compliance with the terms and conditions set forth in section 613 of such Act, by—

''(i) declaring providers to be in breach and seek damages for noncompliance;

''(ii) terminating the contracts of providers that are not in compliance with such conditions; or

''(iii) reassigning any unaccompanied alien child to a similar facility that is in compliance with such section.''.

**SEC. 652. TECHNICAL CORRECTIONS.**

Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)), as amended by section 651, is further amended—

(1) in paragraph (3), by striking ''paragraph (1)(G)'' and inserting ''paragraph (1)''; and

(2) by adding at the end the following:

''(5) RULE OF CONSTRUCTION.—Nothing in paragraph (2)(B) may be construed to require that a bond be posted for unaccompanied alien children who are released to a qualified sponsor.''.

**SEC. 653. EFFECTIVE DATE.**

The amendments made by this subtitle shall take effect as if included in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

**Subtitle F—Prison Sexual Abuse Prevention**

**SEC. 661. SHORT TITLE.**

This subtitle may be cited as the ''Prison Sexual Abuse Prevention Act of 2007''.

**SEC. 662. SEXUAL ABUSE.**

Sections 2241, 2242, 2243, and 2244 of title 18, United States Code, are each amended by striking ''the Attorney General'' each place that term appears and inserting ''the head of any Federal department or agency''.

**Subtitle G—Authorization of Appropriations**

**SEC. 671. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to the Department, the Department of Justice, and the Department of Health and Human Services, such sums as may be necessary to carry out—

(1) the provisions of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279); and

(2) the provisions of this title.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

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**SA 2437.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VI—VISA AND PASSPORT SECURITY**

**SEC. 601. SHORT TITLE.**

This title may be cited as the ''Passport and Visa Security Act of 2007''.

**Subtitle A—Reform of Passport Fraud Offenses**

**SEC. 611. TRAFFICKING IN PASSPORTS.**

Section 1541 of title 18, United States Code, is amended to read as follows:

**''§ 1541. Trafficking in passports**

''(a) MULTIPLE PASSPORTS.—Any person who, during any period of 3 years or less, knowingly—

''(1) and without lawful authority produces, issues, or transfers 10 or more passports;

''(2) forges, counterfeits, alters, or falsely makes 10 or more passports;

''(3) secures, possesses, uses, receives, buys, sells, or distributes 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority; or

''(4) completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport, knowing the applications to contain any false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

''(b) PASSPORT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, possesses, or uses any official material (or counterfeit of any official material) used to make a passport, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.''.

**SEC. 612. FALSE STATEMENT IN AN APPLICATION FOR A PASSPORT.**

Section 1542 of title 18, United States Code, is amended to read as follows:

**''§ 1542. False statement in an application for a passport**

''(a) IN GENERAL.—Whoever knowingly makes any false statement or representation in an application for a United States passport, or mails, prepares, presents, or signs an application for a United States passport knowing the application to contain any false statement or representation, shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) VENUE.—

''(1) IN GENERAL.—An offense under subsection (a) may be prosecuted in any district—

''(A) in which the false statement or representation was made or the application for a United States passport was prepared or signed; or

''(B) in which or to which the application was mailed or presented.

''(2) ACTS OCCURRING OUTSIDE THE UNITED STATES.—An offense under subsection (a) involving an application for a United States passport prepared and adjudicated outside the United States may be prosecuted in the district in which the resultant passport was or would have been produced.

''(c) SAVINGS CLAUSE.—Nothing in this section may be construed to limit the venue otherwise available under sections 3237 and 3238 of this title.''.

**SEC. 613. FORGERY AND UNLAWFUL PRODUCTION OF A PASSPORT.**

Section 1543 of title 18, United States Code, is amended to read as follows:

**''§ 1543. Forgery and unlawful production of a passport**

''(a) FORGERY.—Any person who knowingly—

''(1) forges, counterfeits, alters, or falsely makes any passport; or

''(2) transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) UNLAWFUL PRODUCTION.—Any person who knowingly and without lawful authority—

''(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport;

''(2) produces, issues, authorizes, or verifies a United States passport for or to any person knowing or in reckless disregard of the fact that such person is not entitled to receive a passport; or

''(3) transfers or furnishes a passport to any person for use by any person other than the person for whom the passport was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.''.

**SEC. 614. MISUSE OF A PASSPORT.**

Section 1544 of title 18, United States Code, is amended to read as follows:

**''§ 1544. Misuse of a passport**

''Any person who knowingly—

''(1) uses any passport issued or designed for the use of another;

''(2) uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport;

''(3) secures, possesses, uses, receives, buys, sells, or distributes any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

''(4) violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.''.

**SEC. 615. SCHEMES TO DEFRAUD ALIENS.**

Section 1545 of title 18, United States Code, is amended to read as follows:

**''§ 1545. Schemes to defraud aliens**

''(a) IN GENERAL.—Any person who knowingly executes a scheme or artifice, in connection with any matter that is authorized by or arises under Federal immigration laws or any matter the offender claims or represents is authorized by or arises under Federal immigration laws, to—

''(1) defraud any person; or

''(2) obtain or receive money or anything else of value from any person by means of false or fraudulent pretenses, representations, promises,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) MISREPRESENTATION.—Any person who knowingly and falsely represents that such person is an attorney or an accredited representative (as that term is defined in section 1292.1 of title 8, Code of Federal Regulations (or any successor regulation to such section)) in any matter arising under Federal immigration laws shall be fined under this title, imprisoned not more than 15 years, or both.''.

**SEC. 616. IMMIGRATION AND VISA FRAUD.**

Section 1546 of title 18, United States Code, is amended to read as follows:

**''§ 1546. Immigration and visa fraud**

''(a) IN GENERAL.—Any person who knowingly—

''(1) uses any immigration document issued or designed for the use of another;

''(2) forges, counterfeits, alters, or falsely makes any immigration document;

''(3) completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation;

''(4) secures, possesses, uses, transfers, receives, buys, sells, or distributes any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, or produced or issued without lawful authority;

''(5) adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

''(6) transfers or furnishes, without lawful authority, an immigration document to another person for use by a person other than the person for whom the document was issued or designed,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) TRAFFICKING.—Any person who, during any period of 3 years or less, knowingly—

''(1) and without lawful authority produces, issues, or transfers 10 or more immigration documents;

''(2) forges, counterfeits, alters, or falsely makes 10 or more immigration documents;

''(3) secures, possesses, uses, buys, sells, or distributes 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or produced or issued without lawful authority; or

''(4) completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation,

shall be fined under this title, imprisoned not more than 20 years, or both.

''(c) IMMIGRATION DOCUMENT MATERIALS.—Any person who knowingly and without lawful authority produces, buys, sells, possesses, or uses any official material (or counterfeit of any official material) used to make immigration documents, including any distinctive paper, seal, hologram, image, text, symbol, stamp, engraving, or plate, shall be fined under this title, imprisoned not more than 20 years, or both.

''(d) EMPLOYMENT DOCUMENTS.—Whoever uses—

''(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor;

''(2) an identification document knowing (or having reason to know) that the document is false; or

''(3) a false attestation,

for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)), shall be fined under this title, imprisoned not more than 5 years, or both.''.

**SEC. 617. ALTERNATIVE IMPRISONMENT MAXIMUM FOR CERTAIN OFFENSES.**

Section 1547 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''(other than an offense under section 1545)'';

(2) in paragraph (1), by striking ''15'' and inserting ''20''; and

(3) in paragraph (2), by striking ''20'' and inserting ''25''.

**SEC. 618. ATTEMPTS, CONSPIRACIES, JURISDICTION, AND DEFINITIONS.**

Chapter 75 of title 18, United States Code, is amended by adding after section 1547 the following new sections:

**''§ 1548. Attempts and conspiracies**

''Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

**''§ 1549. Additional jurisdiction**

''(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

''(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

''(1) the offense involves a United States passport or immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

''(2) the offense is in or affects foreign commerce;

''(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

''(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

''(5) the offender is a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); or

''(6) the offender is a stateless person whose habitual residence is in the United States.

**''§ 1550. Authorized law enforcement activities**

''Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (Public Law 91–452; 84 Stat. 933).

**''§ 1551. Definitions**

''As used in this chapter:

''(1) The term 'application for a United States passport' includes any document, photograph, or other piece of evidence submitted in support of an application for a United States passport.

''(2) The term 'false statement or representation' includes a personation or an omission.

''(3) The term 'immigration document'—

''(A) means any application, petition, affidavit, declaration, attestation, form, visa, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other official document, arising under or authorized by the immigration laws of the United States; and

''(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document described in subparagraph (A).

''(4) The term 'immigration laws' includes—

''(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

''(B) the laws relating to the issuance and use of passports; and

''(C) the regulations prescribed under the authority of any law described in subparagraph (A) or (B).

''(5) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

''(6) The term 'passport' means—

''(A) a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or

''(B) any instrument purporting to be a document described in subparagraph (A).

''(7) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

''(8) The term 'to present' means to offer or submit for official processing, examination, or adjudication. Any such presentation continues until the official processing, examination, or adjudication is complete.

''(9) The 'use' of a passport or an immigration document referred to in section 1541(a), 1543(b), 1544, 1546(a), and 1546(b) of this chapter includes—

''(A) any officially authorized use;

''(B) use to travel;

''(C) use to demonstrate identity, residence, nationality, citizenship, or immigration status;

''(D) use to seek or maintain employment; or

''(E) use in any matter within the jurisdiction of the Federal government or of a State government.''.

**SEC. 619. CLERICAL AMENDMENT.**

The table of sections for chapter 75 of title 18, United States Code, is amended to read as follows:

''Sec.
''1541. Trafficking in passports.
''1542. False statement in an application for a passport.
''1543. Forgery and unlawful production of a passport.
''1544. Misuse of a passport.
''1545. Schemes to defraud aliens.
''1546. Immigration and visa fraud.
''1547. Alternative imprisonment maximum for certain offenses.
''1548. Attempts and conspiracies.
''1549. Additional jurisdiction.
''1550. Authorized law enforcement activities.
''1551. Definitions.''.

**Subtitle B—Other Reforms**

**SEC. 621. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.**

(a) IN GENERAL.—Pursuant to the authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate or amend the sentencing guidelines, policy statements, and official commentaries related to passport fraud offenses, including the offenses described in chapter 75 of title 18, United States Code, as amended by section 2, to reflect the serious nature of such offenses.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the United States Sentencing Commission shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the implementation of this section.

**SEC. 622. RELEASE AND DETENTION PRIOR TO DISPOSITION.**

(a) DETENTION.—Section 3142(e) of title 18, United States Code, is amended to read as follows:

''(e) DETENTION.—(1) If, after a hearing pursuant to the provisions of subsection (f) of this section, the judicial officer finds that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community, such judicial officer shall order the detention of the person before trial.

''(2) In a case described in subsection (f)(1) of this section, a rebuttable presumption arises that no condition or combination of conditions will reasonably assure the safety of any other person and the community if such judicial officer finds that—

''(A) the person has been convicted of a Federal offense that is described in subsection (f)(1) of this section, or of a State or local offense that would have been an offense described in subsection (f)(1) of this section if a circumstance giving rise to Federal jurisdiction had existed;

''(B) the offense described in subparagraph (A) of this paragraph was committed while the person was on release pending trial for a Federal, State, or local offense; and

''(C) a period of not more than five years has elapsed since the date of conviction, or the release of the person from imprisonment, for the offense described in subparagraph (A) of this paragraph, whichever is later.

''(3) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community if the judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46, an offense under section 924(c), 956(a), or 2332b of this title, or an offense listed in section 2332b(g)(5)(B) of this title for which a maximum term of imprisonment of 10 years or more is prescribed, or an offense involving a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title.

''(4) Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person—

''(A) is an alien; and

''(B)(i) has no lawful immigration status in the United States;

''(ii) is the subject of a final order of removal; or

''(iii) has committed a felony offense under chapter 75 of this title.''.

(b) FACTORS TO BE CONSIDERED.—Section 3142(g)(3) of title 18, United States Code, is amended—

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

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

''(C) the person's immigration status; and''.

**SEC. 623. PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.**

(a) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for Federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the United States treaty obligations under Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).

(b) NO PRIVATE RIGHT OF ACTION.—The guidelines required by subsection (a), and any internal office procedures adopted pursuant thereto, are intended solely for the guidance of attorneys for the United States. This section, such guidelines, and the process for determining such guidelines are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter

**SEC. 624. DIPLOMATIC SECURITY SERVICE.**

Section 37(a)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)(1)) is amended to read as follows:

''(1) conduct investigations concerning—

''(A) illegal passport or visa issuance or use;

''(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State;

''(C) violations of chapter 77 of title 18, United States Code; and

''(D) Federal offenses committed within the special maritime and territorial jurisdiction defined in paragraph (9) of section 7 of title 18, United States Code;''.

**SEC. 625. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, PASSPORT, AND NATURALIZATION OFFENSES.**

(a) IN GENERAL.—Section 3291 of title 18, United States Code, is amended to read as follows:

**''§ 3291. Immigration, passport, and naturalization offenses**

''No person shall be prosecuted, tried, or punished for a violation of any section of

chapters 69 (relating to nationality and citizenship offenses) or 75 (relating to passport and visa offenses) of this title, or for an attempt or conspiracy to violate any such section, unless the indictment is returned or the information is filed within ten years after the commission of the offense.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by striking the item relating to section 3291 and inserting the following:

''3291. Immigration, passport, and naturalization offenses''.

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**SA 2438.** Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. SHARED BORDER MANAGEMENT.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the Department of Homeland Security's use of shared border management to secure the international borders of the United States.

(b) REPORT.—The Comptroller General shall submit a report to Congress that describes—

(1) any negotiations, plans, or designs conducted by officials of the Department of Homeland Security regarding the practice of shared border management; and

(2) the factors required to be in place for shared border management to be successful.

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**SA 2439.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. TRANSPORTATION FACILITY ACCESS CONTROL PROGRAMS.**

The Secretary of Homeland Security shall work with appropriate officials of Florida and of other States to resolve the differences between the Transportation Worker Identification Credential program administered by the Transportation Security Administration and existing State transportation facility access control programs.

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**SA 2440.** Mrs. MCCASKILL (for herself, Mr. OBAMA, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 20, before the period, insert the following: '': *Provided,* That the Inspector General shall investigate decisions made regarding, and the policy of the Federal Emergency Management Agency relating to, formaldehyde in trailers in the Gulf Coast region and make recommendations relating to that investigation, including recommendations on any disciplinary or other personnel actions and recommendations regarding any additional training necessary for employees in the Office of General Counsel of the Federal Emergency Management Agency to remedy institutionalized biases that affect disaster victims, the feasability of, and need for, developing a systematic process by which the Federal Emergency Management Agency collects, reports, and responds to occupants of housing supplied by the Federal Emergency Management Agency (including such housing supplied through a third party), and whether the Inspector General should review complaints received by the Federal Emergency Management Agency to facilitate early detection of problems and effective mitigation and responsiveness: *Provided further,* That the investigation under the previous proviso shall include any other decision where the Inspector General determines that the Office of General Counsel of the Federal Emergency Management Agency prioritized insulating the Federal Emergency Management Agency from possible legal liability over public safety''.

On page 35, line 15, before the period, insert the following: '': *Provided further,* That not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall update training practices for all customer service employees of the Federal Emergency Management Agency and establish an appropriate continuing education requirement for employees in the Office of General Counsel of the Federal Emergency Management Agency relating to addressing health concerns of disaster victims''.

On page 40, line 24, before the period, insert the following: '': *Provided further,* That not later than 15 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report detailing the actions taken as of that date, and any actions the Administrator will take, in response to the reports of possible health impacts due to formaldehyde exposure in certain trailers provided by the Federal Emergency Management Agency, which shall include a description of any disciplinary or other personnel actions taken in response to those possible health impacts and a detailed policy for responding to any reports of potential health hazards posed by any materials provided by the Federal Emergency Management Agency (including housing, food, water, or other materials): *Provided further,* That the Administrator shall provide for indoor air quality testing and root cause determination, (including such testing and determination relating to formaldehyde) of occupied and unoccupied trailers provided by the Federal Emergency Management Agency, which shall be reviewed or conducted by a third party with a proven record of scientifically based environmental and epidemiological testing: *Provided further,* That the Administrator shall work with the heads of other appropriate Federal departments and agencies (including components of the Department of Homeland Security), impacted States, and disaster victims to make available safe alternatives for living conditions based on the results of the testing and determinations under the previous proviso: *Provided further,* That the previous proviso shall not be construed to limit the authority of the Administrator to make accommodations for occupants requesting relocation assistance due to potential health hazards in that housing prior to receipt of such test results: *Provided further,* That the Administrator and the Administrator of General Services, in conjunction with the heads of other appropriate Federal departments and agencies, including components of the Department of Homeland Security, shall develop a policy for surplus trailers to mitigate the health impacts for potential occupants''.

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**SA 2441.** Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. Notwithstanding any other provision of law, the Administrator of the Transportation Security Administration shall continue to prohibit any butane lighters from being taken into an airport sterile area or onboard an aircraft until the Administrator provides to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report identifying all anticipated security benefits and any possible vulnerabilities associated with allowing butane lighters into airport sterile areas and onboard commercial aircraft, including supporting analysis justifying the conclusions reached. The Comptroller General of the United States shall report on its assessment of the report submitted by the Transportation Security Administration within 180 days of the date the report is submitted. The Administrator shall not take action to allow butane lighters into an airport sterile area or onboard commercial aircraft until at least 60 days after the Comptroller General submits the Comptroller General's assessment of the Transportation Security Administration report.

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**SA 2442.** Mr. COBURN (for himself, Mr. DEMINT, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a)(1)(A) None of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract awarded through a congressional initiative unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract awarded through a congressional initiative unless more than one bid is received for such contract.

(2) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures

to select the grantee or award recipient. Except as provided in paragraph (3), no such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3)(A) If the Secretary of Homeland Security does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the contract, grant, or cooperative agreement is essential to the mission of the Department of Homeland Security.

(b)(1) Not later than December 31, 2008, the Secretary of Homeland Security shall submit to Congress a report on congressional initiatives for which amounts were appropriated during fiscal year 2008.

(2) The report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) The report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Homeland Security.

(c) In this section:

(1) The term ''congressional initiative'' means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(A) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress; and

(B) the amount of the funds appropriated or otherwise made available for such project.

(2) The term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

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**SA 2443.** Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. IMPROVEMENTS TO THE EMPLOYMENT ELIGIBILITY VERIFICATION BASIC PILOT PROGRAM.**

(1) IN GENERAL.—The Secretary of Homeland Security shall improve the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) to—

(A) respond to inquiries made by participating employers through the Internet to help confirm an individual's identity and determine whether the individual is authorized to be employed in the United States;

(B) electronically confirm the issuance of an employment authorization or identity document to the individual who is seeking employment, and to display the photograph that the issuer placed on such document to allow an employer to verify employment authorization or identity by comparing the photograph displayed on the document presented by the individual to the photograph transmitted by the Department of Homeland Security;

(C) maximize the reliability and ease of use of the basic pilot program by employers, while insulating and protecting the privacy and security of the underlying information;

(D) respond accurately to all inquiries made by employers on whether individuals are authorized to be employed in the United States;

(E) maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

(F) allow for auditing the use of the system to detect fraud and identify theft, and to preserve the security of the information collected through the basic pilot program, including—

(i) the development and use of algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

(ii) the development and use of algorithms to detect misuse of the system by employers and employees;

(iii) the development of capabilities to detect anomalies in the use of the basic pilot program that may indicate potential fraud or misuse of the program; and

(iv) auditing documents and information submitted by potential employees to employers, including authority to conduct interviews with employers and employees.

(2) COORDINATION WITH STATE GOVERNMENTS.—If use of an employer verification system is mandated by State or local law, the Secretary of Homeland Security, in consultation with appropriate State and local officials, shall—

(A) ensure that State and local programs have sufficient access to the Federal Government's Employment Eligibility Verification System and ensure that such system has sufficient capacity to—

(i) register employers in States with employer verification requirements;

(ii) respond to inquiries by employers; and

(iii) enter into memoranda of understanding with States to ensure responses to clauses (i) and (ii); and

(B) permit State law enforcement authorities to access data maintained by the basic pilot program through a written or electronic inquiry to the Chief Privacy Officer of the Department of Homeland Security; and

(C) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the basic pilot program, including appropriate privacy and security training for State employees.

(3) RESPONSIBILITIES OF THE SOCIAL SECURITY ADMINISTRATION.—In order to prevent identity theft, protect employees, and reduce the burden on employers, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security, shall—

(A) review the Social Security Administration databases and information technology to identify any deficiencies and discrepancies related to name, birth date, citizenship status, or death records of the social security accounts and social security account holders that are likely to contribute to fraudulent use of documents, identity theft, or affect the proper functioning of the basic pilot program;

(B) work to correct any errors identified under subparagraph (A); and

(C) work to ensure that a system for identifying and promptly correcting such deficiencies and discrepancies is adopted to ensure the accuracy of the Social Security Administration's databases.

(4) RULEMAKING.—The Secretary is authorized, with notice to the public provided in the Federal Register, to issue regulations concerning operational and technical aspects of the basic pilot program and the efficiency, accuracy, and security of such program.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $60,000,000 for fiscal year 2008 for the expansion and base operations of the Employment Eligibility Verification Basic Pilot Program.

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**SA 2444.** Mr. GRASSLEY (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of the funds made available under this Act may be expended until the Secretary of Homeland Security certifies to Congress that all new hires by the Department of Homeland Security are verified through the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 537. None of the funds made available under this Act may be available to enter into a contract with a person, employer, or other entity that does not participate in the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

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**SA 2445.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table as follows:

At the end, add the following:

SEC. 536. (a) REPORT ON INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to Congress a report on the implementation and use of interagency operational centers for port security under section 70107A of title 46, United States Code.

(b) ELEMENTS.—The report required by subsection shall include the following:

(1) A detailed description of the progress made in transitioning Project Seahawk in Charleston, South Carolina, from the Department of Justice to the Coast Guard, including all projects and equipment associated with that project.

(2) A detailed description of that actions being taken to assure the integrity of Project Seahawk and ensure there is no loss in cooperation between the agencies specified in section 70107A(b)(3) of title 46, United State Code.

(3) A detailed description and explanation of any changes in Project Seahawk as of the date of the report, including any changes in Federal, State, or local staffing of that project.

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**SA 2446.** Mr. BIDEN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr.

BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 35, line 20, strike ''$3,030,500,000'' and insert ''$3,080,500,000''.

On page 36, line 22, strike ''$1,836,000,000'' and insert ''$1,886,000,000''.

On page 37, line 20, strike ''$400,000,000'' and insert ''$450,000,000''.

On page 37, line 24, insert '', of which $50,000,000 shall be available for Amtrak security upgrades, including infrastructure protection, securing tunnels and stations, hiring and training Amtrak police officers, deploying additional canine units, operating and capital costs associated with security awareness, preparedness, and response, and other activities that enhance the security of Amtrak infrastructure, employees, and passengers'' before the semicolon at the end.

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**SA 2447.** Mr. SCHUMER (for himself, Mr. LAUTENBERG, Mrs. CLINTON, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 49, line 22, strike the period at the end and all that follows through ''2010:'' on page 50, line 2, and insert the following: '', of which $10,000,000 shall be available to support the implementation of the Securing the Cities initiative at the level requested in the President's budget.

''SYSTEMS ACQUISITION

''For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $182,000,000, to remain available until September 30, 2010, of which $30,000,000 shall be available to support the implementation of the Securing the Cities initiative at the level requested in the President's budget:''.

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**SA 2448.** Mr. SCHUMER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

**SEC. 536. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS THROUGH THE RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.**

Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting ''1996, 1997,'' after ''available in fiscal year''; and

(B) by inserting ''group I,'' after ''schedule A,'';

(2) in paragraph (2)(A), by inserting ''1996, 1997, and'' after ''available in fiscal years''; and

(3) by adding at the end the following:

''(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.''.

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**SA 2449.** Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 39, line 21, insert '', of which not less than $75,000,000 shall be used for training, exercises, and technical assistance consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g))'' before the semicolon at the end.

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**SA 2450.** Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. CARPER, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. The Administrator of the United States Fire Administration may obligate and expend any unobligated funds made available in fiscal year 2006 to the United States Fire Administration to perform deferred annual maintenance at the National Emergency Training Center in Emmitsburg, Maryland.

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**SA 2451.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. __. GAO STUDY OF COST OF FENCING ON THE SOUTHERN BORDER.**

(a) INQUIRY AND REPORT REQUIRED.—The Comptroller of the United States shall conduct a study examining—

(1) the total amount of money that has been expended, as of June 20, 2007, to construct 90 miles of fencing on the southern border of the United States;

(2) the average cost per mile of the 90 miles of fencing on the southern border as of June 20, 2007;

(3) the average cost per mile of the 370 miles of fencing that the Department of Homeland Security is required to have completed on the southern border by December 31, 2008, which shall include $1,187,000,000 appropriated in fiscal year 2007 for ''border security fencing, technology, and infrastructure'' and the $1,000,000,000 appropriated under this Act under the heading ''Border Security Fencing, Infrastructure, and Technology'';

(4) the total cost and average cost per mile to construct the 700 linear miles (854 topographical miles) of fencing on the southern border required to be constructed under section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 3 of the Secure Fence Act of 2006 (Public Law 109–367);

(5) the total cost and average cost per mile to construct the fencing described in paragraph (4) if the double layer fencing requirement were eliminated; and

(6) the number of miles of single layer fencing, if fencing were not accompanied by additional technology and infrastructure such as cameras, sensors, and roads, which could be built with the $1,187,000,000 appropriated in fiscal year 2007 for ''border security fencing, technology, and infrastructure'' and the $1,000,000,000 appropriated under this Act under the heading ''Border Security Fencing, Infrastructure, and Technology''.

(b) SUBMISSION OF REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study conducted pursuant to subsection (a) to—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

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**SA 2452.** Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 26, strike ''$1,000,000,000, to remain available until expended: *Provided* ,'' and insert ''$2,480,800,000, to remain available until expended, of which $1,548,800,00 shall be designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress) and shall be used for the construction of topographic mile 371 through linear mile 700 of the miles of fence required by section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 3 of the Secure Fence Act of 2006; *Provided*,''.

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**SA 2453.** Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 26, strike ''$1,000,000,000, to remain available until expended: *Provided*,'' and insert ''$2,480,800,000, to remain available until expended: *Provided*, that not less than $1,548,800,000 shall be used for the construction of topographic mile 371 through linear mile 700 of the miles of fence required by section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 3 of the Secure Fence Act of 2006 (Public Law 109–367); *Provided further*,''.

At the appropriate place, insert the following:

**SEC. ____. OFFSETTING LANGUAGE.**

All discretionary amounts made available under this Act, other than the amounts appropriated under the subheadings related to funding of customs and border patrol salaries and expenses, immigration and customs enforcement salaries and expenses, United States Coast Guard salaries and expenses, United States Visitor and Immigrant Status Indicator Technology project, disaster relief,

flood map modernization fund, national flood insurance fund, national flood mitigation fund, national predisaster mitigation fund, emergency food and shelter, and Federal law enforcement training center salaries and expenses, shall be reduced on a pro rata basis by $1,548,800,000.

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**SA 2454.** Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 24, insert ''*Provided further*, That grants provided under paragraph (3) may be used for State and local expenses relating to the implementation of agreements between the Department of Homeland Security and State and local governments in accordance with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)).'' before the period at the end.

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**SA 2455.** Mr. SESSIONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

**SEC. 536. FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.**

(a) AUTHORITY.—Law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien who is unlawfully present or removable for the purpose of assisting in the enforcement of the immigration laws of the United States, including laws related to visa overstay, in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law. This State authority to detain or arrest shall not last longer than 72 hours unless the Secretary of Homeland Security requests that the State, or political subdivision of the State, continue to detain or arrest the alien to facilitate transfer to Federal custody. This State authority shall terminate if the State, or political subdivision of the State, is directed by the Secretary of Homeland Security to release the alien.

(b) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

**SEC. 537. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.**

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided under paragraph (3)(C), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice, and the head of the National Crime Information Center shall input into the National Crime Information Center Database, the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States or removable from the United States; or

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is lawfully admitted to enter or lawfully permitted to remain in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(A) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien.

(B) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under subparagraph (A), failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous.

(C) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in paragraph (1), the Secretary may not provide the information required under paragraph (1) until the procedures required under this paragraph have been developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

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

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and''.

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**SA 2456.** Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 12, strike ''$6,601,058,000;'' and insert ''$7,001,058,000, of which $400,000,000 shall remain available until expended or until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367) for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border;''.

On page 69, after line 24, add the following:

**SEC. 536. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.**

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367), the Governor of a State, upon the approval of the Secretary of Defense, shall order any units or personnel of the National Guard of such State—

(1) to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized under subsection (b), for the purpose of securing such border; and

(2) to perform duties under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized under this subsection are any of the following:

(1) Ground reconnaissance activities.

(2) Airborne reconnaissance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Administrative support services.

(6) Technical training services.

(7) Emergency medical assistance and services.

(8) Communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(12) Identification, interrogation, search, seizure, and detention of any alien entering or attempting to enter the United States in violation of any law or regulation regarding the admission, exclusion, expulsion, or removal of aliens, until the alien can be transferred into the custody of a border patrol agent or a customs and border protection officer.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty. Individual periods of training duty shall not be limited to 3 weeks per year.

(f) RULES OF ENGAGEMENT.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the rules of engagement to be followed by units and personnel of the National Guard

tasked with authorized activities described in subsection (b)(12). The rules of engagement for the National Guard shall be equivalent to the rules of engagement for Border Patrol agents.

(g) USE OF FORCE.—Nondeadly force may be used by National Guard members stationed at the southern border in the identification, interrogation, search, seizure, and detention of any alien in accordance with subsection (b)(12).

(h) DEFINITIONS.—In this section:

(1) GOVERNOR OF A STATE.—The term ''Governor of a State'' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) NONDEADLY FORCE.—The term ''nondeadly force'' means physical force or restraint that could not reasonably be expected to result in, or be capable of, causing death or serious bodily injury.

(3) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(4) STATE ALONG THE SOUTHERN BOARDER OF THE UNITED STATES.—The term ''State along the southern border of the United States'' means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

(i) DURATION OF AUTHORITY.—This section shall be effective until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367).

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**SA 2457.** Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 12, strike ''$6,601,058,000;'' and insert ''$7,001,058,000, of which $400,000,000 shall remain available until expended or until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367) for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border;''.

On page 69, after line 24, add the following:

**SEC. 536. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.**

(a) AUTHORITY TO PROVIDE ASSISTANCE.—Until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367), the Governor of a State, upon the approval of the Secretary of Defense, may order any units or personnel of the National Guard of such State—

(1) to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized under subsection (b), for the purpose of securing such border; and

(2) to perform duties under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized under this subsection are any of the following:

(1) Ground reconnaissance activities.

(2) Airborne reconnaissance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Administrative support services.

(6) Technical training services.

(7) Emergency medical assistance and services.

(8) Communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(12) Identification, interrogation, search, seizure, and detention of any alien entering or attempting to enter the United States in violation of any law or regulation regarding the admission, exclusion, expulsion, or removal of aliens, until the alien can be transferred into the custody of a border patrol agent or a customs and border protection officer.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty. Individual periods of training duty shall not be limited to 3 weeks per year.

(f) RULES OF ENGAGEMENT.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the rules of engagement to be followed by units and personnel of the National Guard tasked with authorized activities described in subsection (b)(12). The rules of engagement for the National Guard shall be equivalent to the rules of engagement for Border Patrol agents.

(g) USE OF FORCE.—Nondeadly force may be used by National Guard members stationed at the southern border in the identification, interrogation, search, seizure, and detention of any alien in accordance with subsection (b)(12).

(h) DEFINITIONS.—In this section:

(1) GOVERNOR OF A STATE.—The term ''Governor of a State'' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) NONDEADLY FORCE.—The term ''nondeadly force'' means physical force or restraint that could not reasonably be expected to result in, or be capable of, causing death or serious bodily injury.

(3) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(4) STATE ALONG THE SOUTHERN BOARDER OF THE UNITED STATES.—The term ''State along the southern border of the United States'' means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

(i) DURATION OF AUTHORITY.—This section shall be effective until operational control of the border is achieved in accordance with the Secure Fence Act of 2006 (Public Law 109–367).

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**SA 2458.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. CRIMINAL ALIEN PROGRAM PILOT PROJECT.**

(a) IN GENERAL.—The Secretary shall use funds appropriated for the Criminal Alien Program of United States Immigration and Customs Enforcement to implement a pilot project to evaluate technology that can—

(1) effectively analyze information on jail and prison populations; and

(2) automatically identify incarcerated illegal aliens in a timely manner before their release from detention.

(b) MINIMUM REQUIREMENTS.—The pilot project implemented under subsection (a) shall involve not fewer than 2 States and shall provide for the daily collection of data from not fewer than 15 jails or prisons.

(c) REPORT.—Not later than July 1, 2008, the Secretary shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that describes—

(1) the status of the pilot project implemented under subsection (a);

(2) the impact of the pilot project on illegal alien management; and

(3) the Secretary's plans to integrate the technology evaluated under the pilot project into future enforcement budgets and operating procedures.

**SEC. ___. INCARCERATION OF CRIMINAL ALIENS.**

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary shall continue to operate the Institutional Removal Program (referred to in this section as the ''Program'') or shall develop and implement another program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary may extend the scope of the Program to all States.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State may—

(1) hold an illegal alien for a period not to exceed 14 days after the completion of the alien's State prison sentence to effectuate the transfer of the alien to Federal custody if the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until authorized employees of United States Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the

maximum extent practicable to make the Program available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable to make these resources available to State and local law enforcement agencies in remote locations.

(d) REPORT TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress on the participation of States in the Program and in any other program authorized under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 for fiscal year 2008 to carry out the Institutional Removal Program.

**SEC. ___. STRENGTHENING DEFINITION OF CONVICTION.**

Section 101(a)(48) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(48)) is amended by adding at the end the following:

''(C) Any reversal, vacatur, expungement, or modification of a conviction, sentence, or conviction record that was granted to ameliorate the consequences of the conviction, sentence, or conviction record, or was granted for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt, shall have no effect on the immigration consequences resulting from the original conviction. The alien shall have the burden of demonstrating that any reversal, vacatur, expungement, or modification was not granted to ameliorate the consequences of the conviction, sentence, or conviction record, for rehabilitative purposes, or for failure to advise the alien of the immigration consequences of a guilty plea or a determination of guilt.''.

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**SA 2459.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. EXPANSION OF ZERO TOLERANCE POLICY TO PROSECUTE ALL ILLEGAL ALIENS WHO ILLEGALLY ENTER THE UNITED STATES ALONG THE SOUTHERN LAND BORDER IN THE TUCSON, ARIZONA OR SAN DIEGO, CALIFORNIA SECTOR.**

(a) IN GENERAL.—The Secretary of the Homeland Security shall work with the United States Attorney offices assigned to the judicial district located in the Tucson, Arizona and San Diego, California sectors along the southern land border of the United States to implement a zero tolerance policy of prosecuting all undocumented aliens attempting to enter the United States along the southern land border in violation of section 275 of the Immigration and Nationality Act (8 U.S.C. 1325). This policy was successfully implemented in the Del Rio, Texas sector in a program known as Operation Streamline.

(b) REQUIREMENT.—Until the zero tolerance program described in subsection (a) is fully implemented, the Secretary of Homeland Security shall refer all undocumented aliens who are apprehended while attempting to enter the United States in the Tucson, Arizona or San Diego, California sector along the southern land border in violation of section 275 of such Act to the United States Attorneys offices assigned to the judicial district located in such sectors. Such offices shall provide a formal acceptance or declination for prosecution of such undocumented aliens.

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**SA 2460.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. GAO STUDY OF EFFECT OF AFFIDAVIT OF SUPPORT ON MEANS-TESTED PUBLIC BENEFITS.**

(a) INQUIRY AND REPORT REQUIRED.—The Comptroller General of the United States shall conduct a study examining—

(1) the number of immigrants with a sponsor who submitted an Affidavit of Support (I–864) on the immigrant's behalf to the Department of Homeland Security or the former Immigration and Naturalization Service;

(2) the number of immigrants described in paragraph (1) who received Federal means-tested public benefits (except those public benefits specified in section 403(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c))) when the sponsor was obligated to support the immigrant and the total dollar value of such benefits;

(3) the number of immigrants described in paragraph (1) who received State means-tested public benefits (except those public benefits specified in such section 403(c)) when the sponsor was obligated to support the immigrant and the total dollar value of such benefits;

(4) the number of immigrants described in paragraph (1) who received local means-tested public benefits (except those public benefits specified in such section 403(c)) when the sponsor was obligated to support the immigrant and the total dollar value of such benefits;

(5) the efforts taken by Federal, State, and local agencies that provided means-tested public benefits described in paragraph (2), (3), or (4) to immigrants to determine whether such immigrants were covered by a sponsor's obligation as contracted in an Affidavit of Support; and

(6) the efforts taken by the Federal, State, and local agencies described in paragraph (5) to obtain repayment from the sponsors who were obligated to reimburse such agencies for the benefits described in paragraph (2), (3), or (4) received by sponsored immigrants.

(b) SUBMISSION OF REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report containing the results of the study conducted pursuant to subsection (a) to—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

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**SA 2461.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 2, line 11, strike ''$100,000,000'' and insert ''$94,000,000''.

On page 18, line 2, strike ''$5,039,559,000'' and insert ''$5,045,559,000''.

On page 18, line 10, strike ''$964,445,000'' and insert ''$970,445,000''.

On page 18, line 20, strike ''$2,329,334,000'' and insert ''$2,335,344,000''.

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**SA 2462.** Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 16, line 1, strike ''may'' and insert ''shall''.

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**SA 2463.** Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ———. TSA ACQUISITION MANAGEMENT POLICY.**

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

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**SA 2464.** Mr. OBAMA submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 25, insert after ''in advance'' the following: '', and the Secretary posts on the Department's website whether the grant or contract recipient has been the subject of any civil, criminal, or administrative proceedings initiated or concluded by the Federal Government or any State government during the most recent five-year period''.

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**SA 2465.** Mr. DODD (for himself, Ms. COLLINS, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. (a) The amount appropriated by title III for necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 under the heading ''FIREFIGHTER ASSISTANCE GRANTS'' is hereby

increased by $5,000,000 for necessary expenses to carry out the programs authorized under section 34 of that Act (15 U.S.C. 2229a).

(b) The amount appropriated by title III under the heading ''INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY'' is hereby reduced by $2,000,000.

(c) The amount appropriated by title I under the heading ''ANALYSIS AND OPERATIONS'' is hereby reduced by $3,000,000.

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**SA 2466.** Mrs. HUTCHISON (for herself, Mr. BINGAMAN, Mr. DOMENICI, Mrs. FEINSTEIN, Mr. CORNYN, and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. IMPROVEMENT OF BARRIERS AT BORDER.**

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking ''Attorney General, in consultation with the Commissioner of Immigration and Naturalization,'' and inserting ''Secretary of Homeland Security''; and

(2) in subsection (b)—

(A) in the subsection heading, by striking ''IN THE BORDER AREA'' and inserting ''ALONG THE BORDER'';

(B) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(C) in paragraph (2), as redesignated—

(i) in the paragraph heading, by striking ''SECURITY FEATURES'' and inserting ''ADDITIONAL FENCING ALONG SOUTHWEST BORDER''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

''(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

''(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

''(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

''(C) CONSULTATION.—

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

''(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

''(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

''(II) affect the eminent domain laws of the United States or of any State.

''(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.''; and

(D) in paragraph (5), as redesignated, by striking ''to carry out this subsection not to exceed $12,000,000'' and inserting ''such sums as may be necessary to carry out this subsection''.

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**SA 2467.** Mr. COBURN (for himself and Mr. OBAMA) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

**SEC. 536. DATA RELATING TO DECLARATIONS OF A MAJOR DISASTER.**

(a) IN GENERAL.—Notwithstanding any other provision of law, except as provided in subsection (b), and not later than 30 days after the date that the President determines whether to declare a major disaster because of an event, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall include all data used to determine whether—

(1) to declare a major disaster; or

(2) a State will be eligible for assistance under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.).

(b) EXCEPTION.—The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

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**SA 2468.** Ms. LANDRIEU proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end, add the following:

SEC. 536. (a) POLICY OF THE UNITED STATES.—It shall be the policy of the United States Government that the foremost objective of the United States in the Global War on Terror and in protecting the United States Homeland is to capture or kill Osama bin Laden, Ayman al-Zawahiri, and other members of al Qaeda and to destroy the al Qaeda network.

(b) FUNDING.—

(1) ADDITIONAL AMOUNT FOR COUNTERTERRORIST OPERATIONS.—There is hereby appropriated for the Central Intelligence Agency, $25,000,000.

(2) EMERGENCY REQUIREMEN6T.—The amount appropriated by paragraph (1) is hereby designated as an emergency requirement pursuant to section 204 of S.Con.Res.21 (110th Congress).

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**SA 2469.** Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, between lines 6 and 7, insert the following:

(d) Notwithstanding section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c), projects relating to Hurricanes Katrina and Rita for which the non-Federal share of assistance under that section is funded by amounts appropriated to the Community Development Fund under chapter 9 of title I of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2779) or chapter 9 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 472) shall not be subject to any precertification requirements.

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**SA 2470.** Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 7, insert after ''operations;'' the following: of which $20,000,000 shall be utilized to develop and implement a Model Ports of Entry program at the 20 United States international airports with the greatest average annual number of arriving foreign visitors to provide a more efficient and welcoming international arrival process in order to facilitate and promote business and leisure travel to the United States, while also improving security;''

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**SA 2471.** Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 7, insert after ''operations;'' the following: ''of which such sums shall hire and deploy 200 additional CBP officers at domestic airports receiving significant numbers of international passengers to alleviate wait times at such airports;''

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**SA 2472.** Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr.

BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of funds made available in this or any other Act for fiscal year 2008 may be used to enforce section 4025(1) of Public Law 108–458 until the Assistant Secretary (Transportation Security Administration) submits to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report identifying all anticipated security benefits and any possible vulnerabilities associated with allowing butane lighters into airport sterile areas and onboard commercial aircraft, including analysis in support of the conclusions reached. The Comptroller General of the United States shall report on the Comptroller General's assessment of the report submitted by the Transportation Security Administration to the Committees within 180 days of its submission. The Assistant Secretary (Transportation Security Administration) shall not take any action to allow butane lighters into airport sterile areas or onboard commercial aircraft until at least 60 days after the Comptroller General submits the Comptroller General's assessment of the Transportation Security Administration report.

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**SA 2473.** Mr. OBAMA (for himself, Mr. COBURN, and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $2 million or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee owes no past due Federal tax liability or that the contractor or grantee has entered into an installment agreement or other plan approved by the Internal Revenue Service to repay any outstanding past due Federal tax liability. For purposes of the preceding sentence, the certification requirement of part 52.209-5 of the Federal Acquisition Regulation shall also include a requirement for a certification by a prospective contractor of whether, within the three-year period preceding the offer for the contract, the prospective contractor—

(1) has or has not been convicted of or had a civil judgment or other judicial determination rendered against the contractor for violating any tax law or failing to pay any tax;

(2) has or has not been notified of any delinquent taxes for which the liability remains unsatisfied; or

(3) has or has not received a notice of a tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

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**SA 2474.** Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. SCHUMER, Mr. LAUTENBERG, Mr. AKAKA, Mr. LIEBERMAN, Mr. KERRY, Ms. COLLINS, Ms. MIKULSKI, Mr. CARDIN, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 6, before the period, insert the following: ": *Provided further*, the Secretary of Homeland Security shall ensure that the workforce of the Federal Protective Service includes not fewer than 1,200 Commanders, Police Officers, Inspectors, and Special Agents engaged on a daily basis in protecting Federal buildings (under this heading referred to as 'in-service'): *Provided further*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall adjust fees as necessary to ensure full funding of not fewer than 1,200 in-service Commanders, Police Officers, Inspectors, and Special Agents at the Federal Protective Service".

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**SA 2475.** Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 7, insert after "operations;" the following: "of which $20,000,000 shall be utilized to develop and implement a Model Ports of Entry program at the 20 United States international airports that have the highest number of foreign visitors arriving annually as determined pursuant to the most recent data collected by the United States Customs and Border Protection available on the date of enactment of this Act, to provide a more efficient and welcoming international arrival process in order to facilitate and promote business and leisure travel to the United States, while also improving security;"

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**SA 2476.** Mr. COCHRAN (for Mr. GRASSLEY) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

**SEC. 536. CHEMICAL FACILITY ANTITERRORISM STANDARDS.**

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds in this Act may be used to enforce the interim final regulations relating to stored quantities of propane issued under section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note), including the regulations relating to stored quantities of propane in an amount more than 7,500 pounds under Appendix A to part 27 of title 6, Code of Federal Regulations, until the Secretary of Homeland Security amends such regulations to provide an exemption for agricultural producers, rural homesteads, and small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)) that store propane in an amount more than 7,500 pounds and not more than 100,800 pounds.

(b) EXCEPTIONS.—

(1) IMMEDIATE OR IMMINENT THREAT.—Subsection (a) shall not apply if the Secretary of Homeland Security submits a report to Congress outlining an immediate or imminent threat against such stored quantities of propane in rural locations.

(2) QUANTITY.—Subsection (a) shall not apply to any action by the Secretary of Homeland Security to enforce the interim final regulations described in that subsection relating to stored quantities of propane, if the stored quantity of propane is more than 100,800 pounds.

(c) RULE OF CONSTRUCTION.—Except with respect to stored quantities of propane, nothing in this section may be construed to limit the application of the interim final regulations issued under section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note).

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## NOTICES OF HEARINGS

### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform the Members that the Committee on Small Business and Entrepreneurship will hold a staff-led public roundtable entitled "Reauthorization of the Small Business Innovation Research Programs: National Academies' Findings and Recommendations," on August 1, 2007, at 10 a.m. in room 428A of the Russell Senate Office Building.

### SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on August 1, 2007, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1054 and H.R. 122, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project; S. 1472, to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration; S. 1475 and H.R. 1526, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, and for other purposes; H.R. 30, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act

to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; H.R. 609, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes; and H.R. 1175, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to: Gina Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224–5479 or Gina Weinstock at (202) 224–5684.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, July 25, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The purpose of this hearing is to explore the U.S.-China trading relationship, with analysis of the current status of trade between the two nations and the impact of U.S.-China trade on U.S. manufacturers, consumers, and workers.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a business meeting during the session of the Senate on Wednesday, July 25, at 11:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building in order to hear testimony regarding the nominations of Dr. Tevi David Troy to be Deputy Secretary of Health and Human Services, Department of Health and Human Services; The Honorable David H. McCormick to be Under Secretary for International Affairs, U.S. Department of the Treasury; Mr. Kerry N. Weems to be Administrator of the Centers for Medicare and Medicaid Services; Mr. Peter B. McCarthy to be Assistant Secretary for Management and Chief Financial Officer, U.S. Department of the Treasury; and Mr. Charles E.F. Millard to be Director of the Pension Benefit Guaranty Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, at 9:30 a.m., to hold a hearing on the Peace Corps.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, at 2:30 p.m. to hold a hearing on Pakistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, July 25, 2007 at 10 a.m. in SD–106 and on Thursday, July 26, 2007, at 10 a.m. in SR–325. We will be considering the following:

1. S. 625, Family Smoking Prevention and Tobacco Control Act
2. S. 1183, Christopher and Dana Reeve Paralysis Act
3. S. 579, Breast Cancer and Environmental Research Act of 2007
4. S. 898, Alzheimer's Breakthrough Act of 2007
5. S. ____, Newborn Screening Saves Lives Act of 2007
6. The Following Nominations: Diane Auer Jones, of Maryland, to be Assistant Secretary for Postsecondary Education, Department of Education;

David C. Geary, of Missouri, to be a Member of the Board of Directors of the National Board for Education Sciences; and

Miguel Campaneria, of Puerto Rico, to be a Member of the National Council on the Arts.

Any nominations cleared for action.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, July 25, 2007, at 10 a.m. to consider the nomination of Dennis R. Schrader to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, U.S. Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, at 10 a.m., in order to conduct a hearing to receive testimony on S. 1487, the Ballot Integrity Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a hearing entitled ''Oversight: Gulf Coast Disaster Loans and the Future of the Disaster Assistance Program,'' on Wednesday, July 25, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, in order to conduct a hearing on VA health care funding. The hearing will begin at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### JOINT ECONOMIC COMMITTEE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing entitled, ''A Local Look at the National Foreclosure Crisis: Cleveland Families, Neighborhoods, Economy Under Siege from the Subprime Mortgage Fallout'', in room 216 of the Hart Senate Office Building, Wednesday, July 25, 2007, from 9:30 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet on Wednesday, July 25, 2007, at 3 p.m. in order to conduct a hearing entitled ''The Road Ahead II: Views from the Postal Workforce on Implementing Postal Reform,''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND AND ENVIRONMENTAL HEALTH

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Superfund and Environmental Health be authorized to meet during the session of the Senate on Wednesday, July 25, 2007, at 2 p.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, ''Oversight of EPA's Environmental Justice Programs.''

The PRESIDING OFFICER. Without objection, it is so ordered.

## HIGHER EDUCATION AMENDMENTS OF 2007

On Tuesday, July 24, 2007, the Senate passed S. 1642, as follows:

S. 1642

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Higher Education Amendments of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:


Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. General effective date.

TITLE I—GENERAL PROVISIONS

Sec. 101. Additional definitions.
Sec. 102. General definition of institution of higher education.
Sec. 103. Definition of institution of higher education for purposes of title IV programs.
Sec. 104. Protection of student speech and association rights.
Sec. 105. Accreditation and Institutional Quality and Integrity Advisory Committee.
Sec. 106. Drug and alcohol abuse prevention.
Sec. 107. Prior rights and obligations.
Sec. 108. Transparency in college tuition for consumers.
Sec. 109. Databases of student information prohibited.
Sec. 110. Clear and easy-to-find information on student financial aid.
Sec. 110A. State higher education information system pilot program.
Sec. 111. Performance-based organization for the delivery of Federal student financial assistance.
Sec. 112. Procurement flexibility.
Sec. 113. Institution and lender reporting and disclosure requirements.
Sec. 114. Employment of postsecondary education graduates.
Sec. 115. Foreign medical schools.
Sec. 116. Demonstration and certification regarding the use of certain Federal funds.

TITLE II—TEACHER QUALITY ENHANCEMENT

Sec. 201. Teacher quality partnership grants.
Sec. 202. General provisions.

TITLE III—INSTITUTIONAL AID

Sec. 301. Program purpose.
Sec. 302. Definitions; eligibility.
Sec. 303. American Indian tribally controlled colleges and universities.
Sec. 304. Alaska Native and Native Hawaiian-serving institutions.
Sec. 305. Native American-serving, nontribal institutions.
Sec. 306. Part B definitions.
Sec. 307. Grants to institutions.
Sec. 308. Allotments to institutions.
Sec. 309. Professional or graduate institutions.
Sec. 310. Authority of the Secretary.
Sec. 311. Authorization of appropriations.
Sec. 312. Technical corrections.

TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

Sec. 401. Federal Pell Grants.
Sec. 402. Academic competitiveness grants.
Sec. 403. Federal Trio Programs.
Sec. 404. Gaining early awareness and readiness for undergraduate programs.
Sec. 405. Academic achievement incentive scholarships.
Sec. 406. Federal supplemental educational opportunity grants.
Sec. 407. Leveraging Educational Assistance Partnership program.
Sec. 408. Special programs for students whose families are engaged in migrant and seasonal farmwork.
Sec. 409. Robert C. Byrd Honors Scholarship Program.
Sec. 410. Child care access means parents in school.
Sec. 411. Learning anytime anywhere partnerships.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

Sec. 421. Federal payments to reduce student interest costs.
Sec. 422. Federal Consolidation Loans.
Sec. 423. Default reduction program.
Sec. 424. Reports to consumer reporting agencies and institutions of higher education.
Sec. 425. Common forms and formats.
Sec. 426. Student loan information by eligible lenders.
Sec. 427. Consumer education information.
Sec. 428. Definition of eligible lender.
Sec. 429. Discharge and cancellation rights in cases of disability.

PART C—FEDERAL WORK-STUDY PROGRAMS

Sec. 441. Authorization of appropriations.
Sec. 442. Allowance for books and supplies.
Sec. 443. Grants for Federal work-study programs.
Sec. 444. Job location and development programs.
Sec. 445. Work colleges.

PART D—FEDERAL PERKINS LOANS

Sec. 451. Program authority.
Sec. 451A. Allowance for books and supplies.
Sec. 451B. Perkins loan forbearance.
Sec. 452. Cancellation of loans for certain public service.

PART E—NEED ANALYSIS

Sec. 461. Cost of attendance.
Sec. 462. Definitions.

PART F—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

Sec. 471. Definitions.
Sec. 472. Compliance calendar.
Sec. 473. Forms and regulations.
Sec. 474. Student eligibility.
Sec. 475. Statute of limitations and State court judgments.
Sec. 476. Institutional refunds.
Sec. 477. Institutional and financial assistance information for students.
Sec. 478. Entrance counseling required.
Sec. 479. National Student Loan Data System.
Sec. 480. Early awareness of financial aid eligibility.
Sec. 481. Program participation agreements.
Sec. 482. Regulatory relief and improvement.
Sec. 483. Transfer of allotments.
Sec. 484. Purpose of administrative payments.
Sec. 485. Advisory Committee on student financial assistance.
Sec. 486. Regional meetings.
Sec. 487. Year 2000 requirements at the Department.

PART G—PROGRAM INTEGRITY

Sec. 491. Recognition of accrediting agency or association.
Sec. 492. Administrative capacity standard.
Sec. 493. Program review and data.
Sec. 494. Timely information about loans.
Sec. 495. Auction evaluation and report.

TITLE V—DEVELOPING INSTITUTIONS

Sec. 501. Authorized activities.
Sec. 502. Postbaccalaureate opportunities for Hispanic Americans.
Sec. 503. Applications.
Sec. 504. Cooperative arrangements.
Sec. 505. Authorization of appropriations.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

Sec. 601. Findings.
Sec. 602. Graduate and undergraduate language and area centers and programs.
Sec. 603. Undergraduate international studies and foreign language programs.
Sec. 604. Research; studies.
Sec. 605. Technological innovation and cooperation for foreign information access.
Sec. 606. Selection of certain grant recipients.
Sec. 607. American overseas research centers.
Sec. 608. Authorization of appropriations for international and foreign language studies.
Sec. 609. Centers for international business education.
Sec. 610. Education and training programs.
Sec. 611. Authorization of appropriations for business and international education programs.
Sec. 612. Minority foreign service professional development program.
Sec. 613. Institutional development.
Sec. 614. Study abroad program.
Sec. 615. Advanced degree in international relations.
Sec. 616. Internships.
Sec. 617. Financial assistance.
Sec. 618. Report.
Sec. 619. Gifts and donations.
Sec. 620. Authorization of appropriations for the Institute for International Public Policy.
Sec. 621. Definitions.
Sec. 622. Assessment and enforcement.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

Sec. 701. Purpose.
Sec. 702. Allocation of Jacob K. Javits Fellowships.
Sec. 703. Stipends.
Sec. 704. Authorization of appropriations for the Jacob K. Javits Fellowship Program.
Sec. 705. Institutional eligibility under the Graduate Assistance in Areas of National Need Program.
Sec. 706. Awards to graduate students.
Sec. 707. Additional assistance for cost of education.
Sec. 708. Authorization of appropriations for the Graduate Assistance in Areas of National Need Program.
Sec. 709. Legal educational opportunity program.
Sec. 710. Fund for the improvement of postsecondary education.

Sec. 711. Special projects.
Sec. 712. Authorization of appropriations for the fund for the improvement of postsecondary education.
Sec. 713. Repeal of the urban community service program.
Sec. 714. Grants for students with disabilities.
Sec. 715. Applications for demonstration projects to ensure students with disabilities receive a quality higher education.
Sec. 716. Authorization of appropriations for demonstration projects to ensure students with disabilities receive a quality higher education.
Sec. 717. Research grants.

TITLE VIII—MISCELLANEOUS

Sec. 801. Miscellaneous.
Sec. 802. Additional programs.
Sec. 803. Student loan clearinghouse.
Sec. 804. Minority serving institutions for advanced technology and education.

TITLE IX—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

Sec. 901. Laurent Clerc National Deaf Education Center.
Sec. 902. Agreement with Gallaudet University.
Sec. 903. Agreement for the National Technical Institute for the Deaf.
Sec. 904. Cultural experiences grants.
Sec. 905. Audit.
Sec. 906. Reports.
Sec. 907. Monitoring, evaluation, and reporting.
Sec. 908. Liaison for educational programs.
Sec. 909. Federal endowment programs for Gallaudet University and the National Technical Institute for the Deaf.
Sec. 910. Oversight and effect of agreements.
Sec. 911. International students.
Sec. 912. Research priorities.
Sec. 913. Authorization of appropriations.

PART B—UNITED STATES INSTITUTE OF PEACE ACT

Sec. 921. United States Institute of Peace Act.

PART C—THE HIGHER EDUCATION AMENDMENTS OF 1998

Sec. 931. Repeals.
Sec. 932. Grants to States for workplace and community transition training for incarcerated youth offenders.
Sec. 933. Underground railroad educational and cultural program.
Sec. 934. Olympic scholarships under the Higher Education Amendments of 1992.

PART D—INDIAN EDUCATION

SUBPART 1—TRIBAL COLLEGES AND UNIVERSITIES

Sec. 941. Reauthorization of the Tribally Controlled College or University Assistance Act of 1978.

SUBPART 2—NAVAJO HIGHER EDUCATION

Sec. 945. Short title.
Sec. 946. Reauthorization of Navajo Community College Act.

PART E—OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Sec. 951. Short title.
Sec. 952. Loan repayment for prosecutors and defenders.

**SEC. 2. REFERENCES.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

**SEC. 3. GENERAL EFFECTIVE DATE.**

Except as otherwise provided in this Act or the amendments made by this Act, the amendments made by this Act shall take effect on the date of enactment of this Act.

**TITLE I—GENERAL PROVISIONS**

**SEC. 101. ADDITIONAL DEFINITIONS.**

(a) AMENDMENT.—Section 103 (20 U.S.C. 1003) is amended—

(1) by redesignating paragraphs (9) through (16) as paragraphs (13) through (20); respectively;

(2) by redesignating paragraphs (4) through (8) as paragraphs (7) through (11), respectively;

(3) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(4) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

''(1) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.'';

(5) by inserting after paragraph (2) (as redesignated by paragraph (3)) the following:

''(3) CRITICAL FOREIGN LANGUAGE.—The term 'critical foreign language' means each of the languages contained in the list of critical languages designated by the Secretary in the Federal Register on August 2, 1985 (50 Fed. Reg. 149, 31412; promulgated under the authority of section 212(d) of the Education for Economic Security Act (repealed by section 2303 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988)), except that in the implementation of this definition with respect to a specific title, the Secretary may set priorities according to the purposes of such title and the national security, economic competitiveness, and educational needs of the United States.'';

(6) by inserting after paragraph (5) (as redesignated by paragraph (3)) the following:

''(6) DISTANCE EDUCATION.—

''(A) IN GENERAL.—Except as otherwise provided, the term 'distance education' means education that uses 1 or more of the technologies described in subparagraph (B)—

''(i) to deliver instruction to students who are separated from the instructor; and

''(ii) to support regular and substantive interaction between the students and the instructor, synchronously or asynchronously.

''(B) INCLUSIONS.—For the purposes of subparagraph (A), the technologies used may include—

''(i) the Internet;

''(ii) one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;

''(iii) audio conferencing; or

''(iv) video cassette, DVDs, and CD–ROMs, if the cassette, DVDs, and CD–ROMs are used in a course in conjunction with the technologies listed in clauses (i) through (iii).''; and

(7) by inserting after paragraph (11) (as redesignated by paragraph (2)) the following:

''(12) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.''.

(b) CONFORMING AMENDMENTS.—The Act (20 U.S.C. 1001 et seq.) is amended—

(1) in section 131(a)(3)(B) (20 U.S.C. 1015(a)(3)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(2) in section 141(d)(4)(B) (20 U.S.C. 1018(d)(4)(B)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(3) in section 401(f)(3) (20 U.S.C. 1070a(f)(3)), by striking ''to the Committee on Appropriations'' and all that follows through ''House of Representatives'' and inserting ''to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the authorizing committees'';

(4) in section 428 (20 U.S.C. 1078)—

(A) in subsection (c)(9)(K), by striking ''House Committee on Education and the Workforce and the Senate Committee on Labor and Human Resources'' and inserting ''authorizing committees'';

(B) in the matter following paragraph (2) of subsection (g), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(C) in subsection (n)(4), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(5) in section 428A(c) (20 U.S.C. 1078–1(c))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(B) in paragraph (3), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees''; and

(C) in paragraph (5), by striking ''Chairperson'' and all that follows through ''House of Representatives'' and inserting ''members of the authorizing committees'';

(6) in section 432 (20 U.S.C. 1082)—

(A) in subsection (f)(1)(C), by striking ''the Committee on Education and the Workforce of the House of Representatives or the Committee on Labor and Human Resources of the Senate'' and inserting ''either of the authorizing committees''; and

(B) in the matter following subparagraph (D) of subsection (n)(3), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(7) in section 437(c)(1) (20 U.S.C. 1087(c)(1)), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(8) in section 439 (20 U.S.C. 1087–2)—

(A) in subsection (d)(1)(E)(iii), by striking ''advise the Chairman'' and all that follows through ''House of Representatives'' and inserting ''advise the members of the authorizing committees'';

(B) in subsection (r)—

(i) in paragraph (3), by striking ''inform the Chairman'' and all that follows through ''House of Representatives,'' and inserting ''inform the members of the authorizing committees'';

(ii) in paragraph (5)(B), by striking ''plan, to the Chairman'' and all that follows through ''Education and Labor'' and inserting ''plan, to the members of the authorizing committees'';

(iii) in paragraph (6)(B)—

(I) by striking ''plan, to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''plan, to the members of the authorizing committees''; and

(II) by striking ''Chairmen and ranking minority members of such Committees'' and inserting ''members of the authorizing committees'';

(iv) in paragraph (8)(C), by striking ''implemented to the Chairman'' and all that follows through ''House of Representatives, and'' and inserting ''implemented to the members of the authorizing committees, and to''; and

(v) in the matter preceding subparagraph (A) of paragraph (10), by striking ''days to the Chairman'' and all that follows through ''Education and Labor'' and inserting ''days to the members of the authorizing committees''; and

(C) in subsection (s)(2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees''; and

(ii) in subparagraph (B), by striking ''Treasury and to the Chairman'' and all that follows through ''House of Representatives'' and inserting ''Treasury and to the members of the authorizing committees'';

(9) in section 455(b)(8)(B) (20 U.S.C. 1087e(b)(8)(B)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(10) in section 482(d) (20 U.S.C. 1089(d)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives'' and inserting ''authorizing committees'';

(11) in section 483(c) (20 U.S.C. 1090(c)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(12) in section 485 (20 U.S.C. 1092)—

(A) in subsection (f)(5)(A), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees''; and

(B) in subsection (g)(4)(B), by striking ''Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate'' and inserting ''authorizing committees'';

(13) in section 486 (20 U.S.C. 1093)—

(A) in subsection (e), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in subsection (f)(3)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(ii) in the matter preceding clause (i) of subparagraph (B), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees'';

(14) in section 487A(a)(5) (20 U.S.C. 1094a(a)(5)), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(15) in section 498B(d) (20 U.S.C. 1099c–2(d))—

(A) in paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''; and

(B) in paragraph (2), by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''authorizing committees''.

**SEC. 102. GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.**

Section 101 (20 U.S.C. 1001) is amended—

(1) in subsection (a)(3), by inserting '', or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to the review and approval by the Secretary'' after ''such a degree''; and

(2) by striking subsection (b)(2) and inserting the following:

''(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''.

**SEC. 103. DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.**

Section 102 (20 U.S.C. 1002) is amended—

(1) by striking subclause (II) of subsection (a)(2)(A)(i) and inserting the following:

''(II) the institution has or had a clinical training program that was approved by a State as of January 1, 1992, and has continuously operated a clinical training program in not less than 1 State that is approved by such State;'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (D), by inserting ''and'' after the semicolon;

(ii) in subparagraph (E), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (F); and

(B) by striking paragraph (2) and inserting the following:

''(2) ADDITIONAL INSTITUTIONS.—The term 'proprietary institution of higher education' also includes a proprietary educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''; and

(3) by striking subsection (c)(2) and inserting the following:

''(2) ADDITIONAL INSTITUTIONS.—The term 'postsecondary vocational institution' also includes an educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students persons—

''(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

''(B) who will be dually or concurrently enrolled in the institution and a secondary school.''.

**SEC. 104. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.**

Section 112 (20 U.S.C. 1011a) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' before ''It is the sense''; and

(B) by adding at the end the following:

''(2) It is the sense of Congress that—

''(A) the diversity of institutions and educational missions is one of the key strengths of American higher education;

''(B) individual colleges and universities have different missions and each institution should design its academic program in accordance with its educational goals;

''(C) a college should facilitate the free and open exchange of ideas;

''(D) students should not be intimidated, harassed, discouraged from speaking out, or discriminated against;

''(E) students should be treated equally and fairly; and

''(F) nothing in this paragraph shall be construed to modify, change, or infringe upon any constitutionally protected religious liberty, freedom, expression, or association.''; and

(2) in subsection (b)(1), by inserting '', provided that the imposition of such sanction is done objectively and fairly'' after ''higher education''.

**SEC. 105. ACCREDITATION AND INSTITUTIONAL QUALITY AND INTEGRITY ADVISORY COMMITTEE.**

(a) IN GENERAL.—Section 114 (20 U.S.C. 1011c) is amended to read as follows:

**''SEC. 114. ACCREDITATION AND INSTITUTIONAL QUALITY AND INTEGRITY COMMITTEE.**

''(a) ESTABLISHMENT.—There is established in the Department an Accreditation and Institutional Quality and Integrity Advisory Committee (in this section referred to as the 'Committee') to assess the process of accreditation and the institutional eligibility and certification of such institutions under title IV.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall have 15 members, of which—

''(A) 5 members shall be appointed by the Secretary;

''(B) 5 members shall be appointed by the Speaker of the House of Representatives upon the recommendation of the majority leader and minority leader of the House of Representatives; and

''(C) 5 members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and minority leader of the Senate.

''(2) QUALIFICATIONS.—Individuals shall be appointed as members of the Committee on—

''(A) the basis of the individuals' experience, integrity, impartiality, and good judgment;

''(B) from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representatives of all sectors and types of institutions of higher education (as defined in section 102); and

''(C) on the basis of the individuals' technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.

''(3) TERMS OF MEMBERS.—The term of office of each member of the Committee shall be for 6 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

''(4) VACANCY.—A vacancy on the Committee shall be filled in the same manner as the original appointment was made not later than 90 days after the vacancy occurred. If a vacancy occurs in a position to be filled by the Secretary, the Secretary shall publish a

Federal Register notice soliciting nominations for the position not later than 30 days after being notified of the vacancy.

''(5) INITIAL TERMS.—The terms of office for the initial members of the Committee shall be—

''(A) 2 years for members appointed under paragraph (1)(A);

''(B) 4 years for members appointed under paragraph (1)(B); and

''(C) 6 years for members appointed under paragraph (1)(C).

''(6) CHAIRPERSON.—The members of the Committee shall select a chairperson from among the members.

''(c) FUNCTIONS.—The Committee shall—

''(1) advise the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part H of title IV;

''(2) advise the Secretary with respect to the recognition of a specific accrediting agency or association;

''(3) advise the Secretary with respect to the preparation and publication of the list of nationally recognized accrediting agencies and associations;

''(4) advise the Secretary with respect to the eligibility and certification process for institutions of higher education under title IV, together with recommendations for improvements in such process;

''(5) advise the Secretary with respect to the relationship between—

''(A) accreditation of institutions of higher education and the certification and eligibility of such institutions; and

''(B) State licensing responsibilities with respect to such institutions; and

''(6) carry out such other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe in regulation.

''(d) MEETING PROCEDURES.—

''(1) SCHEDULE.—

''(A) BIANNUAL MEETINGS.—The Committee shall meet not less often than twice each year, at the call of the Chairperson.

''(B) PUBLICATION OF DATE.—The Committee shall submit the date and location of each meeting in advance to the Secretary, and the Secretary shall publish such information in the Federal Register not later than 30 days before the meeting.

''(2) AGENDA.—

''(A) ESTABLISHMENT.—The agenda for a meeting of the Committee shall be established by the Chairperson and shall be submitted to the members of the Committee upon notification of the meeting.

''(B) OPPORTUNITY FOR PUBLIC COMMENT.—The agenda shall include, at a minimum, opportunity for public comment during the Committee's deliberations.

''(3) SECRETARY'S DESIGNEE.—

''(A) ATTENDANCE AT MEETING.—The Chairperson shall invite the Secretary's designee to attend all meetings of the Committee.

''(B) ROLE OF DESIGNEE.—The Secretary's designee may be present at a Committee meeting to facilitate the exchange and free flow of information between the Secretary and the Committee. The designee shall have no authority over the agenda of the meeting, the items on that agenda, or on the resolution of any agenda item.

''(4) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee, except that section 14 of such Act shall not apply.

''(e) REPORT AND NOTICE.—

''(1) NOTICE.—The Secretary shall annually publish in the Federal Register—

''(A) a list containing, for each member of the Committee—

''(i) the member's name;

''(ii) the date of the expiration of the member's term of office; and

''(iii) the individual described in subsection (b)(1) who appointed the member; and

''(B) a solicitation of nominations for each expiring term of office on the Committee of a member appointed by the Secretary.

''(2) REPORT.—Not later than September 30 of each year, the Committee shall make an annual report to the Secretary, the authorizing committees, and the public. The annual report shall contain—

''(A) a detailed summary of the agenda and activities of, and the findings and recommendations made by, the Committee during the preceding fiscal year;

''(B) a list of the date and location of each meeting during the preceding fiscal year;

''(C) a list of the members of the Committee and appropriate contact information; and

''(D) a list of the functions of the Committee, including any additional functions established by the Secretary through regulation.

''(f) TERMINATION.—The Committee shall terminate on September 30, 2012.''.

(b) TERMINATION OF NACIQI.—The National Advisory Committee on Institutional Quality and Integrity, established under section 114 of the Higher Education Act of 1965 (as such section was in effect the day before the date of enactment of this Act) shall terminate 30 days after such date.

**SEC. 106. DRUG AND ALCOHOL ABUSE PREVENTION.**

Section 120(a)(2) (20 U.S.C. 1011i(a)(2)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting after subparagraph (A) (as amended by paragraph (1)) the following:

''(B) determine the number of drug and alcohol-related incidents and fatalities that—

''(i) occur on the institution's property or as part of any of the institution's activities; and

''(ii) are reported to the institution;

''(C) determine the number and type of sanctions described in paragraph (1)(E) that are imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the institution's property or as part of any of the institution's activities; and''.

**SEC. 107. PRIOR RIGHTS AND OBLIGATIONS.**

Section 121(a) (20 U.S.C. 1011j(a)) is amended—

(1) in paragraph (1), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2008 and for each succeeding fiscal year''; and

(2) in paragraph (2), by striking ''1999 and for each of the 4 succeeding fiscal years'' and inserting ''2008 and for each succeeding fiscal year''.

**SEC. 108. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.**

Part C of title I (20 U.S.C. 1015) is amended by adding at the end the following:

**''SEC. 132. TRANSPARENCY IN COLLEGE TUITION FOR CONSUMERS.**

''(a) NET PRICE.—In this section, the term 'net price' means the average yearly tuition and fees paid by a full-time undergraduate student at an institution of higher education, after discounts and grants from the institution, Federal Government, or a State have been applied to the full price of tuition and fees at the institution.

''(b) HIGHER EDUCATION PRICE INDEX.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Commission of the Bureau of Labor Statistics, in consultation with the Commissioner of Education Statistics and representatives of institutions of higher education, shall develop higher education price indices that accurately reflect the annual change in tuition and fees for undergraduate students in the categories of institutions listed in paragraph (2). Such indices shall be updated annually.

''(2) DEVELOPMENT.—The higher education price index under paragraph (1) shall be developed for each of the following categories:

''(A) 4-year public degree-granting institutions of higher education.

''(B) 4-year private degree-granting institutions of higher education.

''(C) 2-year public degree-granting institutions of higher education.

''(D) 2-year private degree-granting institutions of higher education.

''(E) Less than 2-year institutions of higher education.

''(F) All types of institutions described in subparagraphs (A) through (E).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

''(c) REPORTING.—

''(1) IN GENERAL.—The Secretary shall annually report, in a national list and in a list for each State, a ranking of institutions of higher education according to such institutions' change in tuition and fees over the preceding 2 years. The purpose of such lists is to provide consumers with general information on pricing trends among institutions of higher education nationally and in each State.

''(2) COMPILATION.—

''(A) IN GENERAL.—The lists described in paragraph (1) shall be compiled according to the following categories:

''(i) 4-year public institutions of higher education.

''(ii) 4-year private, nonprofit institutions of higher education.

''(iii) 4-year private, for-profit institutions of higher education.

''(iv) 2-year public institutions of higher education.

''(v) 2-year private, nonprofit institutions of higher education.

''(vi) 2-year private, for-profit institutions of higher education.

''(vii) Less than 2-year public institutions of higher education.

''(viii) Less than 2-year private, nonprofit institutions of higher education.

''(ix) Less than 2-year private, for-profit institutions of higher education.

''(B) PERCENTAGE AND DOLLAR CHANGE.—The lists described in paragraph (1) shall include 2 lists for each of the categories under subparagraph (A) as follows:

''(i) 1 list in which data is compiled by percentage change in tuition and fees over the preceding 2 years.

''(ii) 1 list in which data is compiled by dollar change in tuition and fees over the preceding 2 years.

''(3) HIGHER EDUCATION PRICE INCREASE WATCH LISTS.—Upon completion of the development of the higher education price indices described in paragraph (1), the Secretary shall annually report, in a national list, and in a list for each State, a ranking of each institution of higher education whose tuition and fees outpace such institution's applicable higher education price index described in subsection (b). Such lists shall—

''(A) be known as the 'Higher Education Price Increase Watch Lists';

''(B) report the full price of tuition and fees at the institution and the net price;

''(C) where applicable, report the average price of room and board for students living on campus at the institution, except that such price shall not be used in determining

whether an institution's cost outpaces such institution's applicable higher education price index; and

''(D) be compiled by the Secretary in a public document to be widely published and disseminated in paper form and through the website of the Department.

''(4) STATE HIGHER EDUCATION APPROPRIATIONS CHART.—The Secretary shall annually report, in charts for each State—

''(A) a comparison of the percentage change in State appropriations per enrolled student in a public institution of higher education in the State to the percentage change in tuition and fees for each public institution of higher education in the State for each of the previous 5 years; and

''(B) the total amount of need-based and merit-based aid provided by the State to students enrolled in a public institution of higher education in the State.

''(5) SHARING OF INFORMATION.—The Secretary shall share the information under paragraphs (1) through (4) with the public, including with private sector college guidebook publishers.

''(d) NET PRICE CALCULATOR.—

''(1) DEVELOPMENT.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall, in consultation with institutions of higher education, develop and make several model net price calculators to help students, families, and consumers determine the net price of an institution of higher education, which institutions of higher education may, at their discretion, elect to use pursuant to paragraph (3).

''(2) CATEGORIES.—The model net price calculators described in paragraph (1) shall be developed for each of the following categories:

''(A) 4-year public institutions of higher education.

''(B) 4-year private, nonprofit institutions of higher education.

''(C) 4-year private, for-profit institutions of higher education.

''(D) 2-year public institutions of higher education.

''(E) 2-year private, nonprofit institutions of higher education.

''(F) 2-year private, for-profit institutions of higher education.

''(G) Less than 2-year public institutions of higher education.

''(H) Less than 2-year private, nonprofit institutions of higher education.

''(I) Less than 2-year private, for-profit institutions of higher education.

''(3) USE OF NET PRICE CALCULATOR BY INSTITUTIONS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, each institution of higher education that receives Federal funds under this Act shall adopt and use a net price calculator to help students, families, and other consumers determine the net price of such institution of higher education. Such calculator may be—

''(A) based on a model calculator developed by the Department; or

''(B) developed by the institution of higher education.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

''(e) NET PRICE REPORTING IN APPLICATION INFORMATION.—An institution of higher education that receives Federal funds under this Act shall include, in the materials accompanying an application for admission to the institution, the most recent information regarding the net price of the institution, calculated for each quartile of students based on the income of either the students' parents or, in the case of independent students (as such term is described in section 480), of the students, for each of the 2 academic years preceding the academic year for which the application is produced.

''(f) ENHANCED COLLEGE INFORMATION WEBSITE.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall contract with an independent organization with demonstrated experience in the development of consumer-friendly websites to develop improvements to the website known as the College Opportunities On-Line (COOL) so that it better meets the needs of students, families, and consumers for accurate and appropriate information on institutions of higher education.

''(B) IMPLEMENTATIONS.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement the improvements developed by the independent organization described under subparagraph (A) to the college information website.

''(2) UNIVERSITY AND COLLEGE ACCOUNTABILITY NETWORK.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall develop a model document for annually reporting basic information about an institution of higher education that chooses to participate, to be posted on the college information website and made available to institutions of higher education, students, families, and other consumers. Such document shall be known as the 'University and College Accountability Network' (U-CAN), and shall include, the following information about the institution of higher education for the most recent academic year for which the institution has available data, presented in a consumer-friendly manner:

''(A) A statement of the institution's mission and specialties.

''(B) The total number of undergraduate students who applied, were admitted, and enrolled at the institution.

''(C) Where applicable, reading, writing, mathematics, and combined scores on the SAT or ACT for the middle 50 percent range of the institution's freshman class.

''(D) Enrollment of full-time, part-time, and transfer students at the institution, at the undergraduate and (where applicable) graduate levels.

''(E) Percentage of male and female undergraduate students enrolled at the institution.

''(F) Percentage of enrolled undergraduate students from the State in which the institution is located, from other States, and from other countries.

''(G) Percentage of enrolled undergraduate students at the institution by race and ethnic background.

''(H) Retention rates for full-time and part-time first-time first-year undergraduate students enrolled at the institution.

''(I) Average time to degree or certificate completion for first-time, first-year undergraduate students enrolled at the institution.

''(J) Percentage of enrolled undergraduate students who graduate within 2 years (in the case of 2-year institutions), and 4, 5 and 6 years (in the case of 2 and 4-year institutions).

''(K) Number of students who obtained a certificate or an associate's, bachelor's, master's, or doctoral degree at the institution.

''(L) The undergraduate major areas of study with the highest number of degrees awarded.

''(M) The student-faculty ratio, and number of full-time, part-time, and adjunct faculty at the institution.

''(N) Percentage of faculty at the institution with the highest degree in their field.

''(O) The percentage change in total price in tuition and fees and the net price for an undergraduate at the institution in each of the preceding 5 academic years.

''(P) The total average yearly cost of tuition and fees, room and board, and books and other related costs for an undergraduate student enrolled at the institution, for—

''(i) full-time undergraduate students living on campus;

''(ii) full-time undergraduate students living off-campus; and

''(iii) in the case of students attending a public institution of higher education, such costs for in-State and out-of-State students living on and off-campus.

''(Q) The average yearly grant amount (including Federal, State, and institutional aid) for a student enrolled at the institution.

''(R) The average yearly amount of Federal student loans, and other loans provided through the institution, to undergraduate students enrolled at the institution.

''(S) The total yearly grant aid available to undergraduate students enrolled at the institution, from the Federal Government, a State, the institution, and other sources.

''(T) The percentage of undergraduate students enrolled at the institution receiving Federal, State, and institutional grants, student loans, and any other type of student financial assistance provided publicly or through the institution, such as Federal work-study funds.

''(U) The average net price for all undergraduate students enrolled at the institution.

''(V) The percentage of first-year undergraduate students enrolled at the institution who live on campus and off campus.

''(W) Information on the policies of the institution related to transfer of credit from other institutions.

''(X) Information on campus safety required to be collected under section 485(f).

''(Y) Links to the appropriate sections of the institution's website that provide information on student activities offered by the institution, such as intercollegiate sports, student organizations, study abroad opportunities, intramural and club sports, specialized housing options, community service opportunities, cultural and arts opportunities on campus, religious and spiritual life on campus, and lectures and outside learning opportunities.

''(Z) Links to the appropriate sections of the institution's website that provide information on services offered by the institution to students during and after college, such as internship opportunities, career and placement services, and preparation for further education.

''(3) CONSULTATION.—The Secretary shall ensure that current and prospective college students, family members of such students, and institutions of higher education are consulted in carrying out paragraphs (1) and (2).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary.

''(g) GAO REPORT.—The Comptroller General of the United States shall—

''(1) conduct a study on the time and cost burdens to institutions of higher education associated with completing the Integrated Postsecondary Education Data System (IPEDS), which study shall—

''(A) report on the time and cost burden of completing the IPEDS survey for 4-year, 2-year, and less than 2-year institutions of higher education; and

''(B) present recommendations for reducing such burden;

''(2) not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, submit to Congress a preliminary report regarding the findings of the study described in paragraph (1); and

''(3) not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, submit to Congress a final report regarding such findings.''.

**SEC. 109. DATABASES OF STUDENT INFORMATION PROHIBITED.**

Part C of title I (20 U.S.C. 1015), as amended by section 108, is further amended by adding at the end the following:

**''SEC. 133. DATABASE OF STUDENT INFORMATION PROHIBITED.**

''(a) PROHIBITION.—Except as described in (b), nothing in this Act shall be construed to authorize the development, implementation, or maintenance of a Federal database of personally identifiable information on individuals receiving assistance under this Act, attending institutions receiving assistance under this Act, or otherwise involved in any studies or other collections of data under this Act, including a student unit record system, an education bar code system, or any other system that tracks individual students over time.

''(b) EXCEPTION.—The provisions of subsection (a) shall not apply to a system (or a successor system) that is necessary for the operation of programs authorized by title II, IV, or VII that were in use by the Secretary, directly or through a contractor, as of the day before the date of enactment of the Higher Education Amendments of 2007.

''(c) STATE DATABASES.—Nothing in this Act shall prohibit a State or a consortium of States from developing, implementing, or maintaining State-developed databases that track individuals over time, including student unit record systems that contain information related to enrollment, attendance, graduation and retention rates, student financial assistance, and graduate employment outcomes.''.

**SEC. 110. CLEAR AND EASY-TO-FIND INFORMATION ON STUDENT FINANCIAL AID.**

Part C of title I (as amended by sections 108 and 109) is further amended by adding at the end the following:

**''SEC. 134. CLEAR AND EASY-TO-FIND INFORMATION ON STUDENT FINANCIAL AID.**

''(a) PROMINENT DISPLAY.—The Secretary shall ensure that a link to current student financial aid information is displayed prominently on the home page of the Department website.

''(b) ENHANCED STUDENT FINANCIAL AID INFORMATION.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall contract with an independent organization with demonstrated expertise in the development of consumer-friendly websites to develop improvements to the usefulness and accessibility of the information provided by the Department on college financial planning and student financial aid.

''(2) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement the improvements developed by the independent organization described under paragraph (1) to the college financial planning and student financial aid website of the Department.

''(3) DISSEMINATION.—The Secretary shall make the availability of the information on the website widely known through a major media campaign and other forms of communication.''.

**SEC. 110A. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.**

Part C of title I of the Higher Education Act of 1965 (as amended by this title) is further amended by adding at the end the following:

**''SEC. 135. STATE HIGHER EDUCATION INFORMATION SYSTEM PILOT PROGRAM.**

''(a) PURPOSE.—It is the purpose of this section to carry out a pilot program to assist not more than 5 States to develop State-level postsecondary student data systems to—

''(1) improve the capacity of States and institutions of higher education to generate more comprehensive and comparable data, in order to develop better-informed educational policy at the State level and to evaluate the effectiveness of institutional performance while protecting the confidentiality of students' personally identifiable information; and

''(2) identify how to best minimize the data-reporting burden placed on institutions of higher education, particularly smaller institutions, and to maximize and improve the information institutions receive from the data systems, in order to assist institutions in improving educational practice and postsecondary outcomes.

''(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State higher education system; or

''(2) a consortium of State higher education systems, or a consortium of individual institutions of higher education, that is broadly representative of institutions in different sectors and geographic locations.

''(c) COMPETITIVE GRANTS.—

''(1) GRANTS AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to not more than 5 eligible entities to enable the eligible entities to—

''(A) design, test, and implement systems of postsecondary student data that provide the maximum benefits to States, institutions of higher education, and State policymakers; and

''(B) examine the costs and burdens involved in implementing a State-level postsecondary student data system.

''(2) DURATION.—A grant awarded under this section shall be for a period of not more than 3 years.

''(d) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines is necessary, including a description of—

''(1) how the eligible entity will ensure that student privacy is protected and that individually identifiable information about students, the students' achievements, and the students' families remains confidential in accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g); and

''(2) how the activities funded by the grant will be supported after the 3-year grant period.

''(e) USE OF FUNDS.—A grant awarded under this section shall be used to—

''(1) design, develop, and implement the components of a comprehensive postsecondary student data system with the capacity to transmit student information within States;

''(2) improve the capacity of institutions of higher education to analyze and use student data;

''(3) select and define common data elements, data quality, and other elements that will enable the data system to—

''(A) serve the needs of institutions of higher education for institutional research and improvement;

''(B) provide students and the students' families with useful information for decision-making about postsecondary education;

''(C) provide State policymakers with improved information to monitor and guide efforts to improve student outcomes and success in higher education;

''(4) estimate costs and burdens at the institutional level for the reporting system for different types of institutions; and

''(5) test the feasibility of protocols and standards for maintaining data privacy and data access.

''(f) EVALUATION; REPORTS.—Not later than 6 months after the end of the projects funded by grants awarded under this section, the Secretary shall—

''(1) conduct a comprehensive evaluation of the pilot program authorized by this section; and

''(2) report the Secretary's findings, as well as recommendations regarding the implementation of State-level postsecondary student data systems to the authorizing committees.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

**SEC. 111. PERFORMANCE-BASED ORGANIZATION FOR THE DELIVERY OF FEDERAL STUDENT FINANCIAL ASSISTANCE.**

Section 141 (20 U.S.C. 1018) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''operational'' and inserting ''administrative and oversight''; and

(B) in paragraph (2)(D), by striking ''of the operational functions'' and inserting ''and administration'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''the information systems administered by the PBO, and other functions performed by the PBO'' and inserting ''the Federal student financial assistance programs authorized under title IV''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) assist the Chief Operating Officer in identifying goals for—

''(i) the administration of the systems used to administer the Federal student financial assistance programs authorized under title IV; and

''(ii) the updating of such systems to current technology.''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''administration of the information and financial systems that support'' and inserting ''the administration of Federal'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''of the delivery system for Federal student assistance'' and inserting ''for the Federal student assistance programs authorized under title IV'';

(II) by striking clauses (i) and (ii) and inserting the following:

''(i) the collection, processing, and transmission of data to students, institutions, lenders, State agencies, and other authorized parties;

''(ii) the design and technical specifications for software development and procurement for systems supporting the student financial assistance programs authorized under title IV;'';

(III) in clause (iii), by striking ''delivery'' and inserting ''administration'';

(IV) in clause (iv)—

(aa) by inserting ''the'' after ''supporting''; and

(bb) by striking ''and'' after the semicolon;

(V) in clause (v), by striking ''systems that support those programs.'' and inserting ''the

administration of the Federal student assistance programs authorized under title IV; and''; and

(VI) by adding at the end the following:

''(vi) ensuring the integrity of the student assistance programs authorized under title IV.''; and

(iii) in subparagraph (B), by striking ''operations and services'' and inserting ''activities and functions''; and

(3) in subsection (c)—

(A) in the subsection heading, by striking ''PERFORMANCE PLAN AND REPORT'' and inserting ''PERFORMANCE PLAN, REPORT, AND BRIEFING'';

(B) in paragraph (1)(C)—

(i) in clause (iii), by striking ''information and delivery''; and

(ii) in clause (iv)—

(I) by striking ''Developing an'' and inserting ''Developing''; and

(II) by striking ''delivery and information system'' and inserting ''systems'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting ''the'' after ''PBO and''; and

(ii) in subparagraph (B), by striking ''Officer'' and inserting ''Officers'';

(D) in paragraph (3), by inserting ''students,'' after ''consult with''; and

(E) by adding at the end the following:

''(4) BRIEFING ON ENFORCEMENT OF STUDENT LOAN PROVISIONS.—The Chief Operating Officer shall provide an annual briefing to the members of the authorizing committees on the steps the PBO has taken and is taking to ensure that lenders are providing the information required under clauses (iii) and (iv) of section 428(c)(3)(C) and sections 428(b)(1)(Z) and 428C(b)(1)(F).'';

(4) in subsection (d)—

(A) in paragraph (1), by striking the second sentence; and

(B) in paragraph (5)—

(i) in subparagraph (B), by striking ''paragraph (2)'' and inserting ''paragraph (4)''; and

(ii) in subparagraph (C), by striking ''this'';

(5) in subsection (f)—

(A) in paragraph (2), by striking ''to borrowers'' and inserting ''to students, borrowers,''; and

(B) in paragraph (3)(A), by striking ''(1)(A)'' and inserting ''(1)'';

(6) in subsection (g)(3), by striking ''not more than 25'';

(7) in subsection (h), by striking ''organizational effectiveness'' and inserting ''effectiveness'';

(8) by striking subsection (i);

(9) by redesignating subsection (j) as subsection (i); and

(10) in subsection (i) (as redesignated by paragraph (9)), by striking '', including transition costs''.

**SEC. 112. PROCUREMENT FLEXIBILITY.**

Section 142 (20 U.S.C. 1018a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''for information systems supporting the programs authorized under title IV''; and

(ii) by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) through the Chief Operating Officer—

''(A) to the maximum extent practicable, utilize procurement systems that streamline operations, improve internal controls, and enhance management; and

''(B) assess the efficiency of such systems and assess such systems' ability to meet PBO requirements.'';

(2) by striking subsection (c)(2) and inserting the following:

''(2) FEE FOR SERVICE ARRANGEMENTS.—The Chief Operating Officer shall, when appropriate and consistent with the purposes of the PBO, acquire services related to the functions set forth in section 141(b)(2) from any entity that has the capability and capacity to meet the requirements set by the PBO. The Chief Operating Officer is authorized to pay fees that are equivalent to those paid by other entities to an organization that provides services that meet the requirements of the PBO, as determined by the Chief Operating Officer.'';

(3) in subsection (d)(2)(B), by striking ''on Federal Government contracts'';

(4) in subsection (g)—

(A) in paragraph (4)(A)—

(i) in the subparagraph heading, by striking ''SOLE SOURCE.—'' and inserting ''SINGLE-SOURCE BASIS.—''; and

(ii) by striking ''sole-source'' and inserting ''single-source''; and

(B) in paragraph (7), by striking ''sole-source'' and inserting ''single-source'';

(5) in subsection (h)(2)(A), by striking ''sole-source'' and inserting ''single-source''; and

(6) in subsection (l), by striking paragraph (3) and inserting the following:

''(3) SINGLE-SOURCE BASIS.—The term 'single-source basis', with respect to an award of a contract, means that the contract is awarded to a source after soliciting an offer or offers from, and negotiating with, only such source (although such source is not the only source in the marketplace capable of meeting the need) because such source is the most advantageous source for purposes of the award.''.

**SEC. 113. INSTITUTION AND LENDER REPORTING AND DISCLOSURE REQUIREMENTS.**

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

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

**''SEC. 151. DEFINITIONS.**

''In this part:

''(1) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given the term in section 472.

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

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

''(B) includes any employee or agent of the educational institution or any organization or entity affiliated with, or directly or indirectly controlled by, such institution.

''(3) EDUCATIONAL LOAN.—The term 'educational loan' means any loan made, insured, or guaranteed under title IV.

''(4) EDUCATIONAL LOAN ARRANGEMENT.—The term 'educational loan arrangement' means an arrangement or agreement between a lender and a covered institution—

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

''(B) which arrangement or agreement—

''(i) relates to the covered institution recommending, promoting, endorsing, or using educational loans of the lender; and

''(ii) involves the payment of any fee or provision of other material benefit by the lender to the institution or to groups of students who attend the institution.

''(5) LENDER.—The term 'lender'—

''(A) means—

''(i) any lender—

''(I) of a loan made, insured, or guaranteed under part B of title IV; and

''(II) that is a financial institution, as such term is defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

''(ii) in the case of any loan issued or provided to a student under part D of title IV, the Secretary; and

''(B) includes any individual, group, or entity acting on behalf of the lender in connection with an educational loan.

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

**''SEC. 152. REQUIREMENTS FOR LENDERS AND INSTITUTIONS PARTICIPATING IN EDUCATIONAL LOAN ARRANGEMENTS.**

''(a) USE OF LENDER NAME.—A covered institution that enters into an educational loan arrangement shall disclose the name of the lender in documentation related to the loan.

''(b) DISCLOSURES.—

''(1) DISCLOSURES BY LENDERS.—Before a lender issues or otherwise provides an educational loan to a student, the lender shall provide the student, in writing, with the disclosures described in paragraph (2).

''(2) DISCLOSURES.—The disclosures required by this paragraph shall include a clear and prominent statement—

''(A) of the interest rates of the educational loan being offered;

''(B) showing sample educational loan costs, disaggregated by type;

''(C) that describes, with respect to each type of educational loan being offered—

''(i) the types of repayment plans that are available;

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

''(iii) when and how often interest on the loan will be capitalized;

''(iv) the terms and conditions of deferments or forbearance;

''(v) all available repayment benefits, the percentage of all borrowers who qualify for such benefits, and the percentage of borrowers who received such benefits in the preceding academic year, for each type of loan being offered;

''(vi) the collection practices in the case of default; and

''(vii) all fees that the borrower may be charged, including late payment penalties and associated fees; and

''(D) of such other information as the Secretary may require in regulations.

''(c) DISCLOSURES TO THE SECRETARY BY LENDER.—

''(1) IN GENERAL.—Each lender shall, on an annual basis, report to the Secretary any reasonable expenses paid or given under section 435(d)(5)(D), 487(a)(21)(A)(ii), or 487(a)(21)(A)(iv) to any employee who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution. Such reports shall include—

''(A) the amount of each specific instance in which the lender provided such reimbursement;

''(B) the name of the financial aid official or other employee to whom the reimbursement was made;

''(C) the dates of the activity for which the reimbursement was made; and

''(D) a brief description of the activity for which the reimbursement was made.

''(2) REPORT TO CONGRESS.—The Secretary shall compile the information in paragraph (1) in a report and transmit such report to the authorizing committees annually.

**''SEC. 153. INTEREST RATE REPORT FOR INSTITUTIONS AND LENDERS PARTICIPATING IN EDUCATIONAL LOAN ARRANGEMENTS.**

''(a) SECRETARY DUTIES.—

''(1) REPORT AND MODEL FORMAT.—Not later than 180 days after the date of enactment of

the Higher Education Amendments of 2007, the Secretary shall—

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

''(B) include in the report a model format, based on the report's findings, to be used by lenders and covered institutions in carrying out subsections (b) and (c)—

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

''(I) the interest rate and terms and conditions of the loans offered by the lender for the upcoming academic year;

''(II) with respect to such loans, any benefits that are contingent on the repayment behavior of the borrower;

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

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

''(V) the amount that the borrower may repay in interest, based on the standard repayment period of a loan, on the average amount borrowed from the lender by students enrolled in the institution who obtain loans of such type from the lender for the preceding academic year; and

''(ii) which format shall be easily usable by lenders, institutions, guaranty agencies, loan servicers, parents, and students; and

''(C)(i) submit the report and model format to the authorizing committees; and

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

''(2) USE OF FORM.—The Secretary shall take such steps as necessary to make the model format available to covered institutions and to encourage—

''(A) lenders subject to subsection (b) to use the model format in providing the information required under subsection (b); and

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

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

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

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

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

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

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

**SEC. 114. EMPLOYMENT OF POSTSECONDARY EDUCATION GRADUATES.**

(a) STUDY, ASSESSMENTS, AND RECOMMENDATIONS.—The Comptroller General of the United States shall—

(1) conduct a study of—

(A) the information that States currently have on the employment of students who have completed postsecondary education programs;

(B) the feasibility of collecting information on students who complete all types of postsecondary education programs (including 2- and 4-year degree, certificate, and professional and graduate programs) at all types of institutions (including public, private nonprofit, and for–profit schools), regarding—

(i) employment, including—

(I) the type of job obtained not later than 6 months after the completion of the degree, certificate, or program;

(II) whether such job was related to the course of study;

(III) the starting salary for such job; and

(IV) the student's satisfaction with the student's preparation for such job and guidance provided with respect to securing the job; and

(ii) for recipients of Federal student aid, the type of assistance received, so that the information can be used to evaluate various education programs;

(C) the evaluation systems used by other industries to identify successful programs and challenges, set priorities, monitor performance, and make improvements;

(D) the best means of collecting information from or regarding recent postsecondary graduates, including—

(i) whether a national website would be the most effective way to collect information;

(ii) whether postsecondary graduates could be encouraged to submit voluntary information by allowing a graduate to access aggregated information about other graduates (such as graduates from the graduate's school, with the graduate's degree, or in the graduate's area) if the graduate completes an online questionnaire;

(iii) whether employers could be encouraged to submit information by allowing an employer to access aggregated information about graduates (such as institutions of higher education attended, degrees, or starting pay) if the employer completes an online questionnaire to evaluate the employer's satisfaction with the graduates the employer hires; and

(iv) whether postsecondary institutions that receive Federal funds or whose students have received Federal student financial aid could be required to submit aggregated information about the graduates of the institutions; and

(E) the best means of displaying employment information; and

(2) provide assessments and recommendations regarding—

(A) whether successful State cooperative relationships between higher education system offices and State agencies responsible for employment statistics can be encouraged and replicated in other States;

(B) whether there is value in collecting additional information from or about the employment experience of individuals who have recently completed a postsecondary educational program;

(C) what are the most promising ways of obtaining and displaying or disseminating such information;

(D) if a website is used for such information, whether the website should be run by a governmental agency or contracted out to an independent education or employment organization;

(E) whether a voluntary information system would work, both from the graduates' and employers' perspectives;

(F) the value of such information to future students, institutions, accrediting agencies or associations, policymakers, and employers, including how the information would be used and the practical applications of the information;

(G) whether the request for such information is duplicative of information that is already being collected; and

(H) whether the National Postsecondary Student Aid Survey conducted by the National Center for Education Statistics could be amended to collect such information.

(b) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a preliminary report regarding the study, assessments, and recommendations described in subsection (a).

(2) FINAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a final report regarding such study, assessments, and recommendations.

**SEC. 115. FOREIGN MEDICAL SCHOOLS.**

(a) PERCENTAGE PASS RATE.—

(1) IN GENERAL.—Section 102(a)(2)(A)(i)(I)(bb) (20 U.S.C. 1002(a)(2)(A)(i)(I)(bb)) is amended by striking ''60'' and inserting ''75''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on July 1, 2010.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) complete a study that shall examine American students receiving Federal financial aid to attend graduate medical schools located outside of the United States; and

(B) submit to Congress a report setting forth the conclusions of the study.

(2) CONTENTS.—The study conducted under this subsection shall include the following:

(A) The amount of Federal student financial aid dollars that are being spent on graduate medical schools located outside of the United States every year, and the percentage of overall student aid such amount represents.

(B) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates the first time.

(C) The percentage of students of such medical schools who pass the examinations administered by the Educational Commission for Foreign Medical Graduates after taking such examinations multiple times, disaggregated by how many times the students had to take the examinations to pass.

(D) The percentage of recent graduates of such medical schools practicing medicine in the United States, and a description of where the students are practicing and what types of medicine the students are practicing.

(E) The rate of graduates of such medical schools who lose malpractice lawsuits or have the graduates' medical licenses revoked, as compared to graduates of graduate medical schools located in the United States.

(F) Recommendations regarding the percentage passing rate of the examinations administered by the Educational Commission for Foreign Medical Graduates that the United States should require of graduate medical schools located outside of the United States for Federal financial aid purposes.

**SEC. 116. DEMONSTRATION AND CERTIFICATION REGARDING THE USE OF CERTAIN FEDERAL FUNDS.**

(a) PROHIBITION.—No Federal funds received by an institution of higher education or other postsecondary educational institution may be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action described in subsection (b).

(b) APPLICABILITY.—The prohibition in subsection (a) applies with respect to the following Federal actions:

(1) The awarding of any Federal contract.

(2) The making of any Federal grant.

(3) The making of any Federal loan.

(4) The entering into of any Federal cooperative agreement.

(5) The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(c) LOBBYING AND EARMARKS.—No Federal student aid funding may be used to hire a registered lobbyist or pay any person or entity for securing an earmark.

(d) DEMONSTRATION AND CERTIFICATION.—Each institution of higher education or other postsecondary educational institution receiving Federal funding, as a condition for receiving such funding, shall annually demonstrate and certify to the Secretary of Education that the requirements of subsections (a) through (c) have been met.

(e) ACTIONS TO IMPLEMENT AND ENFORCE.—The Secretary of Education shall take such actions as are necessary to ensure that the provisions of this section are vigorously implemented and enforced.

**TITLE II—TEACHER QUALITY ENHANCEMENT**

**SEC. 201. TEACHER QUALITY PARTNERSHIP GRANTS.**

Part A of title II (20 U.S.C. 1021 et seq.) is amended to read as follows:

**"PART A—TEACHER QUALITY PARTNERSHIP GRANTS**

**"SEC. 201. PURPOSES; DEFINITIONS.**

''(a) PURPOSES.—The purposes of this part are to—

''(1) improve student achievement;

''(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities;

''(3) hold institutions of higher education accountable for preparing highly qualified teachers; and

''(4) recruit qualified individuals, including minorities and individuals from other occupations, into the teaching force.

''(b) DEFINITIONS.—In this part:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

''(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

''(B) when referring to a specific academic subject area, the disciplines or content areas in which academic majors are offered by the arts and sciences organizational unit.

''(2) CHILDREN FROM LOW-INCOME FAMILIES.—The term 'children from low-income families' means children as described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965.

''(3) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(4) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means—

''(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

''(B) a State licensed or regulated child care program or school; or

''(C) a State prekindergarten program that serves children from birth through kindergarten and that addresses the children's cognitive (including language, early literacy, and pre-numeracy), social, emotional, and physical development.

''(5) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an individual with primary responsibility for the education of children in an early childhood education program.

''(6) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(7) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means an entity that—

''(A) shall include—

''(i) a high-need local educational agency;

''(ii) a high-need school or a consortium of high-need schools served by the high-need local educational agency or, as applicable, a high-need early childhood education program;

''(iii) a partner institution;

''(iv) a school, department, or program of education within such partner institution; and

''(v) a school or department of arts and sciences within such partner institution; and

''(B) may include any of the following:

''(i) The Governor of the State.

''(ii) The State educational agency.

''(iii) The State board of education.

''(iv) The State agency for higher education.

''(v) A business.

''(vi) A public or private nonprofit educational organization.

''(vii) An educational service agency.

''(viii) A teacher organization.

''(ix) A high-performing local educational agency, or a consortium of such local educational agencies, that can serve as a resource to the partnership.

''(x) A charter school (as defined in section 5210 of the Elementary and Secondary Education Act of 1965).

''(xi) A school or department within the partner institution that focuses on psychology and human development.

''(xii) A school or department within the partner institution with comparable expertise in the disciplines of teaching, learning, and child and adolescent development.

''(8) ESSENTIAL COMPONENTS OF READING INSTRUCTION.—The term 'essential components of reading instruction' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965.

''(9) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(10) HIGH-NEED EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'high-need early childhood education program' means an early childhood education program serving children from low-income families that is located within the geographic area served by a high-need local educational agency.

''(11) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

''(A)(i) for which not less than 20 percent of the children served by the agency are children from low-income families;

''(ii) that serves not fewer than 10,000 children from low-income families; or

''(iii) with a total of less than 600 students in average daily attendance at the schools that are served by the agency and all of whose schools are designated with a school locale code of 6, 7, or 8, as determined by the Secretary; and

''(B)(i) for which there is a high percentage of teachers not teaching in the academic subject areas or grade levels in which the teachers were trained to teach; or

''(ii) for which there is a high teacher turnover rate or a high percentage of teachers with emergency, provisional, or temporary certification or licensure.

''(12) HIGH-NEED SCHOOL.—The term 'high-need school' means a public elementary school or public secondary school that—

''(A) is among the highest 25 percent of schools served by the local educational agency that serves the school, in terms of the percentage of students from families with incomes below the poverty line; or

''(B) is designated with a school locale code of 6, 7, or 8, as determined by the Secretary.

''(13) HIGHLY COMPETENT.—The term 'highly competent', when used with respect to an early childhood educator, means an educator—

''(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

''(B) with—

''(i) a baccalaureate degree in an academic major in the arts and sciences; or

''(ii) an associate's degree in a related educational area; and

''(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

''(14) HIGHLY QUALIFIED.—The term 'highly qualified' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 and, with respect to special education teachers, in section 602 of the Individuals with Disabilities Education Act.

''(15) INDUCTION PROGRAM.—The term 'induction program' means a formalized program for new teachers during not less than the teachers' first 2 years of teaching that is designed to provide support for, and improve the professional performance and advance the retention in the teaching field of, beginning teachers. Such program shall promote effective teaching skills and shall include the following components:

''(A) High-quality teacher mentoring.

''(B) Periodic, structured time for collaboration with teachers in the same department or field, as well as time for information-sharing among teachers, principals, administrators, and participating faculty in the partner institution.

''(C) The application of empirically based practice and scientifically valid research on instructional practices.

''(D) Opportunities for new teachers to draw directly upon the expertise of teacher mentors, faculty, and researchers to support the integration of empirically based practice and scientifically valid research with practice.

''(E) The development of skills in instructional and behavioral interventions derived from empirically based practice and, where applicable, scientifically valid research.

''(F) Faculty who—

''(i) model the integration of research and practice in the classroom; and

''(ii) assist new teachers with the effective use and integration of technology in the classroom.

''(G) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers on the learning process and the assessment of learning.

''(H) Assistance with the understanding of data, particularly student achievement data, and the data's applicability in classroom instruction.

''(I) Regular evaluation of the new teacher.

''(16) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(17) PARTNER INSTITUTION.—The term 'partner institution' means an institution of higher education, which may include a 2-year institution of higher education offering a dual program with a 4-year institution of higher education, participating in an eligible partnership that has a teacher preparation program—

''(A) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through—

''(i) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; or

''(ii) being ranked among the highest-performing teacher preparation programs in the State as determined by the State—

''(I) using criteria consistent with the requirements for the State report card under section 205(b); and

''(II) using the State report card on teacher preparation required under section 205(b), after the first publication of such report card and for every year thereafter; or

''(B) that requires—

''(i) each student in the program to meet high academic standards and participate in intensive clinical experience;

''(ii) each student in the program preparing to become a teacher to become highly qualified; and

''(iii) each student in the program preparing to become an early childhood educator to meet degree requirements, as established by the State, and become highly competent.

''(18) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term 'principles of scientific research' means research that—

''(A) applies rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs;

''(B) presents findings and makes claims that are appropriate to and supported by the methods that have been employed; and

''(C) includes, 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) claims of causal relationships only in research designs that substantially eliminate plausible competing explanations for the obtained results, which may include but shall not be 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) use of research designs and methods appropriate to the research question posed.

''(19) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

''(20) SCIENTIFICALLY VALID RESEARCH.—The term '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 accepted principles of scientific research.

''(21) TEACHER MENTORING.—The term 'teacher mentoring' means the mentoring of new or prospective teachers through a new or established program that—

''(A) includes clear criteria for the selection of teacher mentors who will provide role model relationships for mentees, which criteria shall be developed by the eligible partnership and based on measures of teacher effectiveness;

''(B) provides high-quality training for such mentors, including instructional strategies for literacy instruction;

''(C) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching methods in classroom settings during the day in a high-need school in the high-need local educational agency in the eligible partnership;

''(D) provides mentoring to each mentee by a colleague who teaches in the same field, grade, or subject as the mentee;

''(E) promotes empirically based practice of, and scientifically valid research on, where applicable—

''(i) teaching and learning;

''(ii) assessment of student learning;

''(iii) the development of teaching skills through the use of instructional and behavioral interventions; and

''(iv) the improvement of the mentees' capacity to measurably advance student learning; and

''(F) includes—

''(i) common planning time or regularly scheduled collaboration for the mentor and mentee; and

''(ii) joint professional development opportunities.

''(22) TEACHING SKILLS.—The term 'teaching skills' means skills that enable a teacher to—

''(A) increase student learning, achievement, and the ability to apply knowledge;

''(B) effectively convey and explain academic subject matter;

''(C) employ strategies grounded in the disciplines of teaching and learning that—

''(i) are based on empirically based practice and scientifically valid research, where applicable, on teaching and learning;

''(ii) are specific to academic subject matter; and

''(iii) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are limited English proficient, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

''(D) conduct an ongoing assessment of student learning, which may include the use of formative assessments, performance-based assessments, project-based assessments, or portfolio assessments, that measure higher-order thinking skills, including application, analysis, synthesis, and evaluation;

''(E) effectively manage a classroom;

''(F) communicate and work with parents and guardians, and involve parents and guardians in their children's education; and

''(G) use, in the case of an early childhood educator, age- and developmentally-appropriate strategies and practices for children in early education programs.

''(23) TEACHING RESIDENCY PROGRAM.—The term 'teaching residency program' means a school-based teacher preparation program in which a prospective teacher—

''(A) for 1 academic year, teaches alongside a mentor teacher, who is the teacher of record;

''(B) receives concurrent instruction during the year described in subparagraph (A) from the partner institution, which courses may be taught by local educational agency personnel or residency program faculty, in the teaching of the content area in which the teacher will become certified or licensed;

''(C) acquires effective teaching skills; and

''(D) prior to completion of the program, earns a master's degree, attains full State teacher certification or licensure, and becomes highly qualified.

**''SEC. 202. PARTNERSHIP GRANTS.**

''(a) PROGRAM AUTHORIZED.—From amounts made available under section 208, the Secretary is authorized to award grants, on a competitive basis, to eligible partnerships, to enable the eligible partnerships to carry out the activities described in subsection (c).

''(b) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall contain—

''(1) a needs assessment of all the partners in the eligible partnership with respect to the preparation, ongoing training, professional development, and retention, of general and special education teachers, principals, and, as applicable, early childhood educators;

''(2) a description of the extent to which the program prepares prospective and new teachers with strong teaching skills;

''(3) a description of the extent to which the program will prepare prospective and new teachers to understand research and data and the applicability of research and data in the classroom;

''(4) a description of how the partnership will coordinate strategies and activities assisted under the grant with other teacher preparation or professional development programs, including those funded under the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act, and through the National Science Foundation, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement;

''(5) a resource assessment that describes the resources available to the partnership, including—

''(A) the integration of funds from other related sources;

''(B) the intended use of the grant funds;

''(C) the commitment of the resources of the partnership to the activities assisted under this section, including financial support, faculty participation, and time commitments, and to the continuation of the activities when the grant ends;

''(6) a description of—

''(A) how the partnership will meet the purposes of this part;

''(B) how the partnership will carry out the activities required under subsection (d) or (e)

based on the needs identified in paragraph (1), with the goal of improving student achievement;

''(C) the partnership's evaluation plan under section 204(a);

''(D) how the partnership will align the teacher preparation program with the—

''(i) State early learning standards for early childhood education programs, as appropriate, and with the relevant domains of early childhood development; and

''(ii) the student academic achievement standards and academic content standards under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965, established by the State in which the partnership is located;

''(E) how faculty at the partner institution will work with, during the term of the grant, highly qualified teachers in the classrooms of schools served by the high-need local educational agency in the partnership to provide high-quality professional development activities;

''(F) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching teaching preservice clinical program component;

''(G) the in-service professional development strategies and activities to be supported; and

''(H) how the partnership will collect, analyze, and use data on the retention of all teachers and early childhood educators in schools and early childhood programs located in the geographic area served by the partnership to evaluate the effectiveness of the partnership's teacher and educator support system; and

''(7) with respect to the induction program required as part of the activities carried out under this section—

''(A) a demonstration that the schools and departments within the institution of higher education that are part of the induction program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in teaching;

''(B) a demonstration of the partnership's capability and commitment to the use of empirically based practice and scientifically valid research on teaching and learning, and the accessibility to and involvement of faculty;

''(C) a description of how the teacher preparation program will design and implement an induction program to support all new teachers through not less than the first 2 years of teaching in the further development of the new teachers' teaching skills, including the use of mentors who are trained and compensated by such program for the mentors' work with new teachers; and

''(D) a description of how faculty involved in the induction program will be able to substantially participate in an early childhood education program or an elementary or secondary school classroom setting, as applicable, including release time and receiving workload credit for such participation.

''(c) REQUIRED USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this part shall use grant funds to carry out a program for the pre-baccalaureate preparation of teachers under subsection (d), a teaching residency program under subsection (e), or both such programs.

''(d) PARTNERSHIP GRANTS FOR PRE-BACCALAUREATE PREPARATION OF TEACHERS.—An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:

''(1) REFORMS.—

''(A) IN GENERAL.—Implementing reforms, described in subparagraph (B), within each teacher preparation program and, as applicable, each preparation program for early childhood education programs, of the eligible partnership that is assisted under this section, to hold each program accountable for—

''(i) preparing—

''(I) current or prospective teachers to be highly qualified (including teachers in rural school districts who may teach multiple subjects, special educators, and teachers of students who are limited English proficient who may teach multiple subjects);

''(II) such teachers and, as applicable, early childhood educators, to understand empirically based practice and scientifically valid research on teaching and learning and its applicability, and to use technology effectively, including the use of instructional techniques to improve student achievement; and

''(III) as applicable, early childhood educators to be highly competent; and

''(ii) promoting strong teaching skills and, as applicable, techniques for early childhood educators to improve children's cognitive, social, emotional, and physical development.

''(B) REQUIRED REFORMS.—The reforms described in subparagraph (A) shall include—

''(i) implementing teacher preparation program curriculum changes that improve, evaluate, and assess how well all prospective and new teachers develop teaching skills;

''(ii) using empirically based practice and scientifically valid research, where applicable, about the disciplines of teaching and learning so that all prospective teachers and, as applicable, early childhood educators—

''(I) can understand and implement research-based teaching practices in classroom-based instruction;

''(II) have knowledge of student learning methods;

''(III) possess skills to analyze student academic achievement data and other measures of student learning and use such data and measures to improve instruction in the classroom;

''(IV) possess teaching skills and an understanding of effective instructional strategies across all applicable content areas that enable the teachers and early childhood educators to—

''(aa) meet the specific learning needs of all students, including students with disabilities, students who are limited English proficient, students who are gifted and talented, students with low literacy levels and, as applicable, children in early childhood education programs; and

''(bb) differentiate instruction for such students; and

''(V) can successfully employ effective strategies for reading instruction using the essential components of reading instruction;

''(iii) ensuring collaboration with departments, programs, or units of a partner institution outside of the teacher preparation program in all academic content areas to ensure that new teachers receive training in both teaching and relevant content areas in order to become highly qualified;

''(iv) developing and implementing an induction program; and

''(v) developing admissions goals and priorities with the hiring objectives of the high-need local educational agency in the eligible partnership.

''(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and improving a sustained and high-quality pre-service clinical education program to further develop the teaching skills of all prospective teachers and, as applicable, early childhood educators, involved in the program. Such program shall do the following:

''(A) Incorporate year-long opportunities for enrichment activity or a combination of activities, including—

''(i) clinical learning in classrooms in high-need schools served by the high-need local educational agency in the eligible partnership and identified by the eligible partnership; and

''(ii) closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs (as applicable), elementary schools, or secondary schools, and providing support for such interaction.

''(B) Integrate pedagogy and classroom practice and promote effective teaching skills in academic content areas.

''(C) Provide high-quality teacher mentoring.

''(D)(i) Be offered over the course of a program of teacher preparation;

''(ii) be tightly aligned with course work (and may be developed as a 5th year of a teacher preparation program); and

''(iii) where feasible, allow prospective teachers to learn to teach in the same school district in which the teachers will work, learning the instructional initiatives and curriculum of that district.

''(E) Provide support and training for those individuals participating in an activity for prospective teachers described in this paragraph or paragraph (1) or (2), and for those who serve as mentors for such teachers, based on each individual's experience. Such support may include—

''(i) with respect to a prospective teacher or a mentor, release time for such individual's participation;

''(ii) with respect to a faculty member, receiving course workload credit and compensation for time teaching in the eligible partnership's activities; and

''(iii) with respect to a mentor, a stipend, which may include bonus, differential, incentive, or merit or performance-based pay.

''(3) INDUCTION PROGRAMS FOR NEW TEACHERS.—Creating an induction program for new teachers, or, in the case of an early childhood education program, providing mentoring or coaching for new early childhood educators.

''(4) SUPPORT AND TRAINING FOR PARTICIPANTS IN EARLY CHILDHOOD EDUCATION PROGRAMS.—In the case of an eligible partnership focusing on early childhood educator preparation, implementing initiatives that increase compensation for early childhood educators who attain associate or baccalaureate degrees in early childhood education.

''(5) TEACHER RECRUITMENT.—Developing and implementing effective mechanisms to ensure that the eligible partnership is able to recruit qualified individuals to become highly qualified teachers through the activities of the eligible partnership.

''(e) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF TEACHING RESIDENCY PROGRAMS.—

''(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective teaching residency program shall carry out a program that includes all of the following activities:

''(A) Supporting a teaching residency program described in paragraph (2) for high-need subjects and areas, as determined by the needs of the high-need local educational agency in the partnership.

''(B) Modifying staffing procedures to provide greater flexibility for local educational agency and school leaders to establish effective school-level staffing in order to facilitate placement of graduates of the teaching residency program in cohorts that facilitate professional collaboration, both among graduates of the teaching residency program and between such graduates and mentor teachers in the receiving school.

''(C) Ensuring that teaching residents that participated in the teaching residency program receive—

''(i) effective preservice preparation as described in paragraph (2);

''(ii) teacher mentoring;

''(iii) induction through the induction program as the teaching residents enter the classroom as new teachers; and

''(iv) the preparation described in subparagraphs (A), (B), and (C) of subsection (d)(2).

''(2) TEACHING RESIDENCY PROGRAMS.—

''(A) ESTABLISHMENT AND DESIGN.—A teaching residency program under this paragraph shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in the high-need schools in the eligible partnership, and shall be designed to include the following characteristics of successful programs:

''(i) The integration of pedagogy, classroom practice, and teacher mentoring.

''(ii) Engagement of teaching residents in rigorous graduate-level coursework to earn a master's degree while undertaking a guided teaching apprenticeship.

''(iii) Experience and learning opportunities alongside a trained and experienced mentor teacher—

''(I) whose teaching shall complement the residency program so that classroom clinical practice is tightly aligned with coursework;

''(II) who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for novice teachers, and for establishing, within the program, a learning community in which all individuals are expected to continually improve their capacity to advance student learning; and

''(III) who may have full relief from teaching duties as a result of such additional responsibilities.

''(iv) The establishment of clear criteria for the selection of mentor teachers based on measures of teacher effectiveness and the appropriate subject area knowledge. Evaluation of teacher effectiveness shall be based on observations of such domains of teaching as the following:

''(I) Planning and preparation, including demonstrated knowledge of content, pedagogy, and assessment, including the use of formative assessments to improve student learning.

''(II) Appropriate instruction that engages students with different learning styles.

''(III) Collaboration with colleagues to improve instruction.

''(IV) Analysis of gains in student learning, based on multiple measures, that, when feasible, may include valid and reliable objective measures of the influence of teachers on the rate of student academic progress.

''(V) In the case of mentor candidates who will be mentoring current or future literacy and mathematics coaches or instructors, appropriate skills in the essential components of reading instruction, teacher training in literacy instructional strategies across core subject areas, and teacher training in mathematics instructional strategies, as appropriate.

''(v) Grouping of teaching residents in cohorts to facilitate professional collaboration among such residents.

''(vi) The development of admissions goals and priorities aligned with the hiring objectives of the local educational agency partnering with the program, as well as the instructional initiatives and curriculum of the agency, in exchange for a commitment by the agency to hire graduates from the teaching residency program.

''(vii) Support for residents, once the teaching residents are hired as teachers of record, through an induction program, professional development, and networking opportunities to support the residents through not less than the residents' first 2 years of teaching.

''(B) SELECTION OF INDIVIDUALS AS TEACHER RESIDENTS.—

''(i) ELIGIBLE INDIVIDUAL.—In order to be eligible to be a teacher resident in a teaching residency program under this paragraph, an individual shall—

''(I) be a recent graduate of a 4-year institution of higher education or a mid-career professional from outside the field of education possessing strong content knowledge or a record of professional accomplishment; and

''(II) submit an application to the teaching residency program.

''(ii) SELECTION CRITERIA.—An eligible partnership carrying out a teaching residency program under this subparagraph shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics:

''(I) Strong content knowledge or record of accomplishment in the field or subject area to be taught.

''(II) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate tests.

''(III) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.

''(C) STIPEND AND SERVICE REQUIREMENT.—

''(i) STIPEND.—A teaching residency program under this paragraph shall provide a 1-year living stipend or salary to teaching residents during the 1-year teaching residency program.

''(ii) SERVICE REQUIREMENT.—As a condition of receiving a stipend under this subparagraph, a teaching resident shall agree to teach in a high-need school served by the high-need local educational agency in the eligible partnership for a period of 3 or more years after completing the 1-year teaching residency program.

''(iii) REPAYMENT.—If a teaching resident who received a stipend under this subparagraph does not complete the service requirement described in clause (ii), such individual shall repay to the high-need local educational agency a pro rata portion of the stipend amount for the amount of teaching time that the individual did not complete.

''(f) ALLOWABLE USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this part may use grant funds provided to carry out the activities described in subsections (d) and (e) to partner with a television public broadcast station, as defined in section 397(6) of the Communications Act of 1934 (47 U.S.C. 397(6)), for the purpose of improving the quality of pre-baccalaureate teacher preparation programs. The partnership may use such funds to enhance the quality of pre-service training for prospective teachers, including through the use of digital educational content and related services.

''(g) CONSULTATION.—

''(1) IN GENERAL.—Members of an eligible partnership that receives a grant under this section shall engage in regular consultation throughout the development and implementation of programs and activities under this section.

''(2) REGULAR COMMUNICATION.—To ensure timely and meaningful consultation, regular communication shall occur among all members of the eligible partnership, including the high-need local educational agency. Such communication shall continue throughout the implementation of the grant and the assessment of programs and activities under this section.

''(3) WRITTEN CONSENT.—The Secretary may approve changes in grant activities of a grant under this section only if a written consent signed by all members of the eligible partnership is submitted to the Secretary.

''(h) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of eligible partnerships in other States or on a regional basis through Governors, State boards of education, State educational agencies, State agencies responsible for early childhood education, local educational agencies, or State agencies for higher education.

''(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

**''SEC. 203. ADMINISTRATIVE PROVISIONS.**

''(a) DURATION; NUMBER OF AWARDS; PAYMENTS.—

''(1) DURATION.—A grant awarded under this part shall be awarded for a period of 5 years.

''(2) NUMBER OF AWARDS.—An eligible partnership may not receive more than 1 grant during a 5-year period. Nothing in this title shall be construed to prohibit an individual member, that can demonstrate need, of an eligible partnership that receives a grant under this title from entering into another eligible partnership consisting of new members and receiving a grant with such other eligible partnership before the 5-year period described in the preceding sentence applicable to the eligible partnership with which the individual member has first partnered has expired.

''(3) PAYMENTS.—The Secretary shall make annual payments of grant funds awarded under this part.

''(b) PEER REVIEW.—

''(1) PANEL.—The Secretary shall provide the applications submitted under this part to a peer review panel for evaluation. With respect to each application, the peer review panel shall initially recommend the application for funding or for disapproval.

''(2) PRIORITY.—In recommending applications to the Secretary for funding under this part, the panel shall give priority—

''(A) to applications from broad-based eligible partnerships that involve businesses and community organizations; and

''(B) to eligible partnerships so that the awards promote an equitable geographic distribution of grants among rural and urban areas.

''(3) SECRETARIAL SELECTION.—The Secretary shall determine, based on the peer review process, which applications shall receive funding and the amounts of the grants. In determining the grant amount, the Secretary shall take into account the total amount of funds available for all grants under this part and the types of activities proposed to be carried out by the eligible partnership.

''(c) MATCHING REQUIREMENTS.—

''(1) IN GENERAL.—Each eligible partnership receiving a grant under this part shall provide, from non-Federal sources, an amount equal to 100 percent of the amount of the grant, which may be provided in cash or in-kind, to carry out the activities supported by the grant.

''(2) WAIVER.—The Secretary may waive all or part of the matching requirement described in paragraph (1) for any fiscal year for an eligible partnership, if the Secretary determines that applying the matching requirement to the eligible partnership would result in serious hardship or an inability to carry out the authorized activities described in this part.

''(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible partnership that receives a grant under this part may use not more than 2 percent of the grant funds for purposes of administering the grant.

**''SEC. 204. ACCOUNTABILITY AND EVALUATION.**

''(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership submitting an application for a grant under this part shall establish and include in such application, an evaluation plan that includes strong performance objectives. The plan shall include objectives and measures for increasing—

''(1) student achievement for all students as measured by the eligible partnership;

''(2) teacher retention in the first 3 years of a teacher's career;

''(3) improvement in the pass rates and scaled scores for initial State certification or licensure of teachers; and

''(4)(A) the percentage of highly qualified teachers hired by the high-need local educational agency participating in the eligible partnership;

''(B) the percentage of such teachers who are members of under represented groups;

''(C) the percentage of such teachers who teach high-need academic subject areas (such as reading, mathematics, science, and foreign language, including less commonly taught languages and critical foreign languages);

''(D) the percentage of such teachers who teach in high-need areas (including special education, language instruction educational programs for limited English proficient students, and early childhood education);

''(E) the percentage of such teachers in high-need schools, disaggregated by the elementary, middle, and high school levels; and

''(F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent.

''(b) INFORMATION.—An eligible partnership receiving a grant under this part shall ensure that teachers, principals, school superintendents, and faculty and leadership at institutions of higher education located in the geographic areas served by the eligible partnership under this part are provided information about the activities carried out with funds under this part, including through electronic means.

''(c) REVOCATION OF GRANT.—If the Secretary determines that an eligible partnership receiving a grant under this part is not making substantial progress in meeting the purposes, goals, objectives, and measures, as appropriate, of the grant by the end of the third year of a grant under this part, then the Secretary shall require such eligible partnership to submit a revised application that identifies the steps the partnership will take to make substantial progress to meet the purposes, goals, objectives, and measures, as appropriate, of this part.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate the activities funded under this part and report the Secretary's findings regarding the activities to the authorizing committees. The Secretary shall broadly disseminate—

''(1) successful practices developed by eligible partnerships under this part; and

''(2) information regarding such practices that were found to be ineffective.

**''SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.**

''(a) INSTITUTIONAL AND PROGRAM REPORT CARDS ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—Each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall report annually to the State and the general public, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, both for traditional teacher preparation programs and alternative routes to State certification or licensure programs, the following information:

''(A) PASS RATES AND SCALED SCORES.—For the most recent year for which the information is available for those students who took the assessments and are enrolled in the traditional teacher preparation program or alternative routes to State certification or licensure program, and for those who have taken the assessments and have completed the traditional teacher preparation program or alternative routes to State certification or licensure program during the 2-year period preceding such year, for each of the assessments used for teacher certification or licensure by the State in which the program is located—

''(i) the percentage of students who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

''(ii) the percentage of all such students who passed each such assessment;

''(iii) the percentage of students taking an assessment who completed the teacher preparation program after enrolling in the program, which shall be made available widely and publicly by the State;

''(iv) the average scaled score for all students who took each such assessment;

''(v) a comparison of the program's pass rates with the average pass rates for programs in the State; and

''(vi) a comparison of the program's average scaled scores with the average scaled scores for programs in the State.

''(B) PROGRAM INFORMATION.—The criteria for admission into the program, the number of students in the program (disaggregated by race and gender), the average number of hours of supervised clinical experience required for those in the program, the number of full-time equivalent faculty and students in the supervised clinical experience, and the total number of students who have been certified or licensed as teachers, disaggregated by subject and area of certification or licensure.

''(C) STATEMENT.—In States that require approval or accreditation of teacher preparation programs, a statement of whether the institution's program is so approved or accredited, and by whom.

''(D) DESIGNATION AS LOW-PERFORMING.—Whether the program has been designated as low-performing by the State under section 207(a).

''(E) USE OF TECHNOLOGY.—A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decisionmaking for the purpose of increasing student academic achievement.

''(2) REPORT.—Each eligible partnership receiving a grant under section 202 shall report annually on the progress of the eligible partnership toward meeting the purposes of this part and the objectives and measures described in section 204(a).

''(3) FINES.—The Secretary may impose a fine not to exceed $25,000 on an institution of higher education for failure to provide the information described in this subsection in a timely or accurate manner.

''(4) SPECIAL RULE.—In the case of an institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and has fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the institution shall collect and publish information, as required under paragraph (1)(A), with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

''(b) STATE REPORT CARD ON THE QUALITY OF TEACHER PREPARATION.—

''(1) IN GENERAL.—Each State that receives funds under this Act shall provide to the Secretary, annually, in a uniform and comprehensible manner that conforms with the definitions and methods established by the Secretary, a State report card on the quality of teacher preparation in the State, both for traditional teacher preparation programs and for alternative routes to State certification or licensure programs, which shall include not less than the following:

''(A) A description of reliability and validity of the teacher certification and licensure assessments, and any other certification and licensure requirements, used by the State.

''(B) The standards and criteria that prospective teachers must meet in order to attain initial teacher certification or licensure and to be certified or licensed to teach particular academic subject areas or in particular grades within the State.

''(C) A description of how the assessments and requirements described in subparagraph (A) are aligned with the State's challenging academic content standards required under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and State early learning standards for early childhood education programs.

''(D) For each of the assessments used by the State for teacher certification or licensure—

''(i) for each institution of higher education located in the State and each entity located in the State that offers an alternative route for teacher certification or licensure, the percentage of students at such institution or entity who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

''(ii) the percentage of all such students at all such institutions taking the assessment who pass such assessment; and

''(iii) the percentage of students taking an assessment who completed the teacher preparation program after enrolling in the program, which shall be made available widely and publicly by the State.

''(E) A description of alternative routes to State certification or licensure in the State (including any such routes operated by entities that are not institutions of higher education), if any, including, for each of the assessments used by the State for teacher certification or licensure—

''(i) the percentage of individuals participating in such routes, or who have completed such routes during the 2-year period preceding the date of the determination, who passed each such assessment; and

''(ii) the average scaled score of individuals participating in such routes, or who have completed such routes during the period preceding the date of the determination, who took each such assessment.

''(F) A description of the State's criteria for assessing the performance of teacher preparation programs within institutions of higher education in the State. Such criteria shall include indicators of the academic content knowledge and teaching skills of students enrolled in such programs.

''(G) For each teacher preparation program in the State, the criteria for admission into the program, the number of students in the program, disaggregated by race and gender

(except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student), the average number of hours of supervised clinical experience required for those in the program, and the number of full-time equivalent faculty, adjunct faculty, and students in supervised clinical experience.

''(H) For the State as a whole, and for each teacher preparation program in the State, the number of teachers prepared, in the aggregate and reported separately by—

''(i) area of certification or licensure;

''(ii) academic major; and

''(iii) subject area for which the teacher has been prepared to teach.

''(I) Using the data generated under subparagraphs (G) and (H), a description of the extent to which teacher preparation programs are helping to address shortages of highly qualified teachers, by area of certification or licensure, subject, and specialty, in the State's public schools.

''(J) A description of the activities that prepare teachers to effectively integrate technology into curricula and instruction and effectively use technology to collect, manage, and analyze data in order to improve teaching, learning, and decision-making for the purpose of increasing student academic achievement.

''(2) PROHIBITION AGAINST CREATING A NATIONAL LIST.—The Secretary shall not create a national list or ranking of States, institutions, or schools using the scaled scores provided under this subsection.

''(c) REPORT OF THE SECRETARY ON THE QUALITY OF TEACHER PREPARATION.—

''(1) REPORT CARD.—The Secretary shall provide to Congress, and publish and make widely available, a report card on teacher qualifications and preparation in the United States, including all the information reported in subparagraphs (A) through (J) of subsection (b)(1). Such report shall identify States for which eligible partnerships received a grant under this part. Such report shall be so provided, published, and made available annually.

''(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit a report to Congress that contains the following:

''(A) A comparison of States' efforts to improve the quality of the current and future teaching force.

''(B) A comparison of eligible partnerships' efforts to improve the quality of the current and future teaching force.

''(C) The national mean and median scaled scores and pass rate on any standardized test that is used in more than 1 State for teacher certification or licensure.

''(3) SPECIAL RULE.—In the case of a teacher preparation program with fewer than 10 scores reported on any single initial teacher certification or licensure assessment during an academic year, the Secretary shall collect and publish information, and make publicly available, with respect to an average pass rate and scaled score on each State certification or licensure assessment taken over a 3-year period.

''(d) COORDINATION.—The Secretary, to the extent practicable, shall coordinate the information collected and published under this part among States for individuals who took State teacher certification or licensure assessments in a State other than the State in which the individual received the individual's most recent degree.

**"SEC. 205A. TEACHER DEVELOPMENT.**

''(a) ANNUAL GOALS.—As a condition of receiving assistance under title IV, each institution of higher education that conducts a traditional teacher preparation program or alternative routes to State certification or licensure program and that enrolls students receiving Federal assistance under this Act shall set annual quantifiable goals for—

''(1) increasing the number of prospective teachers trained in teacher shortage areas designated by the Secretary, including mathematics, science, special education, and instruction of limited English proficient students; and

''(2) more closely linking the training provided by the institution with the needs of schools and the instructional decisions new teachers face in the classroom.

''(b) ASSURANCE.—As a condition of receiving assistance under title IV, each institution described in subsection (a) shall provide an assurance to the Secretary that—

''(1) training provided to prospective teachers responds to the identified needs of the local educational agencies or States where the institution's graduates are likely to teach, based on past hiring and recruitment trends;

''(2) prospective special education teachers receive coursework in core academic subjects and receive training in providing instruction in core academic subjects;

''(3) regular education teachers receive training in providing instruction to diverse populations, including children with disabilities, limited English proficient students, and children from low-income families; and

''(4) prospective teachers receive training on how to effectively teach in urban and rural schools.

''(c) PUBLIC REPORTING.—As part of the annual report card required under section 205(a)(1), an institution of higher education described in subsection (a) shall publicly report whether the goals established under such subsection have been met.

**"SEC. 206. STATE FUNCTIONS.**

''(a) STATE ASSESSMENT.—In order to receive funds under this Act, a State shall have in place a procedure to identify and assist, through the provision of technical assistance, low-performing programs of teacher preparation. Such State shall provide the Secretary an annual list of such low-performing teacher preparation programs that includes an identification of those programs at risk of being placed on such list. Such levels of performance shall be determined solely by the State and may include criteria based on information collected pursuant to this part. Such assessment shall be described in the report under section 205(b).

''(b) TERMINATION OF ELIGIBILITY.—Any program of teacher preparation from which the State has withdrawn the State's approval, or terminated the State's financial support, due to the low performance of the program based upon the State assessment described in subsection (a)—

''(1) shall be ineligible for any funding for professional development activities awarded by the Department;

''(2) shall not be permitted to accept or enroll any student that receives aid under title IV in the institution's teacher preparation program; and

''(3) shall provide transitional support, including remedial services if necessary, for students enrolled at the institution at the time of termination of financial support or withdrawal of approval.

''(c) NEGOTIATED RULEMAKING.—If the Secretary develops any regulations implementing subsection (b)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

''(d) APPLICATION OF THE REQUIREMENTS.—The requirements of this section shall apply to both traditional teacher preparation programs and alternative routes to State certification and licensure programs.

**"SEC. 207. GENERAL PROVISIONS.**

''(a) METHODS.—In complying with sections 205 and 206, the Secretary shall ensure that States and institutions of higher education use fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals.

''(b) SPECIAL RULE.—For each State that does not use content assessments as a means of ensuring that all teachers teaching in core academic subjects within the State are highly qualified, as required under section 1119 of the Elementary and Secondary Education Act of 1965 and in accordance with the State plan submitted or revised under section 1111 of such Act, and that each person employed as a special education teacher in the State who teaches elementary school, middle school, or secondary school is highly qualified by the deadline, as required under section 612(a)(14)(C) of the Individuals with Disabilities Education Act,—

''(1) the Secretary shall, to the extent practicable, collect data comparable to the data required under this part from States, local educational agencies, institutions of higher education, or other entities that administer such assessments to teachers or prospective teachers; and

''(2) notwithstanding any other provision of this part, the Secretary shall use such data to carry out requirements of this part related to assessments, pass rates, and scaled scores.

''(c) RELEASE OF INFORMATION TO TEACHER PREPARATION PROGRAMS.—

''(1) IN GENERAL.—For the purpose of improving teacher preparation programs, a State educational agency that receives funds under this Act, or that participates as a member of a partnership, consortium, or other entity that receives such funds, shall provide to a teacher preparation program, upon the request of the teacher preparation program, any and all pertinent education-related information that—

''(A) may enable the teacher preparation program to evaluate the effectiveness of the program's graduates or the program itself; and

''(B) is possessed, controlled, or accessible by the State educational agency.

''(2) CONTENT OF INFORMATION.—The information described in paragraph (1)—

''(A) shall include an identification of specific individuals who graduated from the teacher preparation program to enable the teacher preparation program to evaluate the information provided to the program from the State educational agency with the program's own data about the specific courses taken by, and field experiences of, the individual graduates; and

''(B) may include—

''(i) kindergarten through grade 12 academic achievement and demographic data, without revealing personally identifiable information about an individual student, for students who have been taught by graduates of the teacher preparation program; and

''(ii) teacher effectiveness evaluations for teachers who graduated from the teacher preparation program.

**"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

**SEC. 202. GENERAL PROVISIONS.**

Title II (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

**"PART C—GENERAL PROVISIONS**

**"SEC. 231. LIMITATIONS.**

''(a) FEDERAL CONTROL PROHIBITED.—Nothing in this title shall be construed to permit,

allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this title.

''(b) NO CHANGE IN STATE CONTROL ENCOURAGED OR REQUIRED.—Nothing in this title shall be construed to encourage or require any change in a State's treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

''(c) NATIONAL SYSTEM OF TEACHER CERTIFICATION OR LICENSURE PROHIBITED.—Nothing in this title shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification or licensure.''.

## TITLE III—INSTITUTIONAL AID

**SEC. 301. PROGRAM PURPOSE.**

Section 311 (20 U.S.C. 1057) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''351'' and inserting ''391''; and

(B) in paragraph (3)(F), by inserting '', including services that will assist in the education of special populations'' before the period; and

(2) in subsection (c)—

(A) in paragraph (6), by inserting '', including innovative, customized, remedial education and English language instruction courses designed to help retain students and move the students rapidly into core courses and through program completion'' before the period;

(B) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively;

(C) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.'';

(D) in paragraph (12) (as redesignated by subparagraph (B)), by striking ''distance learning academic instruction capabilities'' and inserting ''distance education technologies''; and

(E) in the matter preceding subparagraph (A) of paragraph (13) (as redesignated by subparagraph (B)), by striking ''subsection (c)'' and inserting ''subsection (b) and section 391''.

**SEC. 302. DEFINITIONS; ELIGIBILITY.**

Section 312 (20 U.S.C. 1058) is amended—

(1) in subsection (b)(1)(A), by striking ''subsection (c) of this section'' and inserting ''subsection (d)''; and

(2) in subsection (d)(2), by striking ''subdivision'' and inserting ''paragraph''.

**SEC. 303. AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.**

Section 316 (20 U.S.C. 1059c) is amended—

(1) by striking subsection (b)(3) and inserting the following:

''(3) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' means an institution that—

''(A) qualifies for funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Assistance Act of 1978 (25 U.S.C. 640a note); or

''(B) is cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).'';

(2) in subsection (c)(2)—

(A) in subparagraph (B), by inserting before the semicolon at the end the following: ''and the acquisition of real property adjacent to the campus of the institution'';

(B) by redesignating subparagraphs (G), (H), (I), (J), (K), and (L) as subparagraphs (H), (I), (J), (K), (L), and (N), respectively;

(C) by inserting after subparagraph (F) the following:

''(G) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents;'';

(D) in subparagraph (L) (as redesignated by subparagraph (B)), by striking ''and'' after the semicolon;

(E) by inserting after subparagraph (L) (as redesignated by subparagraph (B)) the following:

''(M) developing or improving facilities for Internet use or other distance education technologies; and''; and

(F) in subparagraph (N) (as redesignated by subparagraph (B)), by striking ''subparagraphs (A) through (K)'' and inserting ''subparagraphs (A) through (M)''; and

(3) by striking subsection (d) and inserting the following:

''(d) APPLICATION, PLAN, AND ALLOCATION.—

''(1) INSTITUTIONAL ELIGIBILITY.—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).

''(2) APPLICATION.—

''(A) IN GENERAL.—A Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may reasonably require.

''(B) STREAMLINED PROCESS.—The Secretary shall establish application requirements in such a manner as to simplify and streamline the process for applying for grants.

''(3) ALLOCATIONS TO INSTITUTIONS.—

''(A) CONSTRUCTION GRANTS.—

''(i) IN GENERAL.—Of the amount appropriated to carry out this section for any fiscal year, the Secretary may reserve 30 percent for the purpose of awarding 1-year grants of not less than $1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

''(ii) PREFERENCE.—In providing grants under clause (i), the Secretary shall give preference to eligible institutions that have not yet received an award under this section.

''(B) ALLOTMENT OF REMAINING FUNDS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall distribute the remaining funds appropriated for any fiscal year to each eligible institution as follows:

''(I) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities; and

''(II) the remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities.

''(ii) MINIMUM GRANT.—The amount distributed to a Tribal College or University under clause (i) shall not be less than $500,000.

''(4) SPECIAL RULES.—

''(A) CONCURRENT FUNDING.—For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.''.

**SEC. 304. ALASKA NATIVE AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.**

Section 317(c)(2) (20 U.S.C. 1059d(c)(2)) is amended—

(1) in subparagraph (G), by striking ''and'' after the semicolon;

(2) in subparagraph (H), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(I) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.''.

**SEC. 305. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.**

(a) GRANT PROGRAM AUTHORIZED.—Part A of title III (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:

**''SEC. 318. NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTIONS.**

''(a) PROGRAM AUTHORIZED.—The Secretary shall provide grants and related assistance to Native American-serving, nontribal institutions to enable such institutions to improve and expand their capacity to serve Native Americans.

''(b) DEFINITIONS.—In this section:

''(1) NATIVE AMERICAN.—The term 'Native American' means an individual who is of a tribe, people, or culture that is indigenous to the United States.

''(2) NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTION.—The term 'Native American-serving, nontribal institution' means an institution of higher education that, at the time of application—

''(A) has an enrollment of undergraduate students that is not less than 10 percent Native American students; and

''(B) is not a Tribal College or University (as defined in section 316).

''(c) AUTHORIZED ACTIVITIES.—

''(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded under this section shall be used by Native American-serving, nontribal institutions to assist such institutions to plan, develop, undertake, and carry out activities to improve and expand such institutions' capacity to serve Native Americans.

''(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—Such programs may include—

''(A) the purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

''(B) renovation and improvement in classroom, library, laboratory, and other instructional facilities;

''(C) support of faculty exchanges, and faculty development and faculty fellowships to assist faculty in attaining advanced degrees in the faculty's field of instruction;

''(D) curriculum development and academic instruction;

''(E) the purchase of library books, periodicals, microfilm, and other educational materials;

''(F) funds and administrative management, and acquisition of equipment for use in strengthening funds management;

''(G) the joint use of facilities such as laboratories and libraries; and

''(H) academic tutoring and counseling programs and student support services.

''(d) APPLICATION PROCESS.—

''(1) INSTITUTIONAL ELIGIBILITY.—A Native American-serving, nontribal institution desiring to receive assistance under this section shall submit to the Secretary such enrollment data as may be necessary to demonstrate that the institution is a Native American-serving, nontribal institution, along with such other information and data as the Secretary may by regulation require.

''(2) APPLICATIONS.—

''(A) PERMISSION TO SUBMIT APPLICATIONS.—Any institution that is determined by the Secretary to be a Native American-serving, nontribal institution may submit an application for assistance under this section to the Secretary.

''(B) SIMPLIFIED AND STREAMLINED FORMAT.—The Secretary shall, to the extent possible, prescribe a simplified and streamlined format for applications under this section that takes into account the limited number of institutions that are eligible for assistance under this section.

''(C) CONTENT.—An application submitted under subparagraph (A) shall include—

''(i) a 5-year plan for improving the assistance provided by the Native American-serving, nontribal institution to Native Americans; and

''(ii) such other information and assurances as the Secretary may require.

''(3) SPECIAL RULES.—

''(A) ELIGIBILITY.—No Native American-serving, nontribal institution that receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.

''(C) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent possible and consistent with the competitive process under which such grants are awarded, ensure maximum and equitable distribution among all eligible institutions.''.

(b) MINIMUM GRANT AMOUNT.—Section 399 (20 U.S.C. 1068h) is amended by adding at the end the following:

''(c) MINIMUM GRANT AMOUNT.—The minimum amount of a grant under this title shall be $200,000.''.

**SEC. 306. PART B DEFINITIONS.**

Section 322(4) (20 U.S.C. 1061(4)) is amended by inserting '', in consultation with the Commissioner for Education Statistics'' before ''and the Commissioner''.

**SEC. 307. GRANTS TO INSTITUTIONS.**

Section 323(a) (20 U.S.C. 1062(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''360(a)(2)'' and inserting ''399(a)(2)'';

(2) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(3) by inserting after paragraph (6) the following:

''(7) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.''.

**SEC. 308. ALLOTMENTS TO INSTITUTIONS.**

Section 324 (20 U.S.C. 1063) is amended by adding at the end the following:

''(h) SPECIAL RULE ON ELIGIBILITY.—Notwithstanding any other provision of this section, a part B institution shall not receive an allotment under this section unless the part B institution provides, on an annual basis, data indicating that the part B institution—

''(1) enrolled Federal Pell Grant recipients in the preceding academic year;

''(2) in the preceding academic year, has graduated students from a program of academic study that is licensed or accredited by a nationally recognized accrediting agency or association recognized by the Secretary pursuant to part H of title IV where appropriate; and

''(3) where appropriate, has graduated students who, within the past 5 years, enrolled in graduate or professional school.''.

**SEC. 309. PROFESSIONAL OR GRADUATE INSTITUTIONS.**

Section 326 (20 U.S.C. 1063b) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by inserting '', and for the acquisition and development of real property that is adjacent to the campus for such construction, maintenance, renovation, or improvement'' after ''services'';

(B) by redesignating paragraphs (5) through (7) as paragraphs (7) through (9), respectively;

(C) by inserting after paragraph (4) the following:

''(5) tutoring, counseling, and student service programs designed to improve academic success;

''(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents;'';

(D) in paragraph (7) (as redesignated by subparagraph (B)), by striking ''establish or improve'' and inserting ''establishing or improving'';

(E) in paragraph (8) (as redesignated by subparagraph (B))—

(i) by striking ''assist'' and inserting ''assisting''; and

(ii) by striking ''and'' after the semicolon;

(F) in paragraph (9) (as redesignated by subparagraph (B)), by striking the period and inserting ''; and''; and

(G) by adding at the end the following:

''(10) other activities proposed in the application submitted under subsection (d) that—

''(A) contribute to carrying out the purposes of this part; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.'';

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by inserting a colon after ''the following'';

(ii) in subparagraph (Q), by striking ''and'' at the end;

(iii) in subparagraph (R), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

''(S) Alabama State University qualified graduate program;

''(T) Coppin State University qualified graduate program;

''(U) Prairie View A & M University qualified graduate program;

''(V) Fayetteville State University qualified graduate program;

''(W) Delaware State University qualified graduate program;

''(X) Langston University qualified graduate program;

''(Y) West Virginia State University qualified graduate program;

''(Z) Kentucky State University qualified graduate program; and

''(AA) Grambling State University qualified graduate program.'';

(B) in paragraph (2)(A)—

(i) by inserting ''in law or'' after ''instruction''; and

(ii) by striking ''mathematics, or'' and inserting ''mathematics, psychometrics, or'';

(C) in paragraph (3)—

(i) by striking ''1998'' and inserting ''2007''; and

(ii) by striking ''(Q) and (R)'' and inserting ''(S), (T), (U), (V), (W), (X), (Y), (Z), and (AA)'';

(3) in subsection (f)—

(A) in paragraph (1), by striking ''(P)'' and inserting ''(R)'';

(B) in paragraph (2), by striking ''(Q) and (R)'' and inserting ''(S), (T), (U), (V), (W), (X), (Y), (Z), and (AA)''; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''(R)'' and inserting ''(AA)'';

(ii) by striking subparagraphs (A) and (B) and inserting the following:

''(A) The amount of non-Federal funds for the fiscal year for which the determination is made that the institution or program listed in subsection (e)—

''(i) allocates from institutional resources;

''(ii) secures from non-Federal sources, including amounts appropriated by the State and amounts from the private sector; and

''(iii) will utilize to match Federal funds awarded for the fiscal year for which the determination is made under this section to the institution or program.

''(B) The number of students enrolled in the qualified graduate programs of the eligible institution or program, for which the institution or program received and allocated funding under this section in the preceding year.'';

(iii) in subparagraph (C), by striking ''(or the equivalent) enrolled in the eligible professional or graduate school'' and all that follows through the period and inserting ''enrolled in the qualified programs or institutions listed in paragraph (1).'';

(iv) in subparagraph (D)—

(I) by striking ''students'' and inserting ''Black American students or minority students''; and

(II) by striking ''institution'' and inserting ''institution or program''; and

(v) by striking subparagraph (E) and inserting the following:

''(E) The percentage that the total number of Black American students and minority students who receive their first professional, master's, or doctoral degrees from the institution or program in the academic year preceding the academic year for which the determination is made, represents of the total number of Black American students and minority students in the United States who receive their first professional, master's, or doctoral degrees in the professions or disciplines related to the course of study at such institution or program, respectively, in the preceding academic year.''; and

(4) in subsection (g), by striking ''1998'' and inserting ''2007''.

**SEC. 310. AUTHORITY OF THE SECRETARY.**

Section 345 (20 U.S.C. 1066d) is amended—

(1) in paragraph (6), by striking ''and'' after the semicolon;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, shall submit to the authorizing committees a report on the progress of the Department in implementing the recommendations made by the Government Accountability Office in October 2006 for improving the Historically Black College and Universities Capital Financing Program.''.

**SEC. 311. AUTHORIZATION OF APPROPRIATIONS.**

Subsection (a) of section 399 (20 U.S.C. 1068h) is amended to read as follows:

''(a) AUTHORIZATIONS.—

''(1) PART A.—(A) There are authorized to be appropriated to carry out part A (other than sections 316, 317, and 318) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 316 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(C) There are authorized to be appropriated to carry out section 317 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(D) There are authorized to be appropriated to carry out section 318 such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(2) PART B.—(A) There are authorized to be appropriated to carry out part B (other than section 326) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 326 such sums as

may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(3) PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(4) PART D.—(A) There are authorized to be appropriated to carry out part D (other than section 345(7), but including section 347) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(B) There are authorized to be appropriated to carry out section 345(7) such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(5) PART E.—There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

**SEC. 312. TECHNICAL CORRECTIONS.**

Title III (20 U.S.C. 1051 et seq.) is further amended—

(1) in section 342(5)(C) (20 U.S.C. 1066a(5)(C)), by striking ''.,'' and inserting ''.'';

(2) in section 343(e) (20 U.S.C. 1066b(e)), by inserting ''SALE OF QUALIFIED BONDS.—'' before ''Notwithstanding'';

(3) in the matter preceding clause (i) of section 365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking ''support'' and inserting ''supports'';

(4) in section 391(b)(7)(E) (20 U.S.C. 1068(b)(7)(E)), by striking ''subparagraph (E)'' and inserting ''subparagraph (D)'';

(5) in the matter preceding subparagraph (A) of section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by striking ''eligible institutions under part A institutions'' and inserting ''eligible institutions under part A''; and

(6) in the matter preceding paragraph (1) of section 396 (20 U.S.C. 1068e), by striking ''360'' and inserting ''399''.

## TITLE IV—STUDENT ASSISTANCE

## PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

**SEC. 401. FEDERAL PELL GRANTS.**

(a) AMENDMENTS.—Section 401 (20 U.S.C. 1070a) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''2004'' and inserting ''2013''; and

(ii) in the second sentence, by striking ''.,'' and inserting ''.''; and

(B) in paragraph (3), by striking ''this subpart'' and inserting ''this section'';

(2) in subsection (b)—

(A) by striking paragraph (2)(A) and inserting the following:

''(2)(A) The amount of the Federal Pell Grant for a student eligible under this part shall be—

''(i) $5,400 for academic year 2008–2009;

''(ii) $5,700 for academic year 2009–2010;

''(iii) $6,000 for academic year 2010–2011; and

''(iv) $6,300 for academic year 2011–2012,

less an amount equal to the amount determined to be the expected family contribution with respect to that student for that year.'';

(B) by striking paragraph (3);

(C) in paragraph (5), by striking ''$400, except'' and all that follows through the period and inserting ''10 percent of the maximum basic grant level specified in the appropriate Appropriation Act for such academic year, except that a student who is eligible for a Federal Pell Grant in an amount that is equal to or greater than 5 percent of such level but less than 10 percent of such level shall be awarded a Federal Pell grant in the amount of 10 percent of such level.''; and

(D) by striking paragraph (6) and inserting the following:

''(6) In the case of a student who is enrolled, on at least a half-time basis and for a period of more than 1 academic year in a single award year in a 2-year or 4-year program of instruction for which an institution of higher education awards an associate or baccalaureate degree, the Secretary shall award such student not more than 2 Federal Pell Grants during that award year to permit such student to accelerate the student's progress toward a degree. In the case of a student receiving more than 1 Federal Pell Grant in a single award year, the total amount of Federal Pell Grants awarded to such student for the award year may exceed the maximum basic grant level specified in the appropriate appropriations Act for such award year.''; and

(3) in subsection (c), by adding at the end the following:

''(5) The period of time during which a student may receive Federal Pell Grants shall not exceed 18 semesters, or an equivalent period of time as determined by the Secretary pursuant to regulations, which period shall—

''(A) be determined without regard to whether the student is enrolled on a full-time basis during any portion of the period of time; and

''(B) include any period of time for which the student received a Federal Pell Grant prior to July 1, 2008.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2008.

**SEC. 402. ACADEMIC COMPETITIVENESS GRANTS.**

Section 401A (20 U.S.C. 1070a–1) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) ACADEMIC COMPETITIVENESS GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, in the amounts specified in subsection (d)(1), to eligible students to assist the eligible students in paying their college education expenses.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''academic''; and

(B) in paragraph (2), by striking ''third or fourth academic'' and inserting ''third, fourth, or fifth'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''full-time'' and all that follows through ''is made'' and inserting ''student who'';

(B) by striking paragraph (1) and inserting the following:

''(1) is eligible for a Federal Pell Grant for the award year in which the determination of eligibility is made for a grant under this section;'';

(C) by striking paragraph (2) and inserting the following:

''(2) is enrolled or accepted for enrollment in an institution of higher education on not less than a half-time basis; and''; and

(D) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

''(A) the first year of a program of undergraduate education at a 2- or 4-year degree-granting institution of higher education (including a program of not less than 1 year for which the institution awards a certificate), has successfully completed, after January 1, 2006, a rigorous secondary school program of study established by a State or local educational agency and recognized as such by the Secretary;'';

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''academic'' and all that follows through ''higher education'' and inserting ''year of a program of undergraduate education at a 2- or 4-year degree-granting institution of higher education (including a program of not less than 2 years for which the institution awards a certificate)''; and

(II) in clause (ii)—

(aa) by striking ''academic''; and

(bb) by striking ''or'' after the semicolon at the end;

(iii) in subparagraph (C)—

(I) by striking ''academic'';

(II) by striking ''four'' and inserting ''4'';

(III) by striking clause (i)(II) and inserting the following:

''(II) a critical foreign language; and''; and

(IV) in clause (ii), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

''(D) the third or fourth year of a program of undergraduate education at an institution of higher education (as defined in section 101(a)) that demonstrates, to the satisfaction of the Secretary, that the institution—

''(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, and those students—

''(I) study, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by an appropriate official from the institution; or

''(II) are required, as part of their degree program, to undertake a rigorous course of study in mathematics, biology, chemistry, and physics, which consists of at least—

''(aa) 4 years of study in mathematics; and

''(bb) 3 years of study in the sciences, with a laboratory component in each of those years; and

''(ii) offered such curriculum prior to February 8, 2006; or

''(E) the fifth year of a program of undergraduate education that requires 5 full years of coursework for which a baccalaureate degree is awarded by a degree-granting institution of higher education, as certified by the appropriate official of such institution—

''(i) is pursuing a major in—

''(I) the physical, life, or computer sciences, mathematics, technology, or engineering (as determined by the Secretary pursuant to regulations); or

''(II) a critical foreign language; and

''(ii) has obtained a cumulative grade point average of at least 3.0 (or the equivalent, as determined under regulations prescribed by the Secretary) in the coursework required for the major described in clause (i).'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''The'' and inserting ''IN GENERAL.—The'';

(II) in clause (ii), by striking ''or'' after the semicolon at the end;

(III) in clause (iii), by striking ''subsection (c)(3)(C).'' and inserting ''subparagraph (C) or (D) of subsection (c)(3), for each of the 2 years described in such subparagraphs; or''; and

(IV) by adding at the end the following:

''(iv) $4,000 for an eligible student under subsection (c)(3)(E).''; and

(ii) in subparagraph (B)—

(I) by striking ''Notwithstanding'' and inserting ''LIMITATION; RATABLE REDUCTION.—Notwithstanding'';

(II) by redesignating clauses (i), (ii), and (iii), as clauses (ii), (iii), and (iv), respectively; and

(III) by inserting before clause (ii), as redesignated under subclause (II), the following:

''(i) in any case in which a student attends an institution of higher education on less than a full-time basis, the amount of the

grant that such student may receive shall be reduced in the same manner as a Federal Pell Grant is reduced under section 401(b)(2)(B);'';

(B) by striking paragraph (2) and inserting the following:

''(2) LIMITATIONS.—

''(A) NO GRANTS FOR PREVIOUS CREDIT.—The Secretary may not award a grant under this section to any student for any year of a program of undergraduate education for which the student received credit before the date of enactment of the Higher Education Reconciliation Act of 2005.

''(B) NUMBER OF GRANTS.—

''(i) FIRST YEAR.—In the case of a student described in subsection (c)(3)(A), the Secretary may not award more than 1 grant to such student for such first year of study.

''(ii) SECOND YEAR.—In the case of a student described in subsection (c)(3)(B), the Secretary may not award more than 1 grant to such student for such second year of study.

''(iii) THIRD AND FOURTH YEARS.—In the case of a student described in subparagraph (C) or (D) of subsection (c)(3), the Secretary may not award more than 1 grant to such student for each of the third and fourth years of study.

''(iv) FIFTH YEAR.—In the case of a student described in subsection (c)(3)(E), the Secretary may not award more than 1 grant to such student for such fifth year of study.'';

and

(C) by adding at the end the following:

''(3) CALCULATION OF GRANT PAYMENTS.—An institution of higher education shall make payments of a grant awarded under this section in the same manner, using the same payment periods, as such institution makes payments for Federal Pell Grants under section 401.'';

(5) by striking subsection (e)(2) and inserting the following:

''(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) for a fiscal year shall remain available for the succeeding fiscal year.'';

(6) in subsection (f)—

(A) by striking ''at least one'' and inserting ''not less than 1''; and

(B) by striking ''subsection (c)(3)(A) and (B)'' and inserting ''subparagraphs (A) and (B) of subsection (c)(3)''; and

(7) in subsection (g), by striking ''academic'' and inserting ''award''.

**SEC. 403. FEDERAL TRIO PROGRAMS.**

(a) PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.—Section 402A (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''4'' and inserting ''5'';

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(B) by striking paragraph (3) and inserting the following:

''(3) MINIMUM GRANTS.—Unless the institution or agency requests a smaller amount, an individual grant authorized under this chapter shall be awarded in an amount that is not less than $200,000, except that an individual grant authorized under section 402G shall be awarded in an amount that is not less than $170,000.'';

(2) in subsection (c)—

(A) in paragraph (2), by striking ''service delivery'' and inserting ''high quality service delivery, as determined under subsection (f),'';

(B) in paragraph (3)(B), by striking ''is not required to'' and inserting ''shall not''; and

(C) in paragraph (5), by striking ''campuses'' and inserting ''different campuses'';

(3) in subsection (e), by striking ''(g)(2)'' each place the term occurs and inserting ''(h)(4)'';

(4) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(5) by inserting after subsection (e) the following:

''(f) OUTCOME CRITERIA.—

''(1) USE FOR PRIOR EXPERIENCE DETERMINATION.—The Secretary shall use the outcome criteria described in paragraphs (2) and (3) to evaluate the programs provided by a recipient of a grant under this chapter, and the Secretary shall determine an eligible entity's prior experience of high quality service delivery, as required under subsection (c)(2), based on the outcome criteria.

''(2) DISAGGREGATION OF RELEVANT DATA.—The outcome criteria under this subsection shall be disaggregated by low-income students, first generation college students, and individuals with disabilities, in the schools and institutions of higher education served by the program to be evaluated.

''(3) CONTENTS OF OUTCOME CRITERIA.—The outcome criteria under this subsection shall measure, annually and for longer periods, the quality and effectiveness of programs authorized under this chapter and shall include the following:

''(A) For programs authorized under section 402B, the extent to which the eligible entity met or exceeded the entity's objectives established in the entity's application for such program regarding—

''(i) the delivery of service to a total number of students served by the program;

''(ii) the continued secondary school enrollment of such students;

''(iii) the graduation of such students from secondary school;

''(iv) the enrollment of such students in an institution of higher education; and

''(v) to the extent practicable, the postsecondary education completion of such students.

''(B) For programs authorized under section 402C, the extent to which the eligible entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period;

''(ii) such students' school performance, as measured by the grade point average, or its equivalent;

''(iii) such students' academic performance, as measured by standardized tests, including tests required by the students' State;

''(iv) the retention in, and graduation from, secondary school of such students; and

''(v) the enrollment of such students in an institution of higher education.

''(C) For programs authorized under section 402D—

''(i) the extent to which the eligible entity met or exceeded the entity's objectives regarding the retention in postsecondary education of the students served by the program;

''(ii)(I) in the case of an entity that is an institution of higher education offering a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding such students' completion of the degree programs in which such students were enrolled; or

''(II) in the case of an entity that is an institution of higher education that does not offer a baccalaureate degree, the extent to which the entity met or exceeded the entity's objectives regarding—

''(aa) the completion of a degree or certificate by such students; and

''(bb) the transfer of such students to institutions of higher education that offer baccalaureate degrees;

''(iii) the extent to which the entity met or exceeded the entity's objectives regarding the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the extent to which the entity met or exceeded the entity's objectives regarding such students remaining in good academic standing.

''(D) For programs authorized under section 402E, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period;

''(ii) the provision of appropriate scholarly and research activities for the students served by the program;

''(iii) the acceptance and enrollment of such students in graduate programs; and

''(iv) the continued enrollment of such students in graduate study and the attainment of doctoral degrees by former program participants.

''(E) For programs authorized under section 402F, the extent to which the entity met or exceeded the entity's objectives for such program regarding—

''(i) the enrollment of students without a secondary school diploma or its recognized equivalent, who were served by the program, in programs leading to such diploma or equivalent;

''(ii) the enrollment of secondary school graduates who were served by the program in programs of postsecondary education;

''(iii) the delivery of service to a total number of students, as agreed upon by the entity and the Secretary for the period; and

''(iv) the provision of assistance to students served by the program in completing financial aid applications and college admission applications.

''(4) MEASUREMENT OF PROGRESS.—In order to determine the extent to which an outcome criterion described in paragraphs (2) or (3) is met or exceeded, an eligible entity receiving assistance under this chapter shall compare the eligible entity's target for the criterion, as established in the eligible entity's application, with the results for the criterion, measured as of the last day of the applicable time period for the determination.'';

(6) in subsection (g) (as redesignated by paragraph (4))—

(A) in the first sentence, by striking ''$700,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''; and

(B) by striking the fourth sentence; and

(7) in subsection (h) (as redesignated by paragraph (4))—

(A) by redesignating paragraphs (1) through (4) as paragraphs (3) through (6), respectively;

(B) by inserting before paragraph (3) (as redesignated by subparagraph (A)) the following:

''(1) DIFFERENT CAMPUS.—The term 'different campus' means a site of an institution of higher education that—

''(A) is geographically apart from the main campus of the institution;

''(B) is permanent in nature; and

''(C) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential.

''(2) DIFFERENT POPULATION.—The term 'different population' means a group of individuals, with respect to whom an eligible entity desires to serve through an application for a grant under this chapter, that—

''(A) is separate and distinct from any other population that the entity has applied for a grant under this chapter to serve; or

''(B) while sharing some of the same needs as another population that the eligible entity has applied for a grant under this chapter to serve, has distinct needs for specialized services.'';

(C) in paragraph (5) (as redesignated by subparagraph (A))—

(i) in subparagraph (A), by striking ''or'' after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following:

''(C) was a member of a reserve component of the Armed Forces called to active duty for a period of more than 180 days.''; and

(D) in paragraph (6), by striking ''subparagraph (A) or (B) of paragraph (3)'' and inserting ''subparagraph (A), (B), or (C) of paragraph (5)''.

(b) TALENT SEARCH.—Section 402B (20 U.S.C. 1070a–12) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''to identify qualified youths with potential for education at the postsecondary level and to encourage such youths'' and inserting ''to encourage eligible youths'';

(B) in paragraph (2), by inserting '', and facilitate the application for,'' after ''the availability of''; and

(C) in paragraph (3), by striking '', but who have the ability to complete such programs, to reenter'' and inserting ''to enter or reenter, and complete'';

(2) by redesignating subsection (c) as subsection (d);

(3) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

''(1) academic tutoring, or connections to high quality academic tutoring services, to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in secondary course selection and, if applicable, initial postsecondary course selection;

''(3) assistance in preparing for college entrance examinations and completing college admission applications;

''(4)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(5) guidance on and assistance in—

''(A) secondary school reentry;

''(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

''(C) entry into general educational development (GED) programs; or

''(D) postsecondary education; and

''(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.

''(c) PERMISSIBLE SERVICES.—Any project assisted under this section may provide services such as—

''(1) personal and career counseling or activities;

''(2) information and activities designed to acquaint youths with the range of career options available to the youths;

''(3) exposure to the campuses of institutions of higher education, as well as cultural events, academic programs, and other sites or activities not usually available to disadvantaged youth;

''(4) workshops and counseling for families of students served;

''(5) mentoring programs involving elementary or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons; and

''(6) programs and activities as described in subsection (b) or paragraphs (1) through (5) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or students who are in foster care or are aging out of the foster care system.''; and

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking ''talent search projects under this chapter'' and inserting ''projects under this section''.

(c) UPWARD BOUND.—Section 402C (20 U.S.C. 1070a–13) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—Any project assisted under this section shall provide—

''(1) academic tutoring to enable students to complete secondary or postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in secondary and postsecondary course selection;

''(3) assistance in preparing for college entrance examinations and completing college admission applications;

''(4)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(5) guidance on and assistance in—

''(A) secondary school reentry;

''(B) alternative education programs for secondary school dropouts that lead to the receipt of a regular secondary school diploma;

''(C) entry into general educational development (GED) programs; or

''(D) postsecondary education; and

''(6) education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents, including financial planning for postsecondary education.'';

(2) in subsection (c)—

(A) in the subsection heading, by striking ''REQUIRED SERVICES'' and inserting ''ADDITIONAL REQUIRED SERVICES FOR MULTIPLE-YEAR GRANT RECIPIENTS''; and

(B) by striking ''upward bound project assisted under this chapter'' and inserting ''project assisted under this section'';

(3) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively;

(4) by inserting after subsection (c) the following:

''(d) PERMISSIBLE SERVICES.—Any project assisted under this section may provide such services as—

''(1) exposure to cultural events, academic programs, and other activities not usually available to disadvantaged youth;

''(2) information, activities and instruction designed to acquaint youths participating in the project with the range of career options available to the youths;

''(3) on-campus residential programs;

''(4) mentoring programs involving elementary school or secondary school teachers or counselors, faculty members at institutions of higher education, students, or any combination of such persons;

''(5) work-study positions where youth participating in the project are exposed to careers requiring a postsecondary degree;

''(6) special services to enable veterans to make the transition to postsecondary education; and

''(7) programs and activities as described in subsection (b), subsection (c), or paragraphs (1) through (6) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or students who are in foster care or are aging out of the foster care system.

''(e) PRIORITY.—In providing assistance under this section the Secretary—

''(1) shall give priority to projects assisted under this section that select not less than 30 percent of all first-time participants in the projects from students who have a high academic risk for failure; and

''(2) shall not deny participation in a project assisted under this section to a student because the student will enter the project after the 9th grade.'';

(5) in the matter preceding paragraph (1) of subsection (f) (as redesignated by paragraph (3)), by striking ''upward bound projects under this chapter'' and inserting ''projects under this section''; and

(6) in subsection (g) (as redesignated by paragraph (3))—

(A) by striking ''during June, July, and August'' each place the term occurs and inserting ''during the summer school recess, for a period not to exceed 3 months''; and

(B) by striking ''(b)(10)'' and inserting ''(d)(5)''.

(7) by adding at the end the following:

''(h) ADDITIONAL FUNDS.—

''(1) AUTHORIZATION.—There are authorized to be appropriated for the upward bound program under this chapter, in addition to any amounts appropriated under section 402A(g), $57,000,000 for each of the fiscal years 2008 through 2011 for the Secretary to carry out paragraph (2), except that any amounts that remain unexpended for such purpose for each of such fiscal years may be available for technical assistance and administration costs for the upward bound program under this chapter.

''(2) USE OF FUNDS.—

''(A) IN GENERAL.—The amounts made available by paragraph (1) for a fiscal year shall be available to provide assistance to applicants for an upward bound project under this chapter for such fiscal year that—

''(i) did not apply for assistance, or applied but did not receive assistance, under this section in fiscal year 2007; and

''(ii) receive a grant score above 70 on the applicant's application.

''(B) 4-YEAR GRANTS.—The assistance described in subparagraph (A) shall be made available in the form of 4-year grants.''.

(d) STUDENT SUPPORT SERVICES.—Section 402D (20 U.S.C. 1070a–14) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) by striking paragraph (3) and inserting the following:

''(3) to foster an institutional climate supportive of the success of low-income and first generation college students, students with disabilities, students who are limited English proficient, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), and students who are in foster care or are aging out of the foster care system.''; and

(C) by adding at the end the following:

''(4) to improve the financial literacy and economic literacy of students, including—

''(A) basic personal income, household money management, and financial planning skills; and

''(B) basic economic decisionmaking skills.'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e);

(3) by striking subsection (b) and inserting the following:

''(b) REQUIRED SERVICES.—A project assisted under this section shall provide—

''(1) academic tutoring to enable students to complete postsecondary courses, which may include instruction in reading, writing, study skills, mathematics, science, and other subjects;

''(2) advice and assistance in postsecondary course selection;

''(3)(A) information on both the full range of Federal student financial aid programs (including Federal Pell Grant awards and loan forgiveness) and resources for locating public and private scholarships; and

''(B) assistance in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a);

''(4) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

''(5) activities designed to assist students participating in the project in securing college admission and financial assistance for enrollment in graduate and professional programs; and

''(6) activities designed to assist students enrolled in 2-year institutions of higher education in securing admission and financial assistance for enrollment in a 4-year program of postsecondary education.

''(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

''(1) consistent, individualized personal, career, and academic counseling, provided by assigned counselors;

''(2) information, activities, and instruction designed to acquaint youths participating in the project with the range of career options available to the students;

''(3) exposure to cultural events and academic programs not usually available to disadvantaged students;

''(4) activities designed to acquaint students participating in the project with the range of career options available to the students;

''(5) mentoring programs involving faculty or upper class students, or a combination thereof;

''(6) securing temporary housing during breaks in the academic year for students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths and students who are in foster care or are aging out of the foster care system; and

''(7) programs and activities as described in subsection (b) or paragraphs (1) through (5) of this subsection that are specially designed for students who are limited English proficient, students with disabilities, students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) or were formerly homeless children and youths, or students who are in foster care or are aging out of the foster care system.'';

(4) in subsection (d)(1) (as redesignated by paragraph (2)), by striking ''subsection (b)'' and inserting ''subsection (c)''; and

(5) in the matter preceding paragraph (1) of subsection (e) (as redesignated by paragraph (2)), by striking ''student support services projects under this chapter'' and inserting ''projects under this section''.

(e) POSTBACCALAUREATE ACHIEVEMENT PROGRAM AUTHORITY.—Section 402E (20 U.S.C. 1070a–15) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting ''REQUIRED'' before ''SERVICES'';

(B) in the matter preceding paragraph (1), by striking ''A postbaccalaureate achievement project assisted under this section may provide services such as—'' and inserting ''A project assisted under this section shall provide—'';

(C) in paragraph (5), by inserting ''and'' after the semicolon;

(D) in paragraph (6), by striking the semicolon and inserting a period; and

(E) by striking paragraphs (7) and (8);

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(3) by inserting after subsection (b) the following:

''(c) PERMISSIBLE SERVICES.—A project assisted under this section may provide services such as—

''(1) education or counseling services designed to improve the financial literacy and economic literacy of students, including financial planning for postsecondary education;

''(2) mentoring programs involving faculty members at institutions of higher education, students, or any combination of such persons; and

''(3) exposure to cultural events and academic programs not usually available to disadvantaged students.'';

(4) in the matter preceding paragraph (1) of subsection (d) (as redesignated by paragraph (2)), by striking ''postbaccalaureate achievement'';

(5) in the matter preceding paragraph (1) of subsection (f) (as redesignated by paragraph (2)), by striking ''postbaccalaureate achievement project'' and inserting ''project under this section''; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) by striking ''402A(f)'' and inserting ''402A(g)''; and

(B) by striking ''1993 through 1997'' and inserting ''2007 through 2012''.

(f) EDUCATIONAL OPPORTUNITY CENTERS.—Section 402F (20 U.S.C. 1070a–16) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(3) to improve the financial literacy and economic literacy of students, including—

''(A) basic personal income, household money management, and financial planning skills; and

''(B) basic economic decisionmaking skills.''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively;

(B) by inserting after paragraph (4) the following:

''(5) education or counseling services designed to improve the financial literacy and economic literacy of students;'';

(C) by striking paragraph (7) (as redesignated by subparagraph (A)) and inserting the following:

''(7) individualized personal, career, and academic counseling;''; and

(D) by striking paragraph (11) (as redesignated by subparagraph (A)) and inserting the following:

''(11) programs and activities as described in paragraphs (1) through (10) that are specially designed for students who are limited English proficient, students with disabilities, or students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)), or programs and activities for students who are in foster care or are aging out of the foster care system.''.

(g) STAFF DEVELOPMENT ACTIVITIES.—Section 402G(b)(3) (20 U.S.C. 1070a–17(b)(3)) is amended by inserting '', including strategies for recruiting and serving students who are homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)) and students who are in foster care or are aging out of the foster care system'' before the period at the end.

(h) REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.—Section 402H (20 U.S.C. 1070a–18) is amended—

(1) by striking the section heading and inserting ''**REPORTS, EVALUATIONS, AND GRANTS FOR PROJECT IMPROVEMENT AND DISSEMINATION.**'';

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) REPORTS TO THE AUTHORIZING COMMITTEES.—The Secretary shall submit annually, to the authorizing committees, a report that documents the performance of all programs funded under this chapter. The report shall—

''(1) be submitted not later than 24 months after the eligible entities receiving funds under this chapter are required to report their performance to the Secretary;

''(2) focus on the programs' performance on the relevant outcome criteria determined under section 402A(f)(4);

''(3) aggregate individual project performance data on the outcome criteria in order to provide national performance data for each program;

''(4) include, when appropriate, descriptive data, multi-year data, and multi-cohort data; and

''(5) include comparable data on the performance nationally of low-income students, first-generation students, and students with disabilities.''; and

(4) in subsection (b) (as redesignated by paragraph (2)), by striking paragraph (2) and inserting the following:

''(2) PRACTICES.—

''(A) IN GENERAL.—The evaluations described in paragraph (1) shall identify institutional, community, and program or project practices that are particularly effective in—

''(i) enhancing the access of low-income individuals and first-generation college students to postsecondary education;

''(ii) the preparation of the individuals and students for postsecondary education; and

''(iii) fostering the success of the individuals and students in postsecondary education.

''(B) PRIMARY PURPOSE.—Any evaluation conducted under this chapter shall have as its primary purpose the identification of particular practices that further the achievement of the outcome criteria determined under section 402A(f)(4).

''(C) DISSEMINATION AND USE OF EVALUATION FINDINGS.—The Secretary shall disseminate to eligible entities and make available to the public the practices identified under subparagraph (B). The practices may be used by

eligible entities that receive assistance under this chapter after the dissemination.

''(3) RECRUITMENT.—The Secretary shall not require an eligible entity desiring to receive assistance under this chapter to recruit students to serve as a control group for purposes of evaluating any program or project assisted under this chapter.''.

(i) ADDITIONAL AMENDMENT TO POSTBACCALAUREATE ACHIEVEMENT PROGRAM.—Section 402E(d)(2) (as redesignated by subsection (e)(2)) (20 U.S.C. 1070a–15(d)(2)) is further amended by inserting '', including Native Hawaiians, as defined in section 7207 of the Elementary and Secondary Education Act of 1965, and Pacific Islanders'' after ''graduate education''.

**SEC. 404. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS.**

(a) EARLY INTERVENTION AND COLLEGE AWARENESS PROGRAM AUTHORIZED.—Section 404A (20 U.S.C. 1070a–21) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized, in accordance with the requirements of this chapter, to establish a program that encourages eligible entities to provide support to eligible low-income students to assist the students in obtaining a secondary school diploma (or its recognized equivalent) and to prepare for and succeed in postsecondary education, by providing—

''(1) financial assistance, academic support, additional counseling, mentoring, outreach, and supportive services to middle school and secondary school students to reduce—

''(A) the risk of such students dropping out of school; or

''(B) the need for remedial education for such students at the postsecondary level; and

''(2) information to students and their parents about the advantages of obtaining a postsecondary education and the college financing options for the students and their parents.'';

(2) by striking subsection (b)(2)(A) and inserting the following:

''(A) give priority to eligible entities that have a prior, demonstrated commitment to early intervention leading to college access through collaboration and replication of successful strategies;''; and

(3) in subsection (b), by adding at the end the following:

''(3) CARRY OVER.—An eligible entity that receives a grant under this chapter may carry over any unspent grant funds from the final year of the grant period into the following year.'';

(4) by striking subsection (c)(2) and inserting the following:

''(2) a partnership—

''(A) consisting of—

''(i) 1 or more local educational agencies; and

''(ii) 1 or more degree granting institutions of higher education; and

''(B) which may include not less than 2 other community organizations or entities, such as businesses, professional organizations, State agencies, institutions or agencies sponsoring programs authorized under subpart 4, or other public or private agencies or organizations.''.

(b) REQUIREMENTS.—Section 404B (20 U.S.C. 1070a–22) is amended—

(1) by striking subsection (a) and inserting the following: —

''(a) FUNDING RULES.—

''(1) DISTRIBUTION.—In awarding grants from the amount appropriated under section 404G for a fiscal year, the Secretary shall take into consideration—

''(A) the geographic distribution of such awards; and

''(B) the distribution of such awards between urban and rural applicants.

''(2) SPECIAL RULE.—The Secretary shall annually reevaluate the distribution of funds described in paragraph (1) based on number, quality, and promise of the applications.'';

(2) by striking subsections (b), (e), and (f);

(3) by redesignating subsections (c), (d), and (g) as subsections (b), (c), and (d), respectively; and

(4) by adding at the end the following:

''(e) SUPPLEMENT, NOT SUPPLANT.—Grant funds awarded under this chapter shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities assisted under this chapter.''.

(c) APPLICATION.—Section 404C (20 U.S.C. 1070a–23) is amended—

(1) in the section heading, by striking ''**ELIGIBLE ENTITY PLANS**'' and inserting ''**APPLICATIONS**'';

(2) in subsection (a)—

(A) in the subsection heading, by striking ''PLAN'' and inserting ''APPLICATION'';

(B) in paragraph (1)—

(i) by striking ''a plan'' and inserting ''an application''; and

(ii) by striking the second sentence; and

(C) by striking paragraph (2) and inserting the following:

''(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall be in such form, contain or be accompanied by such information or assurances, and be submitted at such time as the Secretary may require. Each such application shall, at a minimum—

''(A) describe the activities for which assistance under this chapter is sought, including how the eligible entity will carry out the required activities described in section 404D(a);

''(B) describe how the eligible agency will meet the requirements of section 404E;

''(C) provide assurances that adequate administrative and support staff will be responsible for coordinating the activities described in section 404D;

''(D) ensure that activities assisted under this chapter will not displace an employee or eliminate a position at a school assisted under this chapter, including a partial displacement such as a reduction in hours, wages or employment benefits;

''(E) describe, in the case of an eligible entity described in section 404A(c)(2), how the eligible entity will define the cohorts of the students served by the eligible entity pursuant to section 404B(d), and how the eligible entity will serve the cohorts through grade 12, including—

''(i) how vacancies in the program under this chapter will be filled; and

''(ii) how the eligible entity will serve students attending different secondary schools;

''(F) describe how the eligible entity will coordinate programs with other existing Federal, State, or local programs to avoid duplication and maximize the number of students served;

''(G) provide such additional assurances as the Secretary determines necessary to ensure compliance with the requirements of this chapter; and

''(H) provide information about the activities that will be carried out by the eligible entity to support systemic changes from which future cohorts of students will benefit.'';

(3) in the matter preceding subparagraph (A) of subsection (b)(1)—

(A) by striking ''a plan'' and inserting ''an application''; and

(B) by striking ''such plan'' and inserting ''such application''; and

(4) in subsection (c)(1), by striking ''paid to students from State, local, institutional, or private funds under this chapter'' and inserting ''obligated to students from State, local, institutional, or private funds under this chapter, including pre-existing non-Federal financial assistance programs,'';

(5) in subsection (c)(1), by striking the semicolon at the end and inserting ''including—

''(A) the amount contributed to a student scholarship fund established under section 404E; and

''(B) the amount of the costs of administering the scholarship program under section 404E;''.

(6) in subsection (c)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) other resources recognized by the Secretary, including equipment and supplies, cash contributions from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage.''.

(d) ACTIVITIES.—Section 404D (20 U.S.C. 1070a–24) is amended to read as follows:

**''SEC. 404D. ACTIVITIES.**

''(a) REQUIRED ACTIVITIES.—Each eligible entity receiving a grant under this chapter shall carry out the following:

''(1) Provide information regarding financial aid for postsecondary education to participating students in the cohort described in subsection 404B(d)(1)(A).

''(2) Encourage student enrollment in rigorous and challenging curricula and coursework, in order to reduce the need for remedial coursework at the postsecondary level.

''(3) Support activities designed to improve the number of participating students who—

''(A) obtain a secondary school diploma; and

''(B) complete applications for and enroll in a program of postsecondary education.

''(4) In the case of an eligible entity described in section 404A(c)(1), provide for the scholarships described in section 404E.

''(b) OPTIONAL ACTIVITIES FOR STATES AND PARTNERSHIPS.—An eligible entity that receives a grant under this chapter may use grant funds to carry out 1 or more of the following activities:

''(1) Providing tutoring and supporting mentors, including adults or former participants of a program under this chapter, for eligible students.

''(2) Conducting outreach activities to recruit priority students described in subsection (d) to participate in program activities.

''(3) Providing supportive services to eligible students.

''(4) Supporting the development or implementation of rigorous academic curricula, which may include college preparatory, Advanced Placement, or International Baccalaureate programs, and providing participating students access to rigorous core courses that reflect challenging State academic standards.

''(5) Supporting dual or concurrent enrollment programs between the secondary school and institution of higher education partners of an eligible entity described in section 404A(c)(2), and other activities that support participating students in—

''(A) meeting challenging academic standards;

''(B) successfully applying for postsecondary education;

''(C) successfully applying for student financial aid; and

''(D) developing graduation and career plans.

''(6) Providing support for scholarships described in section 404E.

''(7) Introducing eligible students to institutions of higher education, through trips and school-based sessions.

''(8) Providing an intensive extended school day, school year, or summer program that offers—

''(A) additional academic classes; or

''(B) assistance with college admission applications.

''(9) Providing other activities designed to ensure secondary school completion and postsecondary education enrollment of at-risk children, such as—

''(A) the identification of at-risk children;

''(B) after-school and summer tutoring;

''(C) assistance to at-risk children in obtaining summer jobs;

''(D) academic counseling;

''(E) volunteer and parent involvement;

''(F) encouraging former or current participants of a program under this chapter to serve as peer counselors;

''(G) skills assessments;

''(H) personal counseling;

''(I) family counseling and home visits;

''(J) staff development; and

''(K) programs and activities described in this subsection that are specially designed for students who are limited English proficient.

''(10) Enabling eligible students to enroll in Advanced Placement or International Baccalaureate courses, or college entrance examination preparation courses.

''(11) Providing services to eligible students in the participating cohort described in section 404B(d)(1)(A), through the first year of attendance at an institution of higher education.

''(12) Fostering and improving parent and family involvement in elementary and secondary education by promoting the advantages of a college education, and emphasizing academic admission requirements and the need to take college preparation courses, through parent engagement and leadership activities.

''(13) Disseminating information that promotes the importance of higher education, explains college preparation and admissions requirements, and raises awareness of the resources and services provided by the eligible entities to eligible students, their families, and communities.

''(c) ADDITIONAL OPTIONAL ACTIVITIES FOR STATES.—In addition to the required activities described in subsection (a) and the optional activities described in subsection (b), an eligible entity described in section 404A(c)(1) receiving funds under this chapter may use grant funds to carry out 1 or more of the following activities:

''(1) Providing technical assistance to—

''(A) middle schools or secondary schools that are located within the State; or

''(B) partnerships described in section 404A(c)(2) that are located within the State.

''(2) Providing professional development opportunities to individuals working with eligible cohorts of students described in section 404B(d)(1)(A).

''(3) Providing strategies and activities that align efforts in the State to prepare eligible students for attending and succeeding in postsecondary education, which may include the development of graduation and career plans.

''(4) Disseminating information on the use of scientifically based research and best practices to improve services for eligible students.

''(5)(A) Disseminating information on effective coursework and support services that assist students in obtaining the goals described in subparagraph (B)(ii).

''(B) Identifying and disseminating information on best practices with respect to—

''(i) increasing parental involvement; and

''(ii) preparing students, including students with disabilities and students who are limited English proficient, to succeed academically in, and prepare financially for, postsecondary education.

''(6) Working to align State academic standards and curricula with the expectations of postsecondary institutions and employers.

''(7) Developing alternatives to traditional secondary school that give students a head start on attaining a recognized postsecondary credential (including an industry certificate, an apprenticeship, or an associate's or a bachelor's degree), including school designs that give students early exposure to college-level courses and experiences and allow students to earn transferable college credits or an associate's degree at the same time as a secondary school diploma.

''(8) Creating community college programs for drop-outs that are personalized drop-out recovery programs that allow drop-outs to complete a regular secondary school diploma and begin college-level work.

''(d) PRIORITY STUDENTS.—For eligible entities not using a cohort approach, the eligible entity shall treat as priority students any student in middle or secondary school who is eligible—

''(1) to be counted under section 1124(c) of the Elementary and Secondary Education Act of 1965;

''(2) for free or reduced price meals under the Richard B. Russell National School Lunch Act;

''(3) for assistance under a State program funded under part A or E of title IV of the Social Security Act (42 U.S.C. 601 et seq., 670 et seq.); or

''(4) for assistance under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

''(e) ALLOWABLE PROVIDERS.—In the case of eligible entities described in section 404A(c)(1), the activities required by this section may be provided by service providers such as community-based organizations, schools, institutions of higher education, public and private agencies, nonprofit and philanthropic organizations, businesses, institutions and agencies sponsoring programs authorized under subpart 4, and other organizations the State determines appropriate.''.

(e) SCHOLARSHIP COMPONENT.—Section 404E (20 U.S.C. 1070a–25) is amended—

(1) by striking subsections (e) and (f);

(2) by redesignating subsections (b), (c), and (d) as subsections (d), (f), and (g), respectively;

(3) by inserting after subsection (a) the following:

''(b) LIMITATION.—

''(1) IN GENERAL.—Subject to paragraph (2), each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall use not less than 25 percent and not more than 50 percent of the grant funds for activities described in section 404D (except for the activity described in subsection (a)(4) of such section), with the remainder of such funds to be used for a scholarship program under this section in accordance with such subsection.

''(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may allow an eligible entity to use more than 50 percent of grant funds received under this chapter for such activities, if the eligible entity demonstrates that the eligible entity has another means of providing the students with the financial assistance described in this section and describes such means in the application submitted under section 404C.

''(c) NOTIFICATION OF ELIGIBILITY.—Each eligible entity providing scholarships under this section shall provide information on the eligibility requirements for the scholarships to all participating students upon the students' entry into the programs assisted under this chapter.'';

(4) in subsection (d) (as redesignated by paragraph (2)), by striking ''the lesser of'' and all that follows through the period at the end of paragraph (2) and inserting ''the minimum Federal Pell Grant award under section 401 for such award year.'';

(5) by inserting after subsection (d) (as redesignated by paragraph (2) and amended by paragraph (4)) the following:

''(e) PORTABILITY OF ASSISTANCE.—

''(1) IN GENERAL.—Each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall create or organize a trust for each cohort described in section 404B(d)(1)(A) for which the grant is sought in the application submitted by the entity, which trust shall be an amount that is not less than the minimum scholarship amount described in subsection (d), multiplied by the number of students participating in the cohort.

''(2) REQUIREMENT FOR PORTABILITY.—Funds contributed to the trust for a cohort shall be available to a student in the cohort when the student has—

''(A) completed a secondary school diploma, its recognized equivalent, or other recognized alternative standard for individuals with disabilities; and

''(B) enrolled in an institution of higher education.

''(3) QUALIFIED EDUCATIONAL EXPENSES.—Funds available to an eligible student from a trust may be used for—

''(A) tuition, fees, books, supplies, and equipment required for the enrollment or attendance of the eligible student at an institution of higher education; and

''(B) in the case of an eligible student with special needs, expenses for special needs services which are incurred in connection with such enrollment or attendance.

''(4) RETURN OF FUNDS.—

''(A) REDISTRIBUTION.—

''(i) IN GENERAL.—Trust funds that are not used by an eligible student within 6 years of the student's scheduled completion of secondary school may be redistributed by the eligible entity to other eligible students.

''(ii) RETURN OF EXCESS TO THE SECRETARY.—If, after meeting the requirements of paragraph (1) and, if applicable, redistributing excess funds in accordance with clause (i), an eligible entity has funds remaining, the eligible entity shall return excess funds to the Secretary for distribution to other grantees under this chapter.

''(B) NONPARTICIPATING ENTITY.—Notwithstanding subparagraph (A), in the case of an eligible entity described in section 404A(c)(1)(A) that does not receive assistance under this subpart for 6 fiscal years, the eligible entity shall return any trust funds not awarded or obligated to eligible students to the Secretary for distribution to other grantees under this chapter.''; and

(6) in subsection (g) (as redesignated by paragraph (2))—

(A) in paragraph (2), by striking ''1993'' and inserting ''2001''; and

(B) in paragraph (4), by striking ''early intervention component required under section 404D'' and inserting ''activities required under section 404D(a)''.

(f) REPEAL OF 21ST CENTURY SCHOLAR CERTIFICATES.—Chapter 2 of subpart 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.) is further amended—

(1) by striking section 404F; and

(2) by redesignating sections 404G and 404H as sections 404F and 404G, respectively.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 404G (as redesignated by subsection (f)) (20 U.S.C. 1070a–28) is amended by striking ''$200,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(h) CONFORMING AMENDMENTS.—Chapter 2 of subpart 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.) is further amended—

(1) in section 404A(b)(1), by striking ''404H'' and inserting ''404G'';

(2) in section 404B(a)(1), by striking ''404H'' and inserting ''404G''; and

(3) in section 404F(c) (as redesignated by subsection (f)(2)), by striking ''404H'' and inserting ''404G''.

**SEC. 405. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLARSHIPS.**

Chapter 3 of subpart 2 of part A of title IV (20 U.S.C. 1070a–31 et seq.) is repealed.

**SEC. 406. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS.**

(a) APPROPRIATIONS AUTHORIZED.—Section 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking ''$675,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(b) ALLOCATION OF FUNDS.—

(1) ALLOCATION OF FUNDS.—Section 413D (20 U.S.C. 1070b–3) is amended—

(A) by striking subsection (a)(4); and

(B) in subsection (c)(3)(D), by striking ''$450'' and inserting ''$600''.

(2) TECHNICAL CORRECTION.—Section 413D(a)(1) (20 U.S.C. 1070b–3(a)(1)) is amended by striking ''such institution'' and all that follows through the period and inserting ''such institution received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year).''.

**SEC. 407. LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM.**

(a) APPROPRIATIONS AUTHORIZED.—Section 415A(b)(1) (20 U.S.C. 1070c(b)(1)) is amended to read as follows:

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(b) APPLICATIONS.—Section 415C(b) (20 U.S.C. 1070c–2(b)) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (2), by striking ''not in excess of $5,000 per academic year'' and inserting ''not to exceed the lesser of $12,500 or the student's cost of attendance per academic year''; and

(2) by striking paragraph (10) and inserting the following:

''(10) provides notification to eligible students that such grants are—

''(A) Leveraging Educational Assistance Partnership grants; and

''(B) funded by the Federal Government, the State, and other contributing partners.''.

(c) GRANTS FOR ACCESS AND PERSISTENCE.—Section 415E (20 U.S.C. 1070c–3a) is amended to read as follows:

**''SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.**

''(a) PURPOSE.—It is the purpose of this section to expand college access and increase college persistence by making allotments to States to enable the States to—

''(1) expand and enhance partnerships with institutions of higher education, early information and intervention, mentoring, or outreach programs, private corporations, philanthropic organizations, and other interested parties in order to—

''(A) carry out activities under this section; and

''(B) provide coordination and cohesion among Federal, State, and local governmental and private efforts that provide financial assistance to help low-income students attend an institution of higher education;

''(2) provide need-based grants for access and persistence to eligible low-income students;

''(3) provide early notification to low-income students of the students' eligibility for financial aid; and

''(4) encourage increased participation in early information and intervention, mentoring, or outreach programs.

''(b) ALLOTMENTS TO STATES.—

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—From sums reserved under section 415A(b)(2) for each fiscal year, the Secretary shall make an allotment to each State that submits an application for an allotment in accordance with subsection (c) to enable the State to pay the Federal share, as described in paragraph (2), of the cost of carrying out the activities under subsection (d).

''(B) DETERMINATION OF ALLOTMENT.—In making allotments under subparagraph (A), the Secretary shall consider the following:

''(i) CONTINUATION OF AWARD.—If a State continues to meet the specifications established in such State's application under subsection (c), the Secretary shall make an allotment to such State that is not less than the allotment made to such State for the previous fiscal year.

''(ii) PRIORITY.—The Secretary shall give priority in making allotments to States that meet the requirements described in paragraph (2)(A)(ii).

''(2) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share under this section shall be determined in accordance with the following:

''(i) If a State applies for an allotment under this section in partnership with—

''(I) any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents less than a majority of all students attending institutions of higher education in the State; and

''(II)(aa) philanthropic organizations that are located in, or that provide funding in, the State; or

''(bb) private corporations that are located in, or that do business in, the State,

then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 50 percent.

''(ii) If a State applies for an allotment under this section in partnership with—

''(I) any number of degree granting institutions of higher education in the State whose combined full-time enrollment represents a majority of all students attending institutions of higher education in the State; and

''(II)(aa) philanthropic organizations that are located in, or that provide funding in, the State; or

''(bb) private corporations that are located in, or that do business in, the State,

then the Federal share of the cost of carrying out the activities under subsection (d) shall be equal to 57 percent.

''(B) NON-FEDERAL SHARE.—

''(i) IN GENERAL.—The non-Federal share under this section may be provided in cash or in kind, fully evaluated and in accordance with this subparagraph.

''(ii) IN KIND CONTRIBUTION.—For the purpose of calculating the non-Federal share under this section, an in kind contribution is a non-cash award that has monetary value, such as provision of room and board and transportation passes, and that helps a student meet the cost of attendance.

''(iii) EFFECT ON NEED ANALYSIS.—For the purpose of calculating a student's need in accordance with part F of this title, an in-kind contribution described in clause (ii) shall not be considered an asset or income.

''(c) APPLICATION FOR ALLOTMENT.—

''(1) IN GENERAL.—

''(A) SUBMISSION.—A State that desires to receive an allotment under this section on behalf of a partnership described in paragraph (3) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) CONTENT.—An application submitted under subparagraph (A) shall include the following:

''(i) A description of the State's plan for using the allotted funds.

''(ii) Assurances that the State will provide the non-Federal share from State, institutional, philanthropic, or private funds, of not less than the required share of the cost of carrying out the activities under subsection (d), as determined under subsection (b), in accordance with the following:

''(I) The State shall specify the methods by which non-Federal share funds will be paid, and include provisions designed to ensure that funds provided under this section will be used to supplement, and not supplant, Federal and non-Federal funds available for carrying out the activities under this title.

''(II) A State that uses non-Federal funds to create or expand existing partnerships with nonprofit organizations or community-based organizations in which such organizations match State funds for student scholarships, may apply such matching funds from such organizations toward fulfilling the State's non-Federal share obligation under this clause.

''(iii) Assurances that early information and intervention, mentoring, or outreach programs exist within the State or that there is a plan to make such programs widely available.

''(iv) A description of the organizational structure that the State has in place to administer the activities under subsection (d), including a description of the system the State will use to track the participation of students who receive grants under this section to degree completion.

''(v) Assurances that the State has a method in place, such as acceptance of the automatic zero expected family contribution determination described in section 479, to identify eligible low-income students and award State grant aid to such students.

''(vi) Assurances that the State will provide notification to eligible low-income students that grants under this section are—

''(I) Leveraging Educational Assistance Partnership Grants; and

''(II) funded by the Federal Government, the State, and other contributing partners.

''(2) STATE AGENCY.—The State agency that submits an application for a State under section 415C(a) shall be the same State agency that submits an application under paragraph (1) for such State.

''(3) PARTNERSHIP.—In applying for an allotment under this section, the State agency shall apply for the allotment in partnership with—

''(A) not less than 1 public and 1 private degree granting institution of higher education that are located in the State, if applicable;

''(B) new or existing early information and intervention, mentoring, or outreach programs located in the State; and

''(C) not less than 1—

''(i) philanthropic organization located in, or that provides funding in, the State; or

''(ii) private corporation located in, or that does business in, the State.

''(4) ROLES OF PARTNERS.—

''(A) STATE AGENCY.—A State agency that is in a partnership receiving an allotment under this section—

''(i) shall—

''(I) serve as the primary administrative unit for the partnership;

''(II) provide or coordinate non-Federal share funds, and coordinate activities among partners;

''(III) encourage each institution of higher education in the State to participate in the partnership;

''(IV) make determinations and early notifications of assistance as described under subsection (d)(2); and

''(V) annually report to the Secretary on the partnership's progress in meeting the purpose of this section; and

''(ii) may provide early information and intervention, mentoring, or outreach programs.

''(B) DEGREE GRANTING INSTITUTIONS OF HIGHER EDUCATION.—A degree granting institution of higher education that is in a partnership receiving an allotment under this section—

''(i) shall—

''(I) recruit and admit participating qualified students and provide such additional institutional grant aid to participating students as agreed to with the State agency;

''(II) provide support services to students who receive grants for access and persistence under this section and are enrolled at such institution; and

''(III) assist the State in the identification of eligible students and the dissemination of early notifications of assistance as agreed to with the State agency; and

''(ii) may provide funding for early information and intervention, mentoring, or outreach programs or provide such services directly.

''(C) PROGRAMS.—An early information and intervention, mentoring, or outreach program that is in a partnership receiving an allotment under this section shall provide direct services, support, and information to participating students.

''(D) PHILANTHROPIC ORGANIZATION OR PRIVATE CORPORATION.—A philanthropic organization or private corporation that is in a partnership receiving an allotment under this section shall provide funds for grants for access and persistence for participating students, or provide funds or support for early information and intervention, mentoring, or outreach programs.

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT OF PARTNERSHIP.—Each State receiving an allotment under this section shall use the funds to establish a partnership to award grants for access and persistence to eligible low-income students in order to increase the amount of financial assistance such students receive under this subpart for undergraduate education expenses.

''(B) AMOUNT OF GRANTS.—

''(i) PARTNERSHIPS WITH INSTITUTIONS SERVING LESS THAN A MAJORITY OF STUDENTS IN THE STATE.—

''(I) IN GENERAL.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(A)(i), the amount of a grant for access and persistence awarded to a student by such State shall be not less than the amount that is equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State where the student resides (less any amounts of other Federal or State sponsored grants, work study, and scholarships received by the student), and such grant for access and persistence shall be used toward the cost of attendance at an institution of higher education located in the State.

''(II) COST OF ATTENDANCE.—A State that has a program, apart from the partnership under this section, of providing eligible low-income students with grants that are equal to the average undergraduate tuition and mandatory fees at 4-year public institutions of higher education in the State, may increase the amount of grants for access and persistence awarded to students by such State up to an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State (less any amounts of other Federal or State sponsored grants, work study, and scholarships received by the student).

''(ii) PARTNERSHIPS WITH INSTITUTIONS SERVING THE MAJORITY OF STUDENTS IN THE STATE.—In the case where a State receiving an allotment under this section is in a partnership described in subsection (b)(2)(A)(ii), the amount of a grant for access and persistence awarded to a student by such State shall be not more than an amount that is equal to the average cost of attendance at 4-year public institutions of higher education in the State where the student resides (less any amounts of other Federal or State sponsored grants, work study, and scholarships received by the student), and such grant for access and persistence shall be used by the student to attend an institution of higher education located in the State.

''(C) SPECIAL RULES.—

''(i) PARTNERSHIP INSTITUTIONS.—A State receiving an allotment under this section may restrict the use of grants for access and persistence under this section by awarding the grants only to students attending institutions of higher education that are participating in the partnership.

''(ii) OUT-OF-STATE INSTITUTIONS.—If a State provides grants through another program under this subpart to students attending institutions of higher education located in another State, such agreement may also apply to grants awarded under this section.

''(2) EARLY NOTIFICATION.—

''(A) IN GENERAL.—Each State receiving an allotment under this section shall annually notify low-income students, such as students who are eligible to receive a free lunch under the school lunch program established under the Richard B. Russell National School Lunch Act, in grade 7 through grade 12 in the State, of the students' potential eligibility for student financial assistance, including a grant for access and persistence, to attend an institution of higher education.

''(B) CONTENT OF NOTICE.—The notification under subparagraph (A)—

''(i) shall include—

''(I) information about early information and intervention, mentoring, or outreach programs available to the student;

''(II) information that a student's eligibility for a grant for access and persistence is enhanced through participation in an early information and intervention, mentoring, or outreach program;

''(III) an explanation that student and family eligibility for, and participation in, other Federal means-tested programs may indicate eligibility for a grant for access and persistence and other student aid programs;

''(IV) a nonbinding estimate of the total amount of financial aid that a low-income student with a similar income level may expect to receive, including an estimate of the amount of a grant for access and persistence and an estimate of the amount of grants, loans, and all other available types of aid from the major Federal and State financial aid programs;

''(V) an explanation that in order to be eligible for a grant for access and persistence, at a minimum, a student shall—

''(aa) meet the requirement under paragraph (3);

''(bb) graduate from secondary school; and

''(cc) enroll at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

''(VI) information on any additional requirements (such as a student pledge detailing student responsibilities) that the State may impose for receipt of a grant for access and persistence under this section; and

''(VII) instructions on how to apply for a grant for access and persistence and an explanation that a student is required to file a Free Application for Federal Student Aid authorized under section 483(a) to be eligible for such grant and assistance from other Federal and State financial aid programs; and

''(ii) may include a disclaimer that grant awards for access and persistence are contingent upon—

''(I) a determination of the student's financial eligibility at the time of the student's enrollment at an institution of higher education that is a partner in the partnership or qualifies under subsection (d)(1)(C)(ii);

''(II) annual Federal and State appropriations; and

''(III) other aid received by the student at the time of the student's enrollment at such institution of higher education.

''(3) ELIGIBILITY.—In determining which students are eligible to receive grants for access and persistence, the State shall ensure that each such student meets not less than 1 of the following:

''(A) Meets not less than 2 of the following criteria, with priority given to students meeting all of the following criteria:

''(i) Has an expected family contribution equal to zero (as described in section 479) or a comparable alternative based upon the State's approved criteria in section 415C(b)(4).

''(ii) Has qualified for a free lunch, or at the State's discretion a reduced price lunch, under the school lunch program established under the Richard B. Russell National School Lunch Act.

''(iii) Qualifies for the State's maximum undergraduate award, as authorized under section 415C(b).

''(iv) Is participating in, or has participated in, a Federal, State, institutional, or community early information and intervention, mentoring, or outreach program, as recognized by the State agency administering activities under this section.

''(B) Is receiving, or has received, a grant for access and persistence under this section, in accordance with paragraph (5).

''(4) GRANT AWARD.—Once a student, including those students who have received early notification under paragraph (2) from the State, applies for admission to an institution that is a partner in the partnership, files a Free Application for Federal Student Aid and any related existing State form, and is determined eligible by the State under paragraph (3), the State shall—

''(A) issue the student a preliminary award certificate for a grant for access and persistence with tentative award amounts; and

''(B) inform the student that payment of the grant for access and persistence award amounts is subject to certification of enrollment and award eligibility by the institution of higher education.

''(5) DURATION OF AWARD.—An eligible student that receives a grant for access and persistence under this section shall receive such grant award for each year of such student's undergraduate education in which the student remains eligible for assistance under this title, including pursuant to section 484(c), and remains financially eligible as determined by the State, except that the State

may impose reasonable time limits to degree completion.

''(e) USE OF FUNDS FOR ADMINISTRATIVE COSTS PROHIBITED.—A State that receives an allotment under this section shall not use any of the allotted funds to pay administrative costs associated with any of the authorized activities described in subsection (d).

''(f) STATUTORY AND REGULATORY RELIEF FOR INSTITUTIONS OF HIGHER EDUCATION.—The Secretary may grant, upon the request of an institution of higher education that is in a partnership described in subsection (b)(2)(A)(ii) and that receives an allotment under this section, a waiver for such institution from statutory or regulatory requirements that inhibit the ability of the institution to successfully and efficiently participate in the activities of the partnership.

''(g) APPLICABILITY RULE.—The provisions of this subpart which are not inconsistent with this section shall apply to the program authorized by this section.

''(h) MAINTENANCE OF EFFORT REQUIREMENT.—Each State receiving an allotment under this section for a fiscal year shall provide the Secretary with an assurance that the aggregate amount expended per student or the aggregate expenditures by the State, from funds derived from non-Federal sources, for the authorized activities described in subsection (d) for the preceding fiscal year were not less than the amount expended per student or the aggregate expenditure by the State for the activities for the second preceding fiscal year.

''(i) SPECIAL RULE.—Notwithstanding subsection (h), for purposes of determining a State's share of the cost of the authorized activities described in subsection (d), the State shall consider only those expenditures from non-Federal sources that exceed the State's total expenditures for need-based grants, scholarships, and work-study assistance for fiscal year 1999 (including any such assistance provided under this subpart).

''(j) CONTINUATION AND TRANSITION.—For the 2-year period that begins on the date of enactment of the Higher Education Amendments of 2007, the Secretary shall continue to award grants under section 415E of the Higher Education Act of 1965 as such section existed on the day before the date of enactment of such Act to States that choose to apply for grants under such predecessor section.

''(k) REPORTS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007 and annually thereafter, the Secretary shall submit a report describing the activities and the impact of the partnerships under this section to the authorizing committees.''.

**SEC. 408. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.**

Section 418A (20 U.S.C. 1070d–2) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B)(i), by striking ''parents'' and inserting ''immediate family'';

(B) in paragraph (3)(B), by inserting ''(including preparation for college entrance examinations)'' after ''college program'';

(C) in paragraph (5), by striking ''weekly'';

(D) in paragraph (7), by striking ''and'' after the semicolon;

(E) in paragraph (8)—

(i) by inserting ''(such as transportation and child care)'' after ''services''; and

(ii) by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(9) other activities to improve persistence and retention in postsecondary education.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''parents'' and inserting ''immediate family''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting ''to improve placement, persistence, and retention in postsecondary education,'' after ''services''; and

(II) in clause (i), by striking ''and career'' and inserting ''career, and economic education or personal finance'';

(iii) in subparagraph (E), by striking ''and'' after the semicolon;

(iv) by redesignating subparagraph (F) as subparagraph (G);

(v) by inserting after subparagraph (E) the following:

''(F) internships; and''; and

(vi) in subparagraph (G) (as redesignated by clause (iv)), by striking ''support services'' and inserting ''essential supportive services (such as transportation and child care)'' ; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting '', and coordinating such services, assistance, and aid with other non-program services, assistance, and aid, including services, assistance, and aid provided by community-based organizations, which may include mentoring and guidance; and''; and

(iii) by adding at the end the following:

''(C) for students attending 2-year institutions of higher education, encouraging the students to transfer to 4-year institutions of higher education, where appropriate, and monitoring the rate of transfer of such students.'';

(3) in subsection (e), by striking ''section 402A(c)(1)'' and inserting ''section 402A(c)(2)'';

(4) in subsection (f)—

(A) in paragraph (1), by striking ''$150,000'' and inserting ''$180,000''; and

(B) in paragraph (2), by striking ''$150,000'' and inserting ''$180,000'';

(5) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively;

(6) by inserting after subsection (f) the following:

''(g) RESERVATION OF FUNDS.—From the amounts made available under subsection (i), the Secretary may reserve not more than a total of ½ of 1 percent for outreach activities, technical assistance, and professional development programs relating to the programs under subsection (a).'';

(7) by striking subsection (h) (as redesignated by paragraph (5)) and inserting the following:

''(h) DATA COLLECTION.—The Commissioner for Education Statistics shall—

''(1) annually collect data on persons receiving services authorized under this subpart regarding such persons' rates of secondary school graduation, entrance into postsecondary education, and completion of postsecondary education;

''(2) not less often than once every 2 years, prepare and submit a report based on the most recently available data under paragraph (1) to the authorizing committees; and

''(3) make such report available to the public.''; and

(8) in subsection (i) (as redesignated by paragraph (5))—

(A) in paragraph (1), by striking ''$15,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''; and

(B) in paragraph (2), by striking ''$5,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

**SEC. 409. ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.**

(a) ELIGIBILITY OF SCHOLARS.—Section 419F(a) (20 U.S.C. 1070d–36(a)) is amended by inserting ''(or a home school, whether treated as a home school or a private school under State law)'' after ''public or private secondary school''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 419K (20 U.S.C. 1070d–41) is amended by striking ''$45,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

**SEC. 410. CHILD CARE ACCESS MEANS PARENTS IN SCHOOL.**

(a) MINIMUM GRANT.—Section 419N(b)(2)(B) (20 U.S.C. 1070e(b)(2)(B)) is amended—

(1) by striking ''A grant'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), a grant''; and

(2) by adding at the end the following:

''(ii) INCREASE TRIGGER.—For any fiscal year for which the amount appropriated under the authority of subsection (g) is equal to or greater than $20,000,000, a grant under this section shall be awarded in an amount that is not less than $30,000.''.

(b) DEFINITION OF LOW-INCOME STUDENT.—Paragraph (7) of section 419N(b) (20 U.S.C. 1070e(b)) is amended to read as follows:

''(7) DEFINITION OF LOW-INCOME STUDENT.—For the purpose of this section, the term 'low-income student' means a student who—

''(A) is eligible to receive a Federal Pell Grant for the award year for which the determination is made; or

''(B) would otherwise be eligible to receive a Federal Pell Grant for the award year for which the determination is made, except that the student fails to meet the requirements of—

''(i) section 401(c)(1) because the student is enrolled in a graduate or first professional course of study; or

''(ii) section 484(a)(5) because the student is in the United States for a temporary purpose.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 419N(g) (20 U.S.C. 1070e(g)) is amended by striking ''$45,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

**SEC. 411. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.**

Subpart 8 of part A of title IV (20 U.S.C. 1070f et seq.) is repealed.

## PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

**SEC. 421. FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS.**

Section 428 (as amended by this Act) (20 U.S.C. 1078) is further amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (X), by striking ''and'' after the semicolon;

(ii) in subparagraph (Y)—

(I) by striking clause (i) and inserting the following:

''(i) the lender shall determine the eligibility of a borrower for a deferment described in subparagraph (M)(i) based on—

''(I) receipt of a request for deferment from the borrower and documentation of the borrower's eligibility for the deferment;

''(II) receipt of a newly completed loan application that documents the borrower's eligibility for a deferment;

''(III) receipt of student status information received by the lender that the borrower is enrolled on at least a half-time basis; or

''(IV) the lender's confirmation of the borrower's half-time enrollment status through use of the National Student Loan Data System, if the confirmation is requested by the institution of higher education.''; and

(II) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(Z) provides that the lender shall, at the time the lender grants a deferment to a borrower who received a loan under section 428H and is eligible for a deferment under section 428(b)(1)(M), provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan.'';

(B) in paragraph (2)(F)—

(i) in clause (i)—

(I) in subclause (III), by striking ''and'' after the semicolon;

(II) in subclause (IV), by striking ''and'' after the semicolon; and

(III) by adding at the end the following:

''(V) the effective date of the transfer;

''(VI) the date the current servicer will stop accepting payments; and

''(VII) the date at which the new servicer will begin accepting payments.''; and

(C) by striking paragraph (3) and inserting the following:

''(3) RESTRICTIONS ON INDUCEMENTS, PAYMENTS, MAILINGS, AND ADVERTISING.—A guaranty agency shall not—

''(A) offer, directly or indirectly, premiums, payments, stock or other securities, prizes, travel, entertainment expenses, tuition repayment, or other inducements to—

''(i) any institution of higher education or the employees of an institution of higher education in order to secure applicants for loans made under this part; or

''(ii) any lender, or any agent, employee, or independent contractor of any lender or guaranty agency, in order to administer or market loans made under this part (other than a loan made under section 428H or a loan made as part of the guaranty agency's lender-of-last-resort program pursuant to section 439(q)) for the purpose of securing the designation of the guaranty agency as the insurer of such loans;

''(B) conduct unsolicited mailings, by postal or electronic means, of educational loan application forms to students enrolled in secondary school or postsecondary educational institutions, or to the parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans guaranteed under this part by the guaranty agency;

''(C) perform, for an institution of higher education participating in a program under this title, any function that the institution is required to perform under part B, D, or G;

''(D) pay, on behalf of the institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G; or

''(E) conduct fraudulent or misleading advertising concerning loan availability, terms, or conditions.

It shall not be a violation of this paragraph for a guaranty agency to provide technical assistance to institutions of higher education comparable to the technical assistance provided to institutions of higher education by the Department.''; and

(2) in subsection (c)—

(A) in paragraph (2)(H)(i), by striking ''preclaims'' and inserting ''default aversion''; and

(B) in paragraph (3)(D)—

(i) in clause (i), by striking ''and'' after the comma at the end;

(ii) in clause (ii), by striking the period and inserting a semicolon; and

(iii) by inserting after clause (ii) the following:

''(iii) the lender shall, at the time of granting a borrower forbearance, provide information to the borrower to enable the borrower to understand the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan; and

''(iv) the lender shall contact the borrower not less often than once every 180 days during the period of forbearance to inform the borrower of—

''(I) the amount of unpaid principal and the amount of interest that has accrued since the last statement of such amounts provided to the borrower by the lender;

''(II) the fact that interest will accrue on the loan for the period of forbearance;

''(III) the amount of interest that will be capitalized, and the date on which capitalization will occur;

''(IV) the ability of the borrower to pay the interest that has accrued before the interest is capitalized; and

''(V) the borrower's option to discontinue the forbearance at any time.''.

**SEC. 422. FEDERAL CONSOLIDATION LOANS.**

(a) AMENDMENTS.—Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is amended—

(1) in subparagraph (E), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (F) as subparagraph (H); and

(3) by inserting after subparagraph (E) the following:

''(F) that the lender will disclose, in a clear and conspicuous manner, to borrowers who consolidate loans made under part E of this title—

''(i) that once the borrower adds the borrower's Federal Perkins Loan to a Federal Consolidation Loan, the borrower will lose all interest-free periods that would have been available, such as those periods when no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, during the grace period, and during periods when the borrower's student loan repayments are deferred;

''(ii) that the borrower will no longer be eligible for loan cancellation of Federal Perkins Loans under any provision of section 465; and

''(iii) the occupations described in section 465(a)(2), individually and in detail, for which the borrower will lose eligibility for Federal Perkins Loan cancellation; and

''(G) that the lender shall, upon application for a consolidation loan, provide the borrower with information about the possible impact of loan consolidation, including—

''(i) the total interest to be paid and fees to be paid on the consolidation loan, and the length of repayment for the loan;

''(ii) whether consolidation would result in a loss of loan benefits under this part or part D, including loan forgiveness, cancellation, and deferment;

''(iii) in the case of a borrower that plans to include a Federal Perkins Loan under part E in the consolidation loan, that once the borrower adds the borrower's Federal Perkins Loan to a consolidation loan—

''(I) the borrower will lose all interest–free periods that would have been available for such loan under part E, such as the periods during which no interest accrues on the Federal Perkins Loan while the borrower is enrolled in school at least half-time, the grace period, and the periods during which the borrower's student loan repayments are deferred under section 464(c)(2); and

''(II) the borrower will no longer be eligible for cancellation of part or all of a Federal Perkins loan under section 465(a);

''(iv) the ability of the borrower to prepay the consolidation loan, pay such loan on a shorter schedule, and to change repayment plans;

''(v) that borrower benefit programs for a consolidation loan may vary among different lenders;

''(vi) the consequences of default on the consolidation loan; and

''(vii) that by applying for a consolidation loan, the borrower is not obligated to agree to take the consolidation loan; and''.

(b) CONFORMING AMENDMENT.—Section 455(g) (20 U.S.C. 1087e(g)) is amended by striking ''428C(b)(1)(F)'' and inserting ''428C(b)(1)(H)''.

**SEC. 423. DEFAULT REDUCTION PROGRAM.**

Section 428F (20 U.S.C. 1078–6) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by adding at the end the following: ''Upon the sale of the loan to an eligible lender, the guaranty agency, and any prior holder of the loan, shall request any consumer reporting agency to which the guaranty agency or holder, as applicable, reported the default of the loan, to remove the record of default from the borrower's credit history.''; and

(B) by adding at the end the following:

''(5) LIMITATION.—A borrower may obtain the benefits available under this subsection with respect to rehabilitating a loan only one time per loan.''; and

(2) by adding at the end the following:

''(c) FINANCIAL AND ECONOMIC LITERACY.—Where appropriate as determined by the institution of higher education in which a borrower is enrolled, each program described in subsection (b) shall include making available financial and economic education materials for the borrower, including making the materials available before, during, or after rehabilitation of a loan.''.

**SEC. 424. REPORTS TO CONSUMER REPORTING AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION.**

Section 430A (20 U.S.C. 1080a) is amended—

(1) in the section heading, by striking ''**CREDIT BUREAUS**'' and inserting ''**CONSUMER REPORTING AGENCIES**''; and

(2) in subsection (a)—

(A) in the first sentence, by striking ''with credit bureau organizations'' and inserting ''with each consumer reporting agency that compiles and maintains files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p))'';

(B) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (4), and (5), respectively;

(C) by inserting before paragraph (2) (as redesignated by subparagraph (B)), the following:

''(1) the type of loan made, insured, or guaranteed under this title;'';

(D) by inserting after paragraph (2) (as redesignated by subparagraph (B)), the following:

''(3) information concerning the repayment status of the loan, which information shall be included in the file of the borrower, except that nothing in this subsection shall be construed to affect any otherwise applicable provision of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.)'';

(E) in paragraph (4) (as redesignated by subparagraph (B)), by striking ''and'' after the semicolon;

(F) in paragraph (5) (as redesignated by subparagraph (B)), by striking the period and inserting ''; and''; and

(G) by adding at the end the following:

''(6) any other information required to be reported by Federal law.''.

**SEC. 425. COMMON FORMS AND FORMATS.**

Section 432(m)(1)(D)(i) (20 U.S.C. 1082(m)(1)(D)(i)) is amended by adding at the end the following: ''Unless otherwise notified by the Secretary, each institution of higher education that participates in the program under this part or part D may use a master promissory note for loans under this part and part D.''.

**SEC. 426. STUDENT LOAN INFORMATION BY ELIGIBLE LENDERS.**

Section 433 (20 U.S.C. 1083) is amended by adding at the end the following:

''(f) BORROWER INFORMATION AND PRIVACY.—Each entity participating in a program under this part that is subject to subtitle A of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) shall only use, release, disclose, sell, transfer, or give student information, including the name, address, social security number, or amount borrowed by a borrower or a borrower's parent, in accordance with the provisions of such subtitle.

''(g) LOAN BENEFIT DISCLOSURES.—

''(1) IN GENERAL.—Each eligible lender, holder, or servicer of a loan made, insured, or guaranteed under this part shall provide the borrower with information on the loan benefit repayment options the lender, holder, or servicer offer, including information on reductions in interest rates—

''(A) by repaying the loan by automatic payroll or checking account deduction;

''(B) by completing a program of on-time repayment; and

''(C) under any other interest rate reduction program.

''(2) INFORMATION.—Such borrower information shall include—

''(A) any limitations on such options;

''(B) explicit information on the reasons a borrower may lose eligibility for such an option;

''(C) examples of the impact the interest rate reductions will have on a borrower's time for repayment and amount of repayment;

''(D) upon the request of the borrower, the effect the reductions in interest rates will have with respect to the borrower's payoff amount and time for repayment; and

''(E) information on borrower recertification requirements.''.

**SEC. 427. CONSUMER EDUCATION INFORMATION.**

Part B (20 U.S.C. 1071 et seq.) is amended by inserting after section 433 (20 U.S.C. 1083) the following:

**''SEC. 433A. CONSUMER EDUCATION INFORMATION.**

''Each guaranty agency participating in a program under this part, working with the institutions of higher education served by such guaranty agency (or in the case of an institution of higher education that provides loans exclusively through part D, the institution working with a guaranty agency or with the Secretary), shall develop and make available a high-quality educational program and materials to provide training for students in budgeting and financial management, including debt management and other aspects of financial literacy, such as the cost of using very high interest loans to pay for postsecondary education, particularly as budgeting and financial management relates to student loan programs authorized by this title. Nothing in this section shall be construed to prohibit a guaranty agency from using an existing program or existing materials to meet the requirement of this section. The activities described in this section shall be considered default reduction activities for the purposes of section 422.''.

**SEC. 428. DEFINITION OF ELIGIBLE LENDER.**

Section 435(d) (20 U.S.C. 1085(d)) is amended—

(1) in paragraph (5)—

(A) by redesignating subparagraphs (C) and (D) as subparagraphs (H) and (I), respectively; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

''(A) offered, directly or indirectly, points, premiums, payments (including payments for referrals and for processing or finder fees), prizes, stock or other securities, travel, entertainment expenses, tuition repayment, the provision of information technology equipment at below-market value, additional financial aid funds, or other inducements to any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part;

''(B) conducted unsolicited mailings, by postal or electronic means, of student loan application forms to students enrolled in secondary school or postsecondary institutions, or to parents of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans under this part from such lender;

''(C) entered into any type of consulting arrangement, or other contract to provide services to a lender, with an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to student loans or other financial aid of the institution;

''(D) compensated an employee who is employed in the financial aid office of an institution of higher education, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, and who is serving on an advisory board, commission, or group established by a lender or group of lenders for providing such service, except that the eligible lender may reimburse such employee for reasonable expenses incurred in providing such service;

''(E) performed for an institution of higher education any function that the institution of higher education is required to carry out under part B, D, or G;

''(F) paid, on behalf of an institution of higher education, another person to perform any function that the institution of higher education is required to perform under part B, D, or G;

''(G) provided payments or other benefits to a student at an institution of higher education to act as the lender's representative to secure applications under this title from individual prospective borrowers, unless such student—

''(i) is also employed by the lender for other purposes; and

''(ii) made all appropriate disclosures regarding such employment;''; and

(2) by adding at the end the following:

''(8) SUNSET OF AUTHORITY FOR SCHOOL AS LENDER PROGRAM.—

''(A) SUNSET.—The authority provided under subsection (d)(1)(E) for an institution to serve as an eligible lender, and under paragraph (7) for an eligible lender to serve as a trustee for an institution of higher education or an organization affiliated with an institution of higher education, shall expire on June 30, 2012.

''(B) APPLICATION TO EXISTING INSTITUTIONAL LENDERS.—An institution that was an eligible lender under this subsection, or an eligible lender that served as a trustee for an institution of higher education or an organization affiliated with an institution of higher education under paragraph (7), before June 30, 2012, shall—

''(i) not issue any new loans in such a capacity under part B after June 30, 2012; and

''(ii) continue to carry out the institution's responsibilities for any loans issued by the institution under part B on or before June 30, 2012, except that, beginning on June 30, 2011, the eligible institution or trustee may, notwithstanding any other provision of this Act, sell or otherwise dispose of such loans if all profits from the divestiture are used for need-based grant programs at the institution.

''(C) AUDIT REQUIREMENT.—All institutions serving as an eligible lender under subsection (d)(1)(E) and all eligible lenders serving as a trustee for an institution of higher education or an organization affiliated with an institution of higher education shall annually complete and submit to the Secretary a compliance audit to determine whether—

''(i) the institution or lender is using all proceeds from special allowance payments and interest payments from borrowers, interest subsidies received from the Department, and any proceeds from the sale or other disposition of loans, for need-based aid programs, in accordance with section 435(d)(2)(A)(viii);

''(ii) the institution or lender is using no more than a reasonable portion of the proceeds described in section 435(d)(2)(A)(viii) for direct administrative expenses; and

''(iii) the institution or lender is ensuring that the proceeds described in section 435(d)(2)(A)(viii) are being used to supplement, and not to supplant, non-Federal funds that would otherwise be used for need-based grant programs.''.

**SEC. 429. DISCHARGE AND CANCELLATION RIGHTS IN CASES OF DISABILITY.**

(a) FFEL AND DIRECT LOANS.—Section 437(a) (20 U.S.C. 1087) is amended—

(1) by inserting '', or if a student borrower who has received such a loan is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months'' after ''of the Secretary),''; and

(2) by adding at the end the following: ''The Secretary may develop such safeguards as the Secretary determines necessary to prevent fraud and abuse in the discharge of liability under this subsection. Notwithstanding any other provision of this subsection, the Secretary may promulgate regulations to resume collection on loans discharged under this subsection in any case in which—

''(1) a borrower received a discharge of liability under this subsection and after the discharge the borrower—

''(A) receives a loan made, insured or guaranteed under this title; or

''(B) has earned income in excess of the poverty line; or

''(2) the Secretary determines necessary.''.

(b) PERKINS.—Section 464(c) (20 U.S.C. 1087dd(c)) is amended—

(1) in paragraph (1)(F)—

(A) by striking ''or if he'' and inserting ''if the borrower''; and

(B) by inserting '', or if the borrower is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months'' after ''the Secretary''; and

(2) by adding at the end the following:

''(8) The Secretary may develop such additional safeguards as the Secretary determines necessary to prevent fraud and abuse in the cancellation of liability under paragraph (1)(F). Notwithstanding paragraph (1)(F), the Secretary may promulgate regulations to resume collection on loans cancelled under paragraph (1)(F) in any case in which—

''(A) a borrower received a cancellation of liability under paragraph (1)(F) and after the cancellation the borrower—

''(i) receives a loan made, insured or guaranteed under this title; or

''(ii) has earned income in excess of the poverty line; or

''(B) the Secretary determines necessary.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 2008.

## PART C—FEDERAL WORK-STUDY PROGRAMS

**SEC. 441. AUTHORIZATION OF APPROPRIATIONS.**

Section 441(b) (42 U.S.C. 2751(b)) is amended by striking ''$1,000,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

**SEC. 442. ALLOWANCE FOR BOOKS AND SUPPLIES.**

Section 442(c)(4)(D) (42 U.S.C. 2752(c)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

**SEC. 443. GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.**

Section 443(b)(2) (42 U.S.C. 2753(b)(2)) is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(3) in subparagraph (A) (as redesignated by paragraph (2)), by striking ''this subparagraph if'' and all that follows through ''institution;'' and inserting ''this subparagraph if—

''(i) the Secretary determines that enforcing this subparagraph would cause hardship for students at the institution; or

''(ii) the institution certifies to the Secretary that 15 percent or more of its total full-time enrollment participates in community service activities described in section 441(c) or tutoring and literacy activities described in subsection (d) of this section;''.

**SEC. 444. JOB LOCATION AND DEVELOPMENT PROGRAMS.**

Section 446(a)(1) (42 U.S.C. 2756(a)(1)) is amended by striking ''$50,000'' and inserting ''$75,000''.

**SEC. 445. WORK COLLEGES.**

Section 448 (42 U.S.C. 2756b) is amended—

(1) in subsection (a), by striking ''work-learning'' and inserting ''work-learning-service'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''under subsection (f)'' and inserting ''for this section under section 441(b)''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''pursuant to subsection (f)'' and inserting ''for this section under section 441(b)'';

(ii) in subparagraph (A), by striking ''work-learning program'' and inserting ''comprehensive work-learning-service program'';

(iii) by redesignating subparagraphs (C) through (F) as subparagraphs (D) through (G), respectively;

(iv) by inserting after subparagraph (B) the following:

''(C) support existing and new model student volunteer community service projects associated with local institutions of higher education, such as operating drop-in resource centers that are staffed by students and that link people in need with the resources and opportunities necessary to become self-sufficient; and'';

(v) in subparagraph (E) (as redesignated by clause (iii)), by striking ''work-learning'' each place the term occurs and inserting ''work-learning-service''; and

(vi) in subparagraph (F) (as redesignated by clause (iii)), by striking ''work service learning'' and inserting ''work-learning-service'';

(3) in subsection (c), by striking ''by subsection (f) to use funds under subsection (b)(1)'' and inserting ''for this section under section 441(b) or to use funds under subsection (b)(1),'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''4-year, degree-granting'' after ''nonprofit'';

(ii) in subparagraph (B), by striking ''work-learning'' and inserting ''work-learning-service'';

(iii) by striking subparagraph (C) and inserting the following:

''(C) requires all resident students, including at least ½ of all resident students who are enrolled on a full-time basis, to participate in a comprehensive work-learning-service program for not less than 5 hours each week, or not less than 80 hours during each period of enrollment except summer school, unless the student is engaged in a study abroad or externship program that is organized or approved by the institution; and'';

(iv) in subparagraph (D), by striking ''work-learning'' and inserting ''work-learning-service''; and

(B) by striking paragraph (2) and inserting the following:

''(2) the term 'comprehensive work-learning-service program' means a student work-learning-service program that—

''(A) is an integral and stated part of the institution's educational philosophy and program;

''(B) requires participation of all resident students for enrollment and graduation;

''(C) includes learning objectives, evaluation, and a record of work performance as part of the student's college record;

''(D) provides programmatic leadership by college personnel at levels comparable to traditional academic programs;

''(E) recognizes the educational role of work-learning-service supervisors; and

''(F) includes consequences for non-performance or failure in the work-learning-service program similar to the consequences for failure in the regular academic program.''; and

(5) by striking subsection (f).

## PART D—FEDERAL PERKINS LOANS

**SEC. 451. PROGRAM AUTHORITY.**

Section 461(b)(1) (20 U.S.C. 1087aa(b)(1)) is amended by striking ''$250,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for each of the fiscal years 2008 through 2012.''.

**SEC. 451A. ALLOWANCE FOR BOOKS AND SUPPLIES.**

Section 462(c)(4)(D) (20 U.S.C. 1087bb(c)(4)(D)) is amended by striking ''$450'' and inserting ''$600''.

**SEC. 451B. PERKINS LOAN FORBEARANCE.**

Section 464 (20 U.S.C. 1087dd) is amended—

(1) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking '', upon written request,'' and inserting '', as documented in accordance with paragraph (2),'';

(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(C) by inserting ''(1)'' after ''FORBEARANCE.—''; and

(D) by adding at the end the following:

''(2) For the purpose of paragraph (1), the terms of forbearance agreed to by the parties shall be documented by—

''(A) confirming the agreement of the borrower by notice to the borrower from the institution of higher education; and

''(B) recording the terms in the borrower's file.''; and

(2) in subsection (j), by striking ''(e)(3)'' and inserting ''(e)(1)(C)''.

**SEC. 452. CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE.**

Section 465(a) (20 U.S.C. 1087ee(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking ''Head Start Act which'' and inserting ''Head Start Act, or in a prekindergarten or child care program that is licensed or regulated by the State, that'';

(B) in subparagraph (H), by striking ''or'' after the semicolon;

(C) in subparagraph (I), by striking the period and inserting a semicolon; and

(D) by inserting before the matter following subparagraph (I) (as amended by subparagraph (C)) the following:

''(J) as a full-time faculty member at a Tribal College or University, as that term is defined in section 316;

''(K) as a librarian, if the librarian has a master's degree in library science and is employed in—

''(i) an elementary school or secondary school that is eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

''(ii) a public library that serves a geographic area that contains 1 or more schools eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

''(L) as a full-time speech language therapist, if the therapist has a master's degree and is working exclusively with schools that are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965.''; and

(2) in paragraph (3)(A)—

(A) in clause (i)—

(i) by inserting ''(D),'' after ''(C),''; and

(ii) by striking ''or (I)'' and inserting ''(I), (J), (K), or (L)'';

(B) in clause (ii), by inserting ''or'' after the semicolon;

(C) by striking clause (iii); and

(D) by redesignating clause (iv) as clause (iii).

## PART E—NEED ANALYSIS

**SEC. 461. COST OF ATTENDANCE.**

(a) AMENDMENTS.—Section 472(3) (20 U.S.C. 1087kk(3)) is amended—

(1) in subparagraph (B), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B), as amended by paragraph (1), the following:

''(C) for students who live in housing located on a military base or for which a basic allowance is provided under section 403(b) of title 37, United States Code, shall be an allowance based on the expenses reasonably incurred by such students for board but not for room; and''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2008.

**SEC. 462. DEFINITIONS.**

(a) AMENDMENT.—Section 480(b)(6) (20 U.S.C. 1087vv(b)(6)) is amended by inserting '', except that the value of on-base military housing or the value of basic allowance for housing determined under section 403(b) of title 37, United States Code, received by the parents, in the case of a dependent student, or the student or student's spouse, in the case of an independent student, shall be excluded'' before the semicolon.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

**PART F—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE**

**SEC. 471. DEFINITIONS.**

Section 481(a)(2)(B) (20 U.S.C. 1088(a)(2)(B)) is amended by inserting ''and that measures program length in credit hours or clock hours'' after ''baccalaureate degree''.

**SEC. 472. COMPLIANCE CALENDAR.**

Section 482 (20 U.S.C. 1089) is amended by adding at the end the following:

''(e) COMPLIANCE CALENDAR.—Prior to the beginning of each award year, the Secretary shall provide to institutions of higher education a list of all the reports and disclosures required under this Act. The list shall include—

''(1) the date each report or disclosure is required to be completed and to be submitted, made available, or disseminated;

''(2) the required recipients of each report or disclosure;

''(3) any required method for transmittal or dissemination of each report or disclosure;

''(4) a description of the content of each report or disclosure sufficient to allow the institution to identify the appropriate individuals to be assigned the responsibility for such report or disclosure;

''(5) references to the statutory authority, applicable regulations, and current guidance issued by the Secretary regarding each report or disclosure; and

''(6) any other information which is pertinent to the content or distribution of the report or disclosure.''.

**SEC. 473. FORMS AND REGULATIONS.**

Section 483 (20 U.S.C. 1090) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—

''(1) IN GENERAL.—

''(A) COMMON FORMS.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used to determine the need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A). The forms shall be made available to applicants in both paper and electronic formats.

''(B) FAFSA.—The common financial reporting forms described in this subsection (excluding the form described in paragraph (2)(B)), shall be referred to collectively as the 'Free Application for Federal Student Aid', or 'FAFSA'.

''(2) PAPER FORMAT.—

''(A) IN GENERAL.—The Secretary shall encourage applicants to file the electronic versions of the forms described in paragraph (3), but shall develop, make available, and process—

''(i) a paper version of EZ FAFSA, as described in subparagraph (B); and

''(ii) a paper version of the other forms described in this subsection, in accordance with subparagraph (C), for any applicant who does not meet the requirements of or does not wish to use the process described in subparagraph (B).

''(B) EZ FAFSA.—

''(i) IN GENERAL.—The Secretary shall develop and use, after appropriate field testing, a simplified paper application form for applicants meeting the requirements of section 479(c), which form shall be referred to as the 'EZ FAFSA'.

''(ii) REQUIRED FEDERAL DATA ELEMENTS.—The Secretary shall include on the EZ FAFSA only the data elements required to determine student eligibility and whether the applicant meets the requirements of section 479(c).

''(iii) REQUIRED STATE DATA ELEMENTS.—The Secretary shall include on the EZ FAFSA such data items as may be necessary to award State financial assistance, as provided under paragraph (5), except the Secretary shall not include a State's data if that State does not permit its applicants for State assistance to use the EZ FAFSA.

''(iv) FREE AVAILABILITY AND DATA DISTRIBUTION.—The provisions of paragraphs (6) and (10) shall apply to the EZ FAFSA.

''(C) PHASE-OUT OF FULL PAPER FAFSA.—

''(i) PHASE-OUT OF PRINTING OF FULL PAPER FAFSA.—At such time as the Secretary determines that it is not cost-effective to print the full paper version of FAFSA, the Secretary shall—

''(I) phase out the printing of the full paper version of FAFSA;

''(II) maintain on the Internet easily accessible, downloadable formats of the full paper version of FAFSA; and

''(III) provide a printed copy of the full paper version of FAFSA upon request.

''(ii) USE OF SAVINGS.—The Secretary shall utilize any savings realized by phasing out the printing of the full paper version of FAFSA and moving applicants to the electronic versions of FAFSA, to improve access to the electronic versions for applicants meeting the requirements of section 479(c).

''(3) ELECTRONIC VERSIONS.—

''(A) IN GENERAL.—The Secretary shall produce, make available through a broadly available website, and process electronic versions of the FAFSA and the EZ FAFSA.

''(B) MINIMUM QUESTIONS.—The Secretary shall use all available technology to ensure that a student using an electronic version of the FAFSA under this paragraph answers only the minimum number of questions necessary.

''(C) REDUCED REQUIREMENTS.—The Secretary shall enable applicants who meet the requirements of subsection (b) or (c) of section 479 to provide information on the electronic version of the FAFSA only for the data elements required to determine student eligibility and whether the applicant meets the requirements of subsection (b) or (c) of section 479.

''(D) STATE DATA.—The Secretary shall include on the electronic version of the FAFSA the questions needed to determine whether the applicant is eligible for State financial assistance, as provided under paragraph (5), except that the Secretary shall not—

''(i) require applicants to complete data required by any State other than the applicant's State of residence; and

''(ii) include a State's data if such State does not permit its applicants for State assistance to use the electronic version of the FAFSA described in this paragraph.

''(E) FREE AVAILABILITY AND DATA DISTRIBUTION.—The provisions of paragraphs (6) and (10) shall apply to the electronic version of the FAFSA.

''(F) USE OF FORMS.—Nothing in this subsection shall be construed to prohibit the use of the electronic versions of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, a guaranty agency, a State grant agency, a private computer software provider, a consortium of such entities, or such other entity as the Secretary may designate. Data collected by the electronic versions of such forms shall be used only for the application, award, and administration of aid awarded under this title, State aid, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic versions of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.

''(G) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using an electronic version of a form developed by the Secretary under this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the form.

''(H) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic version of a form developed under this paragraph to be submitted without a signature, if a signature is subsequently submitted by the applicant or if the applicant uses a personal identification number provided by the Secretary under subparagraph (I).

''(I) PERSONAL IDENTIFICATION NUMBERS AUTHORIZED.—The Secretary is authorized to assign to an applicant a personal identification number—

''(i) to enable the applicant to use such number as a signature for purposes of completing an electronic version of a form developed under this paragraph; and

''(ii) for any purpose determined by the Secretary to enable the Secretary to carry out this title.

''(J) PERSONAL IDENTIFICATION NUMBER IMPROVEMENT.—Not later than 180 days after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement a real-time data match between the Social Security Administration and the Department to minimize the time required for an applicant to obtain a personal identification number when applying for aid under this title through an electronic version of a form developed under this paragraph.

''(4) STREAMLINED REAPPLICATION PROCESS.—

''(A) IN GENERAL.—The Secretary shall develop streamlined paper and electronic reapplication forms and processes for an applicant who applies for financial assistance under this title in the next succeeding academic year subsequent to an academic year for which such applicant applied for financial assistance under this title.

''(B) UPDATING OF DATA ELEMENTS.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that may be transferred from the previous academic year's application and those data elements that shall be updated.

''(C) REDUCED DATA AUTHORIZED.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

''(D) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except data that are necessary to determine eligibility under such section.

''(5) STATE REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in paragraphs (2)(B)(iii), (3)(D), and (4)(B), the Secretary shall include on the forms developed under this subsection, such State-specific data items as the Secretary determines are necessary to meet State requirements for need-based State aid. Such items shall be selected in consultation with State agencies in order to assist in the awarding of State financial assistance in accordance with the

terms of this subsection. The number of such data items shall not be less than the number included on the common financial reporting form for the 2005–2006 award year unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based aid.

''(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review to determine—

''(i) which data items each State requires to award need-based State aid; and

''(ii) if the State will permit an applicant to file a form described in paragraph (2)(B) or (3)(C).

''(C) USE OF SIMPLIFIED APPLICATION FORMS ENCOURAGED.—The Secretary shall encourage States to take such steps as are necessary to encourage the use of simplified forms under this subsection, including those forms described in paragraphs (2)(B) and (3)(C), for applicants who meet the requirements of subsection (b) or (c) of section 479.

''(D) CONSEQUENCES IF STATE DOES NOT ACCEPT SIMPLIFIED FORMS.—If a State does not permit an applicant to file a form described in paragraph (2)(B) or (3)(C) for purposes of determining eligibility for State need-based financial aid, the Secretary may determine that State-specific questions for such State will not be included on a form described in paragraph (2)(B) or (3)(B). If the Secretary makes such determination, the Secretary shall advise the State of the Secretary's determination.

''(E) LACK OF STATE RESPONSE TO REQUEST FOR INFORMATION.—If a State does not respond to the Secretary's request for information under subparagraph (B), the Secretary shall—

''(i) permit residents of that State to complete simplified forms under paragraphs (2)(B) and (3)(B); and

''(ii) not require any resident of such State to complete any data items previously required by that State under this section.

''(F) RESTRICTION.—The Secretary shall not require applicants to complete any financial or non-financial data items that are not required—

''(i) by the applicant's State; or

''(ii) by the Secretary.

''(6) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—The need and eligibility of a student for financial assistance under parts A through E (other than under subpart 4 of part A) may be determined only by using a form developed by the Secretary under this subsection. Such forms shall be produced, distributed, and processed by the Secretary, and no parent or student shall be charged a fee by the Secretary, a contractor, a third-party servicer or private software provider, or any other public or private entity for the collection, processing, or delivery of financial aid through the use of such forms. No data collected on a paper or electronic version of a form developed under this subsection, or other document that was created to replace, or used to complete, such a form, and for which a fee was paid, shall be used.

''(7) RESTRICTIONS ON USE OF PIN.—No person, commercial entity, or other entity shall request, obtain, or utilize an applicant's personal identification number assigned under paragraph (3)(I) for purposes of submitting a form developed under this subsection on an applicant's behalf.

''(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit forms developed under this subsection and initiate the processing of such forms under this subsection, as early as practicable prior to January 1 of the student's planned year of enrollment.

''(9) EARLY ESTIMATES OF EXPECTED FAMILY CONTRIBUTIONS.—The Secretary shall permit an applicant to complete a form described in this subsection in the years prior to enrollment in order to obtain from the Secretary a nonbinding estimate of the applicant's expected family contribution, computed in accordance with part F. Such applicant shall be permitted to update information submitted on a form described in this subsection using the process required under paragraph (4).

''(10) DISTRIBUTION OF DATA.—Institutions of higher education, guaranty agencies, and States shall receive, without charge, the data collected by the Secretary using a form developed under this subsection for the purposes of processing loan applications and determining need and eligibility for institutional and State financial aid awards. Entities designated by institutions of higher education, guaranty agencies, or States to receive such data shall be subject to all the requirements of this section, unless such requirements are waived by the Secretary.

''(11) THIRD PARTY SERVICERS AND PRIVATE SOFTWARE PROVIDERS.—To the extent practicable and in a timely manner, the Secretary shall provide, to private organizations and consortia that develop software used by institutions of higher education for the administration of funds under this title, all the necessary specifications that the organizations and consortia must meet for the software the organizations and consortia develop, produce, and distribute (including any diskette, modem, or network communications) which are so used. The specifications shall contain record layouts for required data. The Secretary shall develop in advance of each processing cycle an annual schedule for providing such specifications. The Secretary, to the extent practicable, shall use multiple means of providing such specifications, including conferences and other meetings, outreach, and technical support mechanisms (such as training and printed reference materials). The Secretary shall, from time to time, solicit from such organizations and consortia means of improving the support provided by the Secretary.

''(12) PARENT'S SOCIAL SECURITY NUMBER AND BIRTH DATE.—The Secretary is authorized to include space on the forms developed under this subsection for the social security number and birth date of parents of dependent students seeking financial assistance under this title.'';

(2) by redesignating subsections (c) through (e) (as amended by section 101(b)(11)) as subsections (b) through (d), respectively;

(3) in subsection (c) (as redesignated by paragraph (2)), by striking ''that is authorized'' and all that follows through the period at the end and inserting ''or other appropriate provider of technical assistance and information on postsecondary educational services that is authorized under section 663(a) of the Individuals with Disabilities Education Act. Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall test and implement, to the extent practicable, a toll-free telephone based system to permit applicants who meet the requirements of 479(c) to submit an application over such system.'';

(4) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

''(d) ASSISTANCE IN PREPARATION OF FINANCIAL AID APPLICATION.—

''(1) PREPARATION AUTHORIZED.—Notwithstanding any provision of this Act, an applicant may use a preparer for consultative or preparation services for the completion of a form developed under subsection (a) if the preparer satisfies the requirements of this subsection.

''(2) PREPARER IDENTIFICATION REQUIRED.—If an applicant uses a preparer for consultative or preparation services for the completion of a form developed under subsection (a), the preparer shall include the name, signature, address or employer's address, social security number or employer identification number, and organizational affiliation of the preparer on the applicant's form.

''(3) ADDITIONAL REQUIREMENTS.—A preparer that provides consultative or preparation services pursuant to this subsection shall—

''(A) clearly inform each individual upon initial contact, including contact through the Internet or by telephone, that the FAFSA and EZ FAFSA may be completed for free via paper or electronic versions of the forms that are provided by the Secretary;

''(B) include in any advertising clear and conspicuous information that the FAFSA and EZ FAFSA may be completed for free via paper or electronic versions of the forms that are provided by the Secretary;

''(C) if advertising or providing any information on a website, or if providing services through a website, include on the website a link to the website described in subsection (a)(3) that provides the electronic versions of the forms developed under subsection (a);

''(D) refrain from producing or disseminating any form other than the forms developed by the Secretary under subsection (a); and

''(E) not charge any fee to any individual seeking services who meets the requirements of subsection (b) or (c) of section 479.

''(4) SPECIAL RULE.—Nothing in this Act shall be construed to limit preparers of the financial reporting forms required to be made under this title that meet the requirements of this subsection from collecting source information from a student or parent, including Internal Revenue Service tax forms, in providing consultative and preparation services in completing the forms.''; and

(5) by adding at the end the following:

''(e) EARLY APPLICATION AND AWARD DEMONSTRATION PROGRAM.—

''(1) PURPOSE.—The purpose of the demonstration program implemented under this subsection is to determine the feasibility of implementing a comprehensive early application and notification system for all dependent students and to measure the benefits and costs of such a system.

''(2) PROGRAM AUTHORIZED.—Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall implement an early application demonstration program enabling dependent students who wish to participate in the program—

''(A) to complete an application under this subsection during the academic year that is 2 years prior to the year such students plan to enroll in an institution of higher education; and

''(B) based on the application described in subparagraph (A), to obtain, not later than 1 year prior to the year of the students' planned enrollment, information on eligibility for Federal Pell Grants, Federal student loans under this title, and State and institutional financial aid for the student's first year of enrollment in an the institution of higher education.

''(3) EARLY APPLICATION AND AWARD.—For all dependent students selected for participation in the demonstration program who submit a completed FAFSA, or, as appropriate, an EZ FAFSA, 2 years prior to the year such students plan to enroll in an institution of higher education, the Secretary shall, not later than 1 year prior to the year of such planned enrollment—

''(A) provide each student who meets the requirements under section 479(c) with a determination of such student's—

''(i) expected family contribution for the first year of the student's enrollment in an institution of higher education; and

''(ii) Federal Pell Grant award for the first such year, based on the maximum Federal Pell Grant award at the time of application;

''(B) provide each student who does not meet the requirements under section 479(c) with an estimate of such student's—

''(i) expected family contribution for the first year of the student's planned enrollment; and

''(ii) Federal Pell Grant award for the first such year, based on the maximum Federal Pell Grant award at the time of application; and

''(C) remind the students of the need to update the students' information during the calendar year of enrollment using the expedited reapplication process provided for in subsection (a)(4).

''(4) PARTICIPANTS.—The Secretary shall include, as participants in the demonstration program—

''(A) States selected through the application process described in paragraph (5);

''(B) institutions of higher education within the selected States that are interested in participating in the demonstration program, and that can make estimates or commitments of institutional student financial aid, as appropriate, to students the year before the students' planned enrollment date; and

''(C) secondary schools within the selected States that are interested in participating in the demonstration program, and can commit resources to—

''(i) advertising the availability of the program;

''(ii) identifying students who might be interested in participating in the program;

''(iii) encouraging such students to apply; and

''(iv) participating in the evaluation of the program.

''(5) APPLICATIONS.—States that are interested in participating in the demonstration program shall submit an application, to the Secretary at such time, in such form, and containing such information as the Secretary shall require. The application shall include—

''(A) information on the amount of the State's need-based student financial assistance available, and the eligibility criteria for receiving such assistance;

''(B) a commitment to make, not later than the year before the dependent students participating in the demonstration program plan to enroll in an institution of higher education—

''(i) determinations of State financial aid awards to dependent students participating in the program who meet the requirements of section 479(c); and

''(ii) estimates of State financial aid awards to other dependent students participating in the program;

''(C) a plan for recruiting institutions of higher education and secondary schools with different demographic characteristics to participate in the program;

''(D) a plan for selecting institutions of higher education and secondary schools to participate in the program that—

''(i) demonstrate a commitment to encouraging students to submit a FAFSA, or, as appropriate, an EZ FAFSA, 2 years before the students' planned date of enrollment in an institution of higher education;

''(ii) serve different populations of students;

''(iii) in the case of institutions of higher education—

''(I) to the extent possible, are of varying types and control; and

''(II) commit to making, not later than the year prior to the year that dependent students participating in the demonstration program plan to enroll in the institution—

''(aa) institutional awards to participating dependent students who meet the requirements of section 479(c);

''(bb) estimates of institutional awards to other participating dependent students; and

''(cc) expected or tentative awards of grants or other financial aid available under this title (including supplemental grants under subpart 3 of part A), for all participating dependent students, along with information on State awards, as provided to the institution by the State;

''(E) a commitment to participate in the evaluation conducted by the Secretary; and

''(F) such other information as the Secretary may require.

''(6) SPECIAL PROVISIONS.—

''(A) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—A financial aid administrator at an institution of higher education participating in a demonstration program under this subsection may use the discretion provided under section 479A as necessary in awarding financial aid to students participating in the demonstration program.

''(B) WAIVERS.—The Secretary is authorized to waive, for an institution participating in the demonstration program, any requirements under the title, or regulations prescribed under this title, that would make the demonstration program unworkable, except that the Secretary shall not waive any provisions with respect to the maximum award amounts for grants and loans under this title.

''(7) OUTREACH.—The Secretary shall make appropriate efforts in order to notify States, institutions of higher education, and secondary schools of the demonstration program.

''(8) EVALUATION.—The Secretary shall conduct a rigorous evaluation of the demonstration program to measure the program's benefits and adverse effects, as the benefits and effects relate to the purpose of the program described in paragraph (1). In conducting the evaluation, the Secretary shall—

''(A) identify whether receiving financial aid awards or estimates, as applicable, 1 year prior to the year in which the student plans to enroll in an institution of higher education, has a positive impact on the higher education aspirations and plans of such student;

''(B) measure the extent to which using a student's income information from the year that is 2 years prior to the student's planned enrollment date had an impact on the ability of States and institutions to make financial aid awards and commitments;

''(C) determine what operational changes would be required to implement the program on a larger scale;

''(D) identify any changes to Federal law that would be necessary to implement the program on a permanent basis; and

''(E) identify the benefits and adverse effects of providing early awards or estimates on program costs, program operations, program integrity, award amounts, distribution, and delivery of aid.

''(9) CONSULTATION.—The Secretary shall consult, as appropriate, with the Advisory Committee on Student Financial Assistance established under section 491 on the design, implementation, and evaluation of the demonstration program.

''(f) USE OF IRS DATA AND REDUCED INCOME AND ASSET INFORMATION TO DETERMINE ELIGIBILITY FOR STUDENT FINANCIAL AID.—

''(1) FORMATION OF STUDY GROUP.—Not later than 90 days after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General of the United States and the Secretary of Education shall convene a study group whose membership shall include the Secretary of the Treasury, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, representatives of institutions of higher education with expertise in Federal and State financial aid assistance, State chief executive officers of higher education with a demonstrated commitment to simplifying the FAFSA, and such other individuals as the Comptroller General and the Secretary of Education may designate.

''(2) STUDY REQUIRED.—The Comptroller General and the Secretary, in consultation with the study group convened under paragraph (1), shall design and conduct a study to identify and evaluate the means of simplifying the process of applying for Federal financial aid available under this title. The study shall focus on developing alternative approaches for calculating the expected family contribution that use substantially less income and asset data than the methodology currently used, as of the time of the study, for determining the expected family contribution.

''(3) OBJECTIVES OF STUDY.—The objectives of the study required under paragraph (2) are—

''(A) to shorten the FAFSA and make it easier and less time-consuming to complete, thereby increasing higher education access for low-income students;

''(B) to examine the feasibility, and evaluate the costs and benefits, of using income data from the Internal Revenue Service to pre-populate the electronic version of the FAFSA;

''(C) to determine ways in which to provide reliable information on the amount of Federal grant aid and financial assistance a student can expect to receive, assuming constant income, 2 to 3 years before the student's enrollment; and

''(D) to simplify the process for determining eligibility for student financial aid without causing significant redistribution of Federal grants and subsidized loans under this title.

''(4) REQUIRED SUBJECTS OF STUDY.—The study required under paragraph (2) shall consider—

''(A) how the expected family contribution of a student could be calculated using substantially less income and asset information than the approach currently used, as of the time of the study, to calculate the expected family contribution without causing significant redistribution of Federal grants and subsidized loans under this title, State aid, or institutional aid, or change in the composition of the group of recipients of such aid, which alternative approaches for calculating the expected family contribution shall, to the extent practicable—

''(i) rely mainly, in the case of students and parents who file income tax returns, on information available on the 1040, 1040EZ, and 1040A; and

''(ii) include formulas for adjusting income or asset information to produce similar results to the existing approach with less data;

''(B) how the Internal Revenue Service can provide income and other data needed to compute an expected family contribution for taxpayers and dependents of taxpayers to the Secretary of Education, and when in the application cycle the data can be made available;

''(C) whether data provided by the Internal Revenue could be used to—

''(i) prepopulate the electronic version of the FAFSA with student and parent taxpayer data; or

''(ii) generate an expected family contribution without additional action on the part of the student and taxpayer;

''(D) the extent to which the use of income data from 2 years prior to a student's

planned enrollment date would change the expected family contribution computed in accordance with part F, and potential adjustments to the need analysis formula that would minimize the change;

''(E) the extent to which States and institutions would accept the data provided by the Internal Revenue Service to prepopulate the electronic version of the FAFSA in determining the distribution of State and institutional student financial aid funds;

''(F) the changes to the electronic version of the FAFSA and verification processes that would be needed or could be made if Internal Revenue Service data were used to prepopulate such electronic version;

''(G) the data elements currently collected, as of the time of the study, on the FAFSA that are needed to determine eligibility for student aid, or to administer Federal student financial aid programs, but are not needed to compute an expected family contribution, such as whether information regarding the student's citizenship or permanent residency status, registration for selective service, or driver's license number could be reduced without adverse effects;

''(H) additional steps that can be taken to simplify the financial aid application process for students who (or, in the case of dependent students, whose parents) are not required to file an income tax return for the prior taxable year;

''(I) information on the State need for and usage of the full array of income, asset, and other information currently collected, as of the time of the study, on the FAFSA, including analyses of—

''(i) what data are currently used by States to determine eligibility for State student financial aid, and whether the data are used for merit or need-based aid;

''(ii) the extent to which the full array of income and asset information currently collected on the FAFSA play an important role in the awarding of need-based State financial aid, and whether the State could use income and asset information that was more limited to support determinations of eligibility for such State aid programs;

''(iii) whether data are required by State law, State regulations, or policy directives;

''(iv) what State official has the authority to advise the Department on what the State requires to calculate need-based State student financial aid;

''(v) the extent to which any State-specific information requirements could be met by completion of a State application linked to the electronic version of the FAFSA; and

''(vi) whether the State can use, as of the time of the study, or could use, a student's expected family contribution based on data from 2 years prior to the student's planned enrollment date and a calculation with reduced data elements and, if not, what additional information would be needed or what changes would be required; and

''(J) information on institutional needs, including the extent to which institutions of higher education are already using supplemental forms to collect additional data from students and their families to determine eligibility for institutional funds.

''(5) USE OF DATA FROM THE INTERNAL REVENUE SERVICE TO PREPOPULATE FAFSA FORMS.—After the study required under this subsection has been completed, the Secretary may use Internal Revenue Service data to prepopulate the electronic version of the FAFSA if the Secretary, in a joint decision with the Secretary of Treasury, determines that such use will not significantly negatively impact students, institutions of higher education, States, or the Federal Government based on each of the following criteria:

''(A) Program costs.

''(B) Redistributive effects on students.

''(C) Accuracy of aid determinations.

''(D) Reduction of burden to the FAFSA filers.

''(E) Whether all States and institutions that currently accept the Federal aid formula accept the use of data from 2 years prior to the date of a student's planned enrollment in an institution of higher education to award Federal, State, and institutional aid, and as a result will not require students to complete any additional forms to receive this aid.

''(6) CONSULTATION.—The Secretary shall consult with the Advisory Committee on Student Financial Assistance established under section 491 as appropriate in carrying out this subsection.

''(7) REPORT.—Not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, the Comptroller General and the Secretary shall prepare and submit a report on the results of the study required under this subsection to the authorizing committees.''.

**SEC. 474. STUDENT ELIGIBILITY.**

(a) AMENDMENTS.—Section 484 (20 U.S.C. 1091) is amended—

(1) in subsection (d), by adding at the end the following:

''(4) The student shall be determined by the institution of higher education as having the ability to benefit from the education or training offered by the institution of higher education, upon satisfactory completion of 6 credit hours or the equivalent coursework that are applicable toward a degree or certificate offered by the institution of higher education.'';

(2) by striking subsection (l) and inserting the following:

''(l) COURSES OFFERED THROUGH DISTANCE EDUCATION.—

''(1) RELATION TO CORRESPONDENCE COURSES.—

''(A) IN GENERAL.—A student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or associate, baccalaureate, or graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

''(B) EXCEPTION.—An institution of higher education referred to in subparagraph (A) shall not include an institution or school described in section 3(3)(C) of the Carl D. Perkins Career and Technical Education Act of 2006.

''(2) RESTRICTION OR REDUCTIONS OF FINANCIAL AID.—A student's eligibility to receive grants, loans, or work assistance under this title shall be reduced if a financial aid officer determines under the discretionary authority provided in section 479A that distance education results in a substantially reduced cost of attendance to such student.

''(3) SPECIAL RULE.—For award years prior to July 1, 2008, the Secretary shall not take any compliance, disallowance, penalty, or other action against a student or an eligible institution when such action arises out of such institution's prior award of student assistance under this title if the institution demonstrates to the satisfaction of the Secretary that its course of instruction would have been in conformance with the requirements of this subsection.''; and

(3) by adding at the end the following:

''(s) STUDENTS WITH INTELLECTUAL DISABILITIES.—Notwithstanding subsection (a), in order to receive any grant or work assistance under subparts 1 and 3 of part A and part C of this title, a student with an intellectual disability shall—

''(1) be an individual with an intellectual disability whose mental retardation or other significant cognitive impairment substantially impacts the individual's intellectual and cognitive functioning;

''(2)(A) be a student eligible for assistance under the Individuals with Disabilities Education Act who has completed secondary school; or

''(B) be an individual who is no longer eligible for assistance under the Individuals with Disabilities Education Act because the individual has exceeded the maximum age for which the State provides a free appropriate public education;

''(3) be enrolled or accepted for enrollment in a comprehensive transition and postsecondary education program that—

''(A) is designed for students with an intellectual disability who are seeking to continue academic, vocational, and independent living instruction at the institution in order to prepare for gainful employment and independent living;

''(B) includes an advising and curriculum structure;

''(C) requires students to participate on at least a half-time basis, as determined by the institution; or

''(D) includes—

''(i) regular enrollment in courses offered by the institution;

''(ii) auditing or participating in courses offered by the institution for which the student does not receive regular academic credit;

''(iii) enrollment in noncredit, nondegree courses;

''(iv) participation in internships; or

''(v) a combination of 2 or more of the activities described in clauses (i) through (iv);

''(4) be maintaining satisfactory progress in the program as determined by the institution, in accordance with standards established by the institution; and

''(5) meet the requirements of paragraphs (3), (4), (5), and (6) of subsection (a).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take affect on July 1, 2008.

**SEC. 475. STATUTE OF LIMITATIONS AND STATE COURT JUDGMENTS.**

Section 484A (20 U.S.C. 1091a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) in collecting any obligation arising from a loan made under part E of this title, an institution of higher education that has an agreement with the Secretary pursuant to section 463(a) shall not be subject to a defense raised by any borrower based on a claim of infancy.''; and

(2) by adding at the end the following:

''(d) SPECIAL RULE.—This section shall not apply in the case of a student who is deceased or to a deceased student's estate or the estate of such student's family. If a student is deceased, then the student's estate or the estate of the student's family shall not be required to repay any financial assistance under this title, including interest paid on the student's behalf, collection costs, or other charges specified in this title.''.

**SEC. 476. INSTITUTIONAL REFUNDS.**

(a) AMENDMENT.—Section 484B(c)(2) (20 U.S.C. 1091B(c)(2)) is amended by striking ''may determine the appropriate withdrawal date.'' and inserting ''may determine—

''(A) the appropriate withdrawal date; and

''(B) that the requirements of subsection (b)(2) do not apply to the student.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 2008.

**SEC. 477. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.**

Section 485 (20 U.S.C. 1092) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (G)—

(I) by striking ''program, and'' and inserting ''program,''; and

(II) by inserting '', and (iv) any plans by the institution for improving the academic program of the institution'' after ''instructional personnel''; and

(ii) by striking subparagraph (M) and inserting the following:

''(M) the terms and conditions of the loans that students receive under parts B, D, and E;'';

(iii) in subparagraph (N), by striking ''and'' after the semicolon;

(iv) in subparagraph (O), by striking the period and inserting a semicolon; and

(v) by adding at the end the following:

''(P) institutional policies and sanctions related to copyright infringement, including—

''(i) an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

''(ii) a summary of the penalties for violation of Federal copyright laws;

''(iii) a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system; and

''(iv) a description of actions that the institution takes to prevent and detect unauthorized distribution of copyrighted material on the institution's information technology system;

''(Q) student body diversity at the institution, including information on the percentage of enrolled, full-time students who are—

''(i) male;

''(ii) female;

''(iii) from a low-income background; and

''(iv) a self-identified member of a major racial or ethnic group;

''(R) the placement in employment of, and types of employment obtained by, graduates of the institution's degree or certificate programs, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, the Community College Survey of Student Engagement, State data systems, or other relevant sources;

''(S) the types of graduate and professional education in which graduates of the institution's 4-year degree programs enrolled, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, State data systems, or other relevant sources;

''(T) the fire safety report prepared by the institution pursuant to subsection (i); and

''(U) the retention rate of certificate- or degree-seeking, full-time, undergraduate students entering such institution.'';

(B) by striking paragraph (4) and inserting the following:

''(4) For purposes of this section, institutions may—

''(A) exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, the institution may recalculate the completion or graduation rates of such students by excluding from the calculation described in paragraph (3) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.''; and

(C) by adding at the end the following:

''(7) The information disclosed under subparagraph (L) of paragraph (1), or reported under subsection (e), shall include information disaggregated by gender, by each major racial and ethnic subgroup, by recipients of a Federal Pell Grant, by recipients of a loan made under this part or part D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan) who did not receive a Federal Pell Grant, and by recipients of neither a Federal Pell Grant nor a loan made under this part or part D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan), if the number of students in such subgroup or with such status is sufficient to yield statistically reliable information and reporting would not reveal personally identifiable information about an individual student. If such number is not sufficient for such purposes, then the institution shall note that the institution enrolled too few of such students to so disclose or report with confidence and confidentiality.'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking the subparagraph designation and all that follows through ''465.'' and inserting the following:

''(A) Each eligible institution shall, through financial aid offices or otherwise, provide counseling to borrowers of loans that are made, insured, or guaranteed under part B (other than loans made pursuant to section 428C or loans made to parents pursuant to section 428B), or made under part D (other than Federal Direct Consolidation Loans or Federal Direct PLUS Loans made to parents) or E, prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include—

''(i) information on the repayment plans available, including a discussion of the different features of each plan and sample information showing the difference in interest paid and total payments under each plan;

''(ii) the average anticipated monthly repayments under the standard repayment plan and, at the borrower's request, the other repayment plans for which the borrower is eligible;

''(iii) such debt and management strategies as the institution determines are designed to facilitate the repayment of such indebtedness;

''(iv) an explanation that the borrower has the ability to prepay each such loan, pay the loan on a shorter schedule, and change repayment plans;

''(v) the terms and conditions under which the student may obtain full or partial forgiveness or cancellation of principal or interest under sections 428J, 460, and 465 (to the extent that such sections are applicable to the student's loans);

''(vi) the terms and conditions under which the student may defer repayment of principal or interest or be granted forbearance under subsections (b)(1)(M) and (o) of section 428, 428H(e)(7), subsections (f) and (l) of section 455, and section 464(c)(2), and the potential impact of such deferment or forbearance;

''(vii) the consequences of default on such loans;

''(viii) information on the effects of using a consolidation loan to discharge the borrower's loans under parts B, D, and E, including, at a minimum—

''(I) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

''(II) the effects of consolidation on a borrower's underlying loan benefits, including all grace periods, loan forgiveness, cancellation, and deferment opportunities;

''(III) the ability of the borrower to prepay the loan or change repayment plans; and

''(IV) that borrower benefit programs may vary among different loan holders; and

''(ix) a notice to borrowers about the availability of the National Student Loan Data System and how the system can be used by a borrower to obtain information on the status of the borrower's loans.''; and

(B) by adding at the end the following:

''(3) Each eligible institution shall, during the exit interview required by this subsection, provide to a borrower of a loan made under part B, D, or E a clear and conspicuous notice describing the general effects of using a consolidation loan to discharge the borrower's student loans, including—

''(A) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

''(B) the effects of consolidation on a borrower's underlying loan benefits, including loan forgiveness, cancellation, and deferment;

''(C) the ability for the borrower to prepay the loan, pay on a shorter schedule, and to change repayment plans, and that borrower benefit programs may vary among different loan holders;

''(D) a general description of the types of tax benefits which may be available to borrowers of student loans; and

''(E) the consequences of default.'';

(3) in subsection (d)(2)—

(A) by inserting ''grant assistance, as well as State'' after ''describing State''; and

(B) by inserting ''and other means, including through the Internet'' before the period at the end;

(4) in subsection (e), by striking paragraph (3) and inserting the following:

''(3) For purposes of this subsection, institutions may—

''(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

''(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, the institution may calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the time period such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.'';

(5) in subsection (f)—

(A) in paragraph (1)—

(i) the matter preceding subparagraph (A), by inserting '', other than a foreign institution of higher education,'' after ''under this title''; and

(ii) by adding at the end the following:

''(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures—

''(i) to notify the campus community in a reasonable and timely manner in the event

of a significant emergency or dangerous situation, involving an immediate threat to the health or safety of students or staff, occurring on the campus;

''(ii) to publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and

''(iii) to test emergency response and evacuation procedures on an annual basis.'';

(B) by redesignating paragraph (15) as paragraph (17); and

(C) by inserting after paragraph (14) the following:

''(15) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

''(16) BEST PRACTICES.—The Secretary may seek the advice and counsel of the Attorney General concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.''; and

(6) by adding at the end the following:

''(h) TRANSFER OF CREDIT POLICIES.—

''(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall publicly disclose in a readable and comprehensible manner the transfer of credit policies established by the institution which shall include a statement of the institution's current transfer of credit policies that includes, at a minimum—

''(A) any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and

''(B) a list of institutions of higher education with which the institution has established an articulation agreement.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

''(A) authorize the Secretary or the Accreditation and Institutional Quality and Integrity Advisory Committee to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;

''(B) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

''(C) limit the application of the General Education Provisions Act; or

''(D) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

''(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

''(1) ANNUAL FIRE SAFETY REPORTS ON STUDENT HOUSING REQUIRED.—Each eligible institution participating in any program under this title shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—

''(A) statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available—

''(i) the number of fires and the cause of each fire;

''(ii) the number of injuries related to a fire that result in treatment at a medical facility;

''(iii) the number of deaths related to a fire; and

''(iv) the value of property damage caused by a fire;

''(B) a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

''(C) the number of regular mandatory supervised fire drills;

''(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

''(E) plans for future improvements in fire safety, if determined necessary by such institution.

''(2) REPORT TO THE SECRETARY.—Each eligible institution participating in any program under this title shall, on an annual basis submit to the Secretary a copy of the statistics required to be made available under subparagraph (A).

''(3) CURRENT INFORMATION TO CAMPUS COMMUNITY.—Each institution participating in any program under this title shall—

''(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

''(B) make annual reports to the campus community on such fires.

''(4) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall—

''(A) make such statistics submitted to the Secretary available to the public; and

''(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students—

''(i) identify exemplary fire safety policies, procedures, programs, and practices;

''(ii) disseminate information to the Administrator of the United States Fire Administration;

''(iii) make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and

''(iv) develop a protocol for institutions to review the status of their fire safety systems.

''(5) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

''(A) authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

''(B) affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note);

''(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; and

''(D) establish any standard of care.

''(6) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

''(7) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.''.

**SEC. 478. ENTRANCE COUNSELING REQUIRED.**

Section 485 (as amended by section 477) is further amended—

(1) by redesignating subsections (b) through (i) as subsections (c) through (j), respectively; and

(2) by inserting after subsection (a) the following:

''(b) ENTRANCE COUNSELING FOR BORROWERS.—

''(1) DISCLOSURE REQUIRED PRIOR TO DISBURSEMENT.—

''(A) IN GENERAL.—Each eligible institution shall, at or prior to the time of a disbursement to a first-time student borrower of a loan made, insured, or guaranteed under part B or D, ensure that the borrower receives comprehensive information on the terms and conditions of the loan and the responsibilities the borrower has with respect to such loan. Such information shall be provided in simple and understandable terms and may be provided—

''(i) during an entrance counseling session conducted in person;

''(ii) on a separate written form provided to the borrower that the borrower signs and returns to the institution; or

''(iii) online, with the borrower acknowledging receipt and understanding of the information.

''(B) USE OF INTERACTIVE PROGRAMS.—The Secretary shall encourage institutions to carry out the requirements of subparagraph (A) through the use of interactive programs that test the borrowers' understanding of the terms and conditions of the borrowers' loans under part B or D, using comprehensible language and displays with clear formatting.

''(2) INFORMATION TO BE PROVIDED.—The information provided to the borrower under paragraph (1)(A) shall include—

''(A) an explanation of the use of the Master Promissory Note;

''(B) in the case of a loan made under section 428B or 428H, a Federal Direct PLUS Loan, or a Federal Direct Unsubsidized Stafford Loan—

''(i) the ability of the borrower to pay the interest while the borrower is in school; and

''(ii) how often interest is capitalized;

''(C) the definition of half-time enrollment at the institution, during regular terms and summer school, if applicable, and the consequences of not maintaining half-time enrollment;

''(D) an explanation of the importance of contacting the appropriate institutional offices if the borrower withdraws prior to completing the borrower's program of study so that the institution can provide exit counseling, including information regarding the borrower's repayment options and loan consolidation;

''(E) the obligation of the borrower to repay the full amount of the loan even if the borrower does not complete the program in which the borrower is enrolled;

''(F) information on the National Student Loan Data System and how the borrower can access the borrower's records; and

''(G) the name of an individual the borrower may contact if the borrower has any questions about the borrower's rights and responsibilities or the terms and conditions of the loan.''.

**SEC. 479. NATIONAL STUDENT LOAN DATA SYSTEM.**

Section 485B (20 U.S.C. 1092b) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(B) in paragraph (5) (as added by Public Law 101–610), by striking ''effectiveness.'' and inserting ''effectiveness;''; and

(C) by redesignating paragraph (5) (as added by Public Law 101–234) as paragraph (6);

(2) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively; and

(3) by inserting after subsection (c) the following:

''(d) PRINCIPLES FOR ADMINISTERING THE DATA SYSTEM.—In managing the National Student Loan Data System, the Secretary shall take actions necessary to maintain confidence in the data system, including, at a minimum—

''(1) ensuring that the primary purpose of access to the data system by guaranty agencies, eligible lenders, and eligible institutions of higher education is for legitimate program operations, such as the need to verify the eligibility of a student, potential student, or parent for loans under part B, D, or E;

''(2) prohibiting nongovernmental researchers and policy analysts from accessing personally identifiable information;

''(3) creating a disclosure form for students and potential students that is distributed when such students complete the common financial reporting form under section 483, and as a part of the exit counseling process under section 485(b), that—

''(A) informs the students that any title IV grant or loan the students receive will be included in the National Student Loan Data System, and instructs the students on how to access that information;

''(B) describes the categories of individuals or entities that may access the data relating to such grant or loan through the data system, and for what purposes access is allowed;

''(C) defines and explains the categories of information included in the data system;

''(D) provides a summary of the provisions of the Family Educational Rights and Privacy Act of 1974 and other applicable Federal privacy statutes, and a statement of the students' rights and responsibilities with respect to such statutes;

''(E) explains the measures taken by the Department to safeguard the students' data; and

''(F) includes other information as determined appropriate by the Secretary;

''(4) requiring guaranty agencies, eligible lenders, and eligible institutions of higher education that enter into an agreement with a potential student, student, or parent of such student regarding a loan under part B, D, or E, to inform the student or parent that such loan shall be—

''(A) submitted to the data system; and

''(B) accessible to guaranty agencies, eligible lenders, and eligible institutions of higher education determined by the Secretary to be authorized users of the data system;

''(5) regularly reviewing the data system to—

''(A) delete inactive users from the data system;

''(B) ensure that the data in the data system are not being used for marketing purposes; and

''(C) monitor the use of the data system by guaranty agencies and eligible lenders to determine whether an agency or lender is accessing the records of students in which the agency or lender has no existing financial interest; and

''(6) developing standardized protocols for limiting access to the data system that include—

''(A) collecting data on the usage of the data system to monitor whether access has been or is being used contrary to the purposes of the data system;

''(B) defining the steps necessary for determining whether, and how, to deny or restrict access to the data system; and

''(C) determining the steps necessary to reopen access to the data system following a denial or restriction of access.''; and

(4) by striking subsection (e) (as redesignated by paragraph (1)) and inserting the following:

''(e) REPORTS TO CONGRESS.—

''(1) ANNUAL REPORT.—Not later than September 30 of each fiscal year, the Secretary shall prepare and submit to the appropriate committees of Congress a report describing—

''(A) the results obtained by the establishment and operation of the National Student Loan Data System authorized by this section;

''(B) the effectiveness of existing privacy safeguards in protecting student and parent information in the data system;

''(C) the success of any new authorization protocols in more effectively preventing abuse of the data system;

''(D) the ability of the Secretary to monitor how the system is being used, relative to the intended purposes of the data system; and

''(E) any protocols developed under subsection (d)(6) during the preceding fiscal year.

''(2) STUDY.—

''(A) IN GENERAL.—The Secretary shall conduct a study regarding—

''(i) available mechanisms for providing students and parents with the ability to opt in or opt out of allowing eligible lenders to access their records in the National Student Loan Data System; and

''(ii) appropriate protocols for limiting access to the data system, based on the risk assessment required under subchapter III of chapter 35 of title 44, United States Code.

''(B) SUBMISSION OF STUDY.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and submit a report on the findings of the study to the appropriate committees of Congress.''.

**SEC. 480. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.**

Part G of title IV (20 U.S.C. 1088 et seq.) is further amended by inserting after section 485D (20 U.S.C. 1092c) the following:

**''SEC. 485E. EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.**

''(a) IN GENERAL.—The Secretary shall implement, in cooperation with States, institutions of higher education, secondary schools, middle schools, early intervention and outreach programs under this title, other agencies and organizations involved in student financial assistance and college access, public libraries, community centers, employers, and businesses, a comprehensive system of early financial aid information in order to provide students and families with early information about financial aid and early estimates of such students' eligibility for financial aid from multiple sources. Such system shall include the activities described in subsections (b) and (c).

''(b) COMMUNICATION OF AVAILABILITY OF AID AND AID ELIGIBILITY.—

''(1) STUDENTS WHO RECEIVE BENEFITS.—The Secretary shall—

''(A) make special efforts to notify students, who receive or are eligible to receive benefits under a Federal means-tested benefit program (including the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)) or another such benefit program as determined by the Secretary, of such students' potential eligibility for a maximum Federal Pell Grant under subpart 1 of part A; and

''(B) disseminate such informational materials as the Secretary determines necessary.

''(2) MIDDLE SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, middle schools, and programs under this title that serve middle school students, shall make special efforts to notify students and their parents of the availability of financial aid under this title and, in accordance with subsection (c), shall provide nonbinding estimates of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in middle school.

''(3) SECONDARY SCHOOL STUDENTS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, secondary schools, and programs under this title that serve secondary school students, shall make special efforts to notify students in secondary school and their parents, as early as possible but not later than such students' junior year of secondary school, of the availability of financial aid under this title and, in accordance with subsection (c), shall provide nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information is as accurate as possible and that such information is provided in an age-appropriate format using dissemination mechanisms suitable for students in secondary school.

''(4) ADULT LEARNERS.—The Secretary, in cooperation with States, institutions of higher education, other organizations involved in college access and student financial aid, employers, workforce investment boards and public libraries, shall make special efforts to provide individuals who would qualify as independent students, as defined in section 480(d), with information regarding the availability of financial aid under this title and, in accordance with subsection (c), with nonbinding estimates of the amounts of grant and loan aid that an individual may be eligible for under this title upon completion of an application form under section 483(a). The Secretary shall ensure that such information—

''(A) is as accurate as possible;

''(B) includes specific information regarding the availability of financial aid for students qualified as independent students, as defined in section 480(d); and

''(C) uses dissemination mechanisms suitable for adult learners.

''(5) PUBLIC AWARENESS CAMPAIGN.—Not later than 2 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary, in coordination with States, institutions of higher education, early intervention and outreach programs under this title, other agencies and organizations involved in student financial aid, local educational agencies, public libraries, community centers, businesses, employers, employment services, workforce investment boards, and movie theaters, shall implement a public awareness campaign in order to increase national awareness regarding the availability of financial aid under this title. The public awareness campaign shall disseminate accurate information regarding the availability of financial aid under this title and shall be implemented, to the extent practicable, using a variety of media, including print, television, radio and the Internet. The Secretary shall design and implement the public awareness campaign based upon relevant independent research and the information and dissemination strategies found most effective in implementing paragraphs (1) through (4).

''(c) AVAILABILITY OF NONBINDING ESTIMATES OF FEDERAL FINANCIAL AID ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, shall provide, via a printed form and the Internet or other electronic means, the capability for individuals to determine easily, by entering relevant data, nonbinding estimates of amounts of grant and loan aid an individual may be eligible for under this title upon completion and processing of an application and enrollment in an institution of higher education.

''(2) DATA ELEMENTS.—The Secretary, in cooperation with States, institutions of higher education, and other agencies and organizations involved in student financial aid, shall determine the data elements that are necessary to create a simplified form that individuals can use to obtain easily nonbinding estimates of the amounts of grant and loan aid an individual may be eligible for under this title.

''(3) QUALIFICATION TO USE SIMPLIFIED APPLICATION.—The capability provided under this paragraph shall include the capability to determine whether the individual is eligible to submit a simplified application form under paragraph (2)(B) or (3)(B) of section 483(a).''.

**SEC. 481. PROGRAM PARTICIPATION AGREEMENTS.**

Section 487 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (21), (22), and (23) as paragraphs (22), (23), and (24), respectively;

(B) by inserting after paragraph (20) the following:

''(21) CODE OF CONDUCT.—

''(A) IN GENERAL.—The institution will establish, follow, and enforce a code of conduct regarding student loans that includes not less than the following:

''(i) REVENUE SHARING PROHIBITION.—The institution is prohibited from receiving anything of value from any lender in exchange for any advantage sought by the lender to make educational loans to a student enrolled, or who is expected to be enrolled, at the institution, except that an institution shall not be prohibited from receiving a philanthropic contribution from a lender if the contribution is not made in exchange for any such advantage.

''(ii) GIFT AND TRIP PROHIBITION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, is prohibited from taking from any lender any gift or trip worth more than nominal value, except for reasonable expenses for professional development that will improve the efficiency and effectiveness of programs under this title and for domestic travel to such professional development.

''(iii) CONTRACTING ARRANGEMENTS.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other financial aid of the institution, shall be prohibited from entering into any type of consulting arrangement or other contract to provide services to a lender.

''(iv) ADVISORY BOARD COMPENSATION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to educational loans or other student financial aid of the institution, and who serves on an advisory board, commission, or group established by a lender or group of lenders shall be prohibited from receiving anything of value from the lender or group of lenders, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission or group.

''(v) INTERACTION WITH BORROWERS.—The institution will not—

''(I) for any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; and

''(II) refuse to certify, or, delay certification of, any loan in accordance with paragraph (6) based on the borrower's selection of a particular lender or guaranty agency.

''(B) DESIGNATION.—The institution will designate an individual who shall be responsible for signing an annual attestation on behalf of the institution that the institution agrees to, and is in compliance with, the requirements of the code of conduct described in this paragraph. Such individual shall be the chief executive officer, chief operating officer, chief financial officer, or comparable official, of the institution, and shall annually submit the signed attestation to the Secretary.

''(C) AVAILABILITY.—The institution will make the code of conduct widely available to the institution's faculty members, students, and parents through a variety of means, including the institution's website.'';

(C) in paragraph (24) (as redesignated by subparagraph (A)), by adding at the end the following:

''(D) In the case of a proprietary institution of higher education as defined in section 102(b), the institution shall be considered in compliance with the requirements of subparagraph (A) for any student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, if such information is in an electronic message devoted solely to voter registration.''; and

(D) by adding at the end the following:

''(25) In the case of a proprietary institution of higher education as defined in section 102(b), the institution will, as calculated in accordance with subsection (h)(1), have not less than 10 percent of its revenues from sources other than funds provided under this title, or will be subject to the sanctions described in subsection (h)(2).

''(26) PREFERRED LENDER LISTS.—

''(A) IN GENERAL.—In the case of an institution (including an employee or agent of an institution) that maintains a preferred lender list, in print or any other medium, through which the institution recommends one or more specific lenders for loans made under part B to the students attending the institution (or the parents of such students), the institution will—

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

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

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

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

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

''(II) the preferred lender list—

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

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

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

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

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

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

''(B) DEFINITION OF AFFILIATE; CONTROL.—

''(i) DEFINITION OF AFFILIATE.—For the purposes of subparagraph (A)(ii) the term 'affiliate' means a person that controls, is controlled by, or is under common control with, another person.

''(ii) CONTROL.—For purposes of subparagraph (A)(ii), a person has control over another person if—

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

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

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

''(C) LIST OF LENDER AFFILIATES.—The Secretary, in consultation with the Director of the Federal Deposit Insurance Corporation, shall maintain and update a list of lender affiliates of all eligible lenders, and shall provide such list to the eligible institutions for use in carrying out subparagraph (A).'';

(2) in subsection (c)(1)(A)(i), by inserting '', except that the Secretary may modify the requirements of this clause with regard to an institution outside the United States'' before the semicolon at the end;

(3) by redesignating subsections (d) and (e) as subsection (f) and (g), respectively;

(4) by inserting after subsection (c) the following:

''(d) INSTITUTIONAL REQUIREMENTS FOR TEACH-OUTS.—

''(1) IN GENERAL.—In the event the Secretary initiates the limitation, suspension, or termination of the participation of an institution of higher education in any program under this title under the authority of subsection (c)(1)(F) or initiates an emergency action under the authority of subsection (c)(1)(G) and its prescribed regulations, the Secretary shall require that institution to prepare a teach-out plan for submission to the institution's accrediting agency or association in compliance with section 496(c)(4), the Secretary's regulations on teach-out plans, and the standards of the institution's accrediting agency or association.

''(2) TEACH-OUT PLAN DEFINED.—In this subsection, the term 'teach-out plan' means a written plan that provides for the equitable treatment of students if an institution of higher education ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency or association, an agreement between institutions for such a teach-out plan.

''(e) VIOLATION OF CODE OF CONDUCT REGARDING STUDENT LOANS.—

''(1) IN GENERAL.—Upon a finding by the Secretary, after reasonable notice and an opportunity for a hearing, that an institution of higher education that has entered into a program participation agreement with the Secretary under subsection (a) willfully contravened the institution's attestation of compliance with the provisions of subsection (a)(21), the Secretary may impose a penalty described in paragraph (2).

''(2) PENALTIES.—A violation of paragraph (1) shall result in the limitation, suspension, or termination of the eligibility of the institution for the loan programs under this title.''; and

(5) by adding at the end the following:

''(h) IMPLEMENTATION OF NONTITLE IV REVENUE REQUIREMENT.—

''(1) CALCULATION.—In carrying out subsection (a)(27), a proprietary institution of higher education (as defined in section 102(b)) shall use the cash basis of accounting and count the following funds as from sources of funds other than funds provided under this title:

''(A) Funds used by students from sources other than funds received under this title to pay tuition, fees, and other institutional charges to the institution, provided the institution can reasonably demonstrate that such funds were used for such purposes.

''(B) Funds used by the institution to satisfy matching-fund requirements for programs under this title.

''(C) Funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986.

''(D) Funds paid by a student, or on behalf of a student by a party other than the institution, to the institution for an education or training program that is not eligible for funds under this title, provided that the program is approved or licensed by the appropriate State agency or an accrediting agency recognized by the Secretary.

''(E) Funds generated by the institution from institutional activities that are necessary for the education and training of the institution's students, if such activities are—

''(i) conducted on campus or at a facility under the control of the institution;

''(ii) performed under the supervision of a member of the institution's faculty; and

''(iii) required to be performed by all students in a specific educational program at the institution.

''(F) Institutional aid, as follows:

''(i) In the case of loans made by the institution, only the amount of loan repayments received by the institution during the fiscal year for which the determination is made.

''(ii) In the case of scholarships provided by the institution, only those scholarship funds provided by the institution that are—

''(I) in the form of monetary aid based upon the academic achievements or financial need of students; and

''(II) disbursed during the fiscal year for which the determination is made from an established restricted account and only to the extent that the funds in that account represent designated funds from an outside source or income earned on those funds.

''(iii) In the case of tuition discounts, only those tuition discounts based upon the academic achievement or financial need of students.

''(2) SANCTIONS.—

''(A) FAILURE TO MEET REQUIREMENT FOR 1 YEAR.—In addition to such other means of enforcing the requirements of this title as may be available to the Secretary, if an institution fails to meet the requirements of subsection (a)(27) in any year, the Secretary may impose 1 or both of the following sanctions on the institution:

''(i) Place the institution on provisional certification in accordance with section 498(h) until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(ii) Require such other increased monitoring and reporting requirements as the Secretary determines necessary until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(B) FAILURE TO MEET REQUIREMENT FOR 2 YEARS.—An institution that fails to meet the requirements of subsection (a)(27) for 2 consecutive years shall be ineligible to participate in the programs authorized under this title until the institution demonstrates, to the satisfaction of the Secretary, that it is in compliance with subsection (a)(27).

''(3) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary shall make publicly available, through the means described in subsection (b) of section 131, any institution that fails to meet the requirements of subsection (a)(27) in any year as an institution that is failing to meet the minimum non-Federal source of revenue requirements of such subsection (a)(27).''.

**SEC. 482. REGULATORY RELIEF AND IMPROVEMENT.**

Section 487A(b) (20 U.S.C. 1094a(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''1998'' and inserting ''2007'' ; and

(B) by striking ''1999'' and inserting ''2008''; and

(2) by striking the matter preceding paragraph (2)(A) and inserting the following:

''(2) REPORT.—The Secretary shall review and evaluate the experience of institutions participating as experimental sites and shall, on a biennial basis, submit a report based on the review and evaluation to the authorizing committees. Such report shall include—''; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking ''Upon the submission of the report required by paragraph (2), the'' and inserting ''The''; and

(ii) by inserting ''periodically'' after ''authorized to'';

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as redesignated by subparagraph (C))—

(i) by inserting '', including requirements related to the award process and disbursement of student financial aid (such as innovative delivery systems for modular or compressed courses, or other innovative systems), verification of student financial aid application data, entrance and exit interviews, or other management procedures or processes as determined in the negotiated rulemaking process under section 492'' after ''requirements in this title'';

(ii) by inserting ''(other than an award rule related to an experiment in modular or compressed schedules)'' after ''award rules''; and

(iii) by inserting ''unless the waiver of such provisions is authorized by another provision under this title'' before the period at the end.

**SEC. 483. TRANSFER OF ALLOTMENTS.**

Section 488 (20 U.S.C. 1095) is amended in the first sentence—

(1) in paragraph (1), by striking ''and'' after the semicolon;

(2) in paragraph (2), by striking ''413D.'' and inserting ''413D; and''; and

(3) by adding at the end ''(3) transfer 25 percent of the institution's allotment under section 413D to the institution's allotment under section 442.''.

**SEC. 484. PURPOSE OF ADMINISTRATIVE PAYMENTS.**

Section 489(b) (20 U.S.C. 1096(b)) is amended by striking ''offsetting the administrative costs of'' and inserting ''administering''.

**SEC. 485. ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE.**

Section 491 (20 U.S.C. 1098) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''and'' after the semicolon;

(B) in subparagraph (C), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(D) to provide knowledge and understanding of early intervention programs, and to make recommendations that will result in early awareness by low- and moderate-income students and families—

''(i) of their eligibility for assistance under this title; and

''(ii) to the extent practicable, of their eligibility for other forms of State and institutional need-based student assistance; and

''(E) to make recommendations that will expand and improve partnerships among the Federal Government, States, institutions of higher education, and private entities to increase the awareness and the total amount of need-based student assistance available to low- and moderate-income students.'';

(2) in subsection (c), by adding at the end the following:

''(3) The appointment of a member under subparagraph (A) or (B) of paragraph (1) shall be effective upon confirmation of the member by the Senate and publication of such appointment in the Congressional Record.'';

(3) in subsection (d)(6), by striking '', but nothing'' and all that follows through ''or analyses'';

(4) in subsection (j)—

(A) in paragraph (1)—

(i) by inserting ''and simplification'' after ''modernization'' each place the term appears; and

(ii) by striking ''including'' and all that follows through ''Department,''; and

(B) by striking paragraphs (4) and (5) and inserting the following:

''(4) conduct a review and analysis of regulations in accordance with subsection (l); and

''(5) conduct a study in accordance with subsection (m).'';

(5) in subsection (k), by striking ''2004'' and inserting ''2013''; and

(6) by adding at the end the following:

''(l) REVIEW AND ANALYSIS OF REGULATIONS.—

''(1) RECOMMENDATIONS.—The Advisory Committee shall make recommendations to the Secretary and Congress for consideration of future legislative action regarding redundant or outdated regulations under this title, consistent with the Secretary's requirements under section 498B.

''(2) REVIEW AND ANALYSIS OF REGULATIONS.—The Advisory Committee shall conduct a review and analysis of the regulations issued under this title that are in effect at the time of the review and that apply to the operations or activities of participants in the programs assisted under this title. The review and analysis may include a determination of whether the regulation is duplicative, is no longer necessary, is inconsistent with other Federal requirements, or is overly burdensome. In conducting the review, the Advisory Committee shall pay specific attention to evaluating ways in which regulations under this title affecting institutions of higher education (other than institutions described in section 102(a)(1)(C)), that have received in each of the 2 most recent award years prior to the date of enactment of the Higher Education Amendments of 2007 less than $200,000 in funds through this title, may be improved, streamlined, or eliminated.

''(3) CONSULTATION.—

''(A) IN GENERAL.—In carrying out the review and analysis under paragraph (2), the Advisory Committee shall consult with the Secretary, relevant representatives of institutions of higher education, and individuals who have expertise and experience with the regulations issued under this title, in accordance with subparagraph (B).

''(B) REVIEW PANELS.—The Advisory Committee shall convene not less than 2 review panels of representatives of the groups involved in student financial assistance programs under this title who have experience and expertise in the regulations issued under this title to review the regulations under this title, and to provide recommendations to the Advisory Committee with respect to the review and analysis under paragraph (2). The panels shall be made up of experts in areas such as the operations of the financial assistance programs, the institutional eligibility requirements for the financial assistance programs, regulations not directly related to the operations or the institutional eligibility requirements of the financial assistance programs, and regulations for dissemination of information to students about the financial assistance programs.

''(4) REPORTS TO CONGRESS.—The Advisory Committee shall submit, not later than 2 years after the completion of the negotiated rulemaking process required under section 492 resulting from the amendments to this Act made by the Higher Education Amendments of 2007, a report to the authorizing committees and the Secretary detailing the expert panels' findings and recommendations with respect to the review and analysis under paragraph (2).

''(5) ADDITIONAL SUPPORT.—The Secretary and the Inspector General of the Department shall provide such assistance and resources to the Advisory Committee as the Secretary and Inspector General determine are necessary to conduct the review required by this subsection.

''(m) STUDY OF INNOVATIVE PATHWAYS TO BACCALAUREATE DEGREE ATTAINMENT.—

''(1) STUDY REQUIRED.—The Advisory Committee shall conduct a study of the feasibility of increasing baccalaureate degree attainment rates by reducing the costs and financial barriers to attaining a baccalaureate degree through innovative programs.

''(2) SCOPE OF STUDY.—The Advisory Committee shall examine new and existing programs that promote baccalaureate degree attainment through innovative ways, such as dual or concurrent enrollment programs, changes made to the Federal Pell Grant program, simplification of the needs analysis process, compressed or modular scheduling, articulation agreements, and programs that allow 2-year institutions of higher education to offer baccalaureate degrees.

''(3) REQUIRED ASPECTS OF THE STUDY.—In performing the study described in this subsection, the Advisory Committee shall examine the following aspects of such innovative programs:

''(A) The impact of such programs on baccalaureate attainment rates.

''(B) The degree to which a student's total cost of attaining a baccalaureate degree can be reduced by such programs.

''(C) The ways in which low- and moderate-income students can be specifically targeted by such programs.

''(D) The ways in which nontraditional students can be specifically targeted by such programs.

''(E) The cost-effectiveness for the Federal Government, States, and institutions of higher education to implement such programs.

''(4) CONSULTATION.—

''(A) IN GENERAL.—In performing the study described in this subsection the Advisory Committee shall consult with a broad range of interested parties in higher education, including parents, students, appropriate representatives of secondary schools and institutions of higher education, appropriate State administrators, administrators of dual or concurrent enrollment programs, and appropriate Department officials.

''(B) CONGRESSIONAL CONSULTATION.—The Advisory Committee shall consult on a regular basis with the authorizing committees in carrying out the study required by this section.

''(5) REPORTS TO CONGRESS.—

''(A) INTERIM REPORT.—The Advisory Committee shall prepare and submit to the authorizing committees and the Secretary an interim report, not later than 1 year after the date of enactment of the Higher Education Amendments of 2007, describing the progress that has been made in conducting the study required by this subsection and any preliminary findings on the topics identified under paragraph (2).

''(B) FINAL REPORT.—The Advisory Committee shall, not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, prepare and submit to the authorizing committees and the Secretary a final report on the study, including recommendations for legislative, regulatory, and administrative changes based on findings related to the topics identified under paragraph (2).''.

**SEC. 486. REGIONAL MEETINGS.**

Section 492(a)(1) (20 U.S.C. 1098a(a)(1)) is amended by inserting ''State student grant agencies,'' after ''institutions of higher education,''.

**SEC. 487. YEAR 2000 REQUIREMENTS AT THE DEPARTMENT.**

(a) REPEAL.—Section 493A (20 U.S.C. 1098c) is repealed.

(b) REDESIGNATION.—Section 493B (20 U.S.C. 1098d) is redesignated as section 493A.

## PART G—PROGRAM INTEGRITY

**SEC. 491. RECOGNITION OF ACCREDITING AGENCY OR ASSOCIATION.**

Section 496 (20 U.S.C. 1099b) is amended—

(1) in subsection (a)—

(A) by striking paragraph (4) and inserting the following:

''(4)(A) such agency or association consistently applies and enforces standards that respect the stated mission of the institution of higher education, including religious missions, and that ensure that the courses or programs of instruction, training, or study offered by the institution of higher education, including distance education courses or programs, are of sufficient quality to achieve, for the duration of the accreditation period, the stated objective for which the courses or the programs are offered; and

''(B) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—

''(i) the agency or association's standards effectively address the quality of an institution's distance education in the areas identified in section 496(a)(5), except that the agency or association shall not be required to have separate standards, procedures or policies for the evaluation of distance education institutions or programs in order to meet the requirements of this subparagraph; and

''(ii) the agency or association requires an institution that offers distance education to have processes through which the institution establishes that the student who registers in a distance education course or program is the same student who participates in and completes the program and receives the academic credit;'';

(B) in paragraph (5), by striking subparagraph (A) and inserting the following:

''(A) success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations and job placement rates;'';

(C) by striking paragraph (6) and inserting the following:

''(6) such an agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings which comply with due process procedures that provide for—

''(A) adequate specification of requirements and deficiencies at the institution of higher education or program examined;

''(B) an opportunity for a written response by any such institution to be included, prior to final action, in the evaluation and withdrawal proceedings;

''(C) upon the written request of an institution, an opportunity for the institution to appeal any adverse action, including denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, at a hearing prior to such action becoming final, before an appeals panel that—

''(i) shall not include current members of the agency or association's underlying decision-making body that made the adverse decision; and

''(ii) is subject to a conflict of interest policy; and

''(D) the right to representation by counsel for such an institution during an appeal of the adverse action;''; and

(D) by striking paragraph (8) and inserting the following:

''(8) such agency or association shall make available to the public and the State licensing or authorizing agency, and submit to the Secretary, a summary of agency or association actions, including—

''(A) the award of accreditation or reaccreditation of an institution;

''(B) final denial, withdrawal, suspension, or termination of accreditation, or placement on probation of an institution, and any findings made in connection with the action taken, together with the official comments of the affected institution; and

''(C) any other adverse action taken with respect to an institution.'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting '', including those regarding distance education'' after ''their responsibilities'';

(B) by redesignating paragraphs (2) through (6) as paragraphs (5) through (9);

(C) by inserting after paragraph (1) (as amended by subparagraph (A)) the following:

''(2) ensures that the agency or association's on-site evaluation for accreditation or reaccreditation includes review of the Federally required information the institution or program provides its current and prospective students;

''(3) monitors the growth of programs at institutions that are experiencing significant enrollment growth;

''(4) requires an institution to submit a teach-out plan for approval to the accrediting agency upon the occurrence of any of the following events:

''(A) The Department notifies the accrediting agency of an action against the institution pursuant to section 487(d).

''(B) The accrediting agency acts to withdraw, terminate, or suspend the accreditation of an institution.

''(C) The institution notifies the accrediting agency that the institution intends to cease operations.'';

(D) in paragraph (8) (as redesignated by subparagraph (B)), by striking ''and'' after the semicolon;

(E) in subparagraph (9) (as redesignated by subparagraph (B)), by striking the period and inserting ''; and''; and

(F) by adding at the end the following:

''(10) confirms, as a part of the agency or association's review for accreditation or reaccreditation, that the institution has transfer of credit policies—

''(A) that are publicly disclosed; and

''(B) that include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.'';

(3) in subsection (g), by adding at the end the following: ''Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement.''; and

(4) in subsection (o), by adding at the end the following: ''Notwithstanding any other provision of law, the Secretary shall not promulgate any regulation with respect to subsection (a)(5).''.

**SEC. 492. ADMINISTRATIVE CAPACITY STANDARD.**

Section 498 (20 U.S.C. 1099c) is amended—

(1) in subsection (d)(1)(B), by inserting ''and'' after the semicolon; and

(2) by adding at the end the following:

''(k) TREATMENT OF TEACH-OUTS AT ADDITIONAL LOCATIONS.—

''(1) IN GENERAL.—A location of a closed institution of higher education shall be eligible as an additional location of an eligible institution of higher education, as defined pursuant to regulations of the Secretary, for the purposes of a teach-out, if such teach-out has been approved by the institution's accrediting agency.

''(2) SPECIAL RULE.—An institution of higher education that conducts a teach-out through the establishment of an additional location described in paragraph (1) shall be permitted to establish a permanent additional location at a closed institution and shall not be required—

''(A) to meet the requirements of sections 102(b)(1)(E) and 102(c)(1)(C) for such additional location; or

''(B) to assume the liabilities of the closed institution.''.

**SEC. 493. PROGRAM REVIEW AND DATA.**

Section 498A(b) (20 U.S.C. 1099c–1(b)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5) by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(6) provide to an institution of higher education an adequate opportunity to review and respond to any program review report and relevant materials related to the report before any final program review report is issued;

''(7) review and take into consideration an institution of higher education's response in any final program review report or audit determination, and include in the report or determination—

''(A) a written statement addressing the institution of higher education's response;

''(B) a written statement of the basis for such report or determination; and

''(C) a copy of the institution's response; and

''(8) maintain and preserve at all times the confidentiality of any program review report until the requirements of paragraphs (6) and (7) are met, and until a final program review is issued, other than to the extent required to comply with paragraph (5), except that the Secretary shall promptly disclose any and all program review reports to the institution of higher education under review.''.

**SEC. 494. TIMELY INFORMATION ABOUT LOANS.**

(a) IN GENERAL.—Title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

**''SEC. 499A. ACCESS TO TIMELY INFORMATION ABOUT LOANS.**

''(a) REGULAR BILL PROVIDING PERTINENT INFORMATION ABOUT A LOAN.—A lender of a loan made, insured, or guaranteed under this title shall provide the borrower of such loan a bill each month or, in the case of a loan payable less frequently than monthly, a bill that corresponds to each payment installment time period, including a clear and conspicuous notice of—

''(1) the borrower's principal borrowed;

''(2) the borrower's current balance;

''(3) the interest rate on such loan;

''(4) the amount the borrower has paid in interest;

''(5) the amount of additional interest payments the borrower is expected to pay over the life of the loan;

''(6) the total amount the borrower has paid for the loan, including the amount the borrower has paid in interest, the amount the borrower has paid in fees, and the amount the borrower has paid against the balance, in a brief, borrower-friendly manner;

''(7) a description of each fee the borrower has been charged for the current payment period;

''(8) the date by which the borrower needs to make a payment in order to avoid additional fees;

''(9) the amount of such payment that will be applied to the interest, the balance, and any fees on the loan; and

''(10) the lender's address and toll-free phone number for payment and billing error purposes.

''(b) INFORMATION PROVIDED BEFORE COMMENCEMENT OF REPAYMENT.—A lender of a loan made, insured, or guaranteed under this title shall provide to the borrower of such loan, at least one month before the loan enters repayment, a clear and conspicuous notice of not less than the following information:

''(1) The borrower's options, including repayment plans, deferments, forbearances, and discharge options to which the borrower may be entitled.

''(2) The conditions under which a borrower may be charged any fee, and the amount of such fee.

''(3) The conditions under which a loan may default, and the consequences of default.

''(4) Resources, including nonprofit organizations, advocates, and counselors (including the Office of the Ombudsman at the Department), where borrowers can receive advice and assistance, if such resources exist.

''(c) INFORMATION PROVIDED DURING DELINQUENCY.—In addition to any other information required under law, a lender of a loan made, insured, or guaranteed under this title shall provide a borrower in delinquency with a clear and conspicuous notice of the date on which the loan will default if no payment is made, the minimum payment that must be made to avoid default, discharge options to which the borrower may be entitled, resources, including nonprofit organizations, advocates, and counselors (including the Office of the Ombudsman at the Department), where borrowers can receive advice and assistance, if such resources exist.

''(d) INFORMATION PROVIDED DURING DEFAULT.—A lender of a loan made, insured, or guaranteed under this title shall provide a borrower in default, on not less than 2 separate occasions, with a clear and conspicuous notice of not less than the following information:

''(1) The options available to the borrower to be removed from default.

''(2) The relevant fees and conditions associated with each option.''.

**SEC. 495. AUCTION EVALUATION AND REPORT.**

(a) EVALUATION.—If Congress enacts an Act that authorizes the Secretary of Education to carry out a pilot program under which the Secretary establishes a mechanism for an auction of Federal PLUS Loans, then the Comptroller General shall evaluate such pilot program. The evaluation shall determine—

(1) the extent of the savings to the Federal Government that are generated through the pilot program, compared to the cost the Federal Government would have incurred in operating the parent loan program under section 428B of the Higher Education Act of 1965 in the absence of the pilot program;

(2) the number of lenders that participated in the pilot program, and the extent to which the pilot program generated competition among lenders to participate in the auctions under the pilot program;

(3) the effect of the transition to and operation of the pilot program on the ability of—

(A) lenders participating in the pilot program to originate loans made through the pilot program smoothly and efficiently;

(B) institutions of higher education participating in the pilot program to disburse loans made through the pilot program smoothly and efficiently; and

(C) the ability of parents to obtain loans made through the pilot program in a timely and efficient manner;

(4) the differential impact, if any, of the auction among the States, including between rural and non-rural States; and

(5) the feasibility of using the mechanism piloted to operate the other loan programs under part B of title IV of the Higher Education Act of 1965.

(b) REPORTS.—The Comptroller General shall—

(1) not later than September 1, 2010, submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a preliminary report regarding the findings of the evaluation described in subsection (a);

(2) not later than September 1, 2012, submit to the authorizing committees an interim report regarding such findings; and

(3) not later than September 1, 2014, submit to the authorizing committees a final report regarding such findings.

## TITLE V—DEVELOPING INSTITUTIONS

**SEC. 501. AUTHORIZED ACTIVITIES.**

Section 503(b) (20 U.S.C. 1101b(b)) is amended—

(1) by redesignating paragraphs (6) through (14) as paragraphs (8) through (16), respectively;

(2) in paragraph (5), by inserting '', including innovative, customized remedial education and English language instruction courses designed to help retain students and move the students rapidly into core courses and through program completion'' before the period at the end;

(3) by inserting after paragraph (5) the following:

''(6) Education or counseling services designed to improve the financial literacy and economic literacy of students or the students' parents.

''(7) Articulation agreements and student support programs designed to facilitate the transfer from 2-year to 4-year institutions.''; and

(4) in paragraph (12) (as redesignated by paragraph (1)), by striking ''distance learning academic instruction capabilities'' and inserting ''distance education technologies''.

**SEC. 502. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.**

(a) ESTABLISHMENT OF PROGRAM.—Title V (20 U.S.C. 1101 et seq.) is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 the following:

**"PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS**

**"SEC. 511. PROGRAM AUTHORITY AND ELIGIBILITY.**

''(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the authorized activities described in section 512.

''(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

''(1) is a Hispanic-serving institution (as defined in section 502); and

''(2) offers a postbaccalaureate certificate or degree granting program.

**"SEC. 512. AUTHORIZED ACTIVITIES.**

''Grants awarded under this part shall be used for 1 or more of the following activities:

''(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

''(2) Construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

''(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

''(4) Support for needy postbaccalaureate students, including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance, to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

''(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

''(6) Creating or improving facilities for Internet or other distance education technologies, including purchase or rental of telecommunications technology equipment or services.

''(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

''(8) Other activities proposed in the application submitted pursuant to section 513 that are approved by the Secretary as part of the review and acceptance of such application.

**"SEC. 513. APPLICATION AND DURATION.**

''(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for Hispanic and low-income students and will lead to such students' greater financial independence.

''(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

''(c) LIMITATION.—The Secretary may not award more than 1 grant under this part in any fiscal year to any Hispanic-serving institution.''.

**SEC. 503. APPLICATIONS.**

Section 521(b)(1)(A) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103(b)(1)(A)) is amended by striking ''subsection (b)'' and inserting ''subsection (c)''.

**SEC. 504. COOPERATIVE ARRANGEMENTS.**

Section 524(a) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103c(a)) is amended by striking ''section 503'' and inserting ''sections 503 and 512''.

**SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

Section 528(a) (as redesignated by section 502(a)(2)) (20 U.S.C. 1103g(a)) is amended—

(1) by inserting ''part A of'' after ''carry out'';

(2) by striking ''$62,500,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.'';

(3) by striking ''(a) AUTHORIZATIONS.—There are'' and inserting the following:

''(a) AUTHORIZATIONS.—

''(1) PART A.—There are''; and

(4) by adding at the end the following:

''(2) PART B.—There are authorized to be appropriated to carry out part B of this title such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

**TITLE VI—INTERNATIONAL EDUCATION PROGRAMS**

**SEC. 601. FINDINGS.**

Section 601 (20 U.S.C. 1121) is amended—

(1) in the section heading, by striking ''**AND PURPOSES**'' and inserting ''**; PURPOSES; CONSULTATION; SURVEY**'';

(2) in subsection (a)(3), by striking ''post-Cold War'';

(3) in subsection (b)(1)(D), by inserting '', including through linkages with overseas institutions'' before the semicolon; and

(4) by adding at the end the following:

''(c) CONSULTATION.—The Secretary shall, prior to requesting applications for funding under this title during each grant cycle, consult with and receive recommendations regarding national need for expertise in foreign languages and world regions from the head officials of a wide range of Federal agencies. Such agencies shall provide information to the Secretary regarding how the agencies utilize expertise and resources provided by grantees under this title. The Secretary shall take into account such recommendations and information when requesting applications for funding under this title, and shall make available to applicants a list of areas identified as areas of national need.

''(d) SURVEY.—The Secretary shall assist grantees in developing a survey to administer to students who have participated in programs under this title to determine postgraduation placement. All grantees, where applicable, shall administer such survey not less often than annually and report such data to the Secretary.''.

**SEC. 602. GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.**

Section 602 (20 U.S.C. 1122) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (G), by striking ''and'' after the semicolon;

(ii) in subparagraph (H), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(I) support for instructors of the less commonly taught languages.''; and

(B) in paragraph (4)—

(i) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F), respectively;

(ii) by inserting after subparagraph (B) the following:

''(C) Programs of linkage or outreach between or among—

''(i) foreign language, area studies, or other international fields; and

''(ii) State educational agencies or local educational agencies.'';

(iii) in subparagraph (D) (as redesignated by clause (i)) by inserting '', including Federal or State scholarship programs for students in related areas'' before the period at the end; and

(iv) in subparagraph (F) (as redesignated by clause (i)), by striking ''and (D)'' and inserting ''(D), and (E)'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''GRADUATE''; and

(B) by striking paragraph (2) and inserting the following:

''(2) ELIGIBLE STUDENTS.—A student receiving a stipend described in paragraph (1) shall be engaged—

''(A) in an instructional program with stated performance goals for functional foreign language use or in a program developing such performance goals, in combination with area studies, international studies, or the international aspects of a professional studies program; and

''(B)(i) in the case of an undergraduate student, in the intermediate or advanced study of a less commonly taught language; or

''(ii) in the case of a graduate student, in graduate study in connection with a program described in subparagraph (A), including—

''(I) predissertation level study;

''(II) preparation for dissertation research;

''(III) dissertation research abroad; or

''(IV) dissertation writing.'';

(3) by striking subsection (d) and inserting the following:

''(d) ALLOWANCES.—

''(1) GRADUATE LEVEL RECIPIENTS.—A stipend awarded to a graduate level recipient may include allowances for dependents and for travel for research and study in the United States and abroad.

''(2) UNDERGRADUATE LEVEL RECIPIENTS.—A stipend awarded to an undergraduate level recipient may include an allowance for educational programs in the United States or educational programs abroad that—

''(A) are closely linked to the overall goals of the recipient's course of study; and

''(B) have the purpose of promoting foreign language fluency and knowledge of foreign cultures.''; and

(4) by adding at the end the following:

''(e) APPLICATION.—Each institution or combination of institutions desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require. Each application shall include an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs. Each application shall also describe how the applicant will address disputes regarding whether activities funded under the application reflect diverse perspectives and a wide range of views. Each application shall also include a description of how the applicant will encourage government service in areas of national need, as identified by the Secretary, as well as in needs in the education, business, and nonprofit sectors.''.

**SEC. 603. UNDERGRADUATE INTERNATIONAL STUDIES AND FOREIGN LANGUAGE PROGRAMS.**

Section 604 (20 U.S.C. 1124) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (I) through (M) as subparagraphs (J) through (N), respectively; and

(ii) by inserting after subparagraph (H) the following:

''(I) providing subgrants to undergraduate students for educational programs abroad that—

''(i) are closely linked to the overall goals of the program for which the grant is awarded; and

''(ii) have the purpose of promoting foreign language fluency and knowledge of foreign cultures;''; and

(B) in paragraph (7)—

(i) in subparagraph (C), by striking ''and'' after the semicolon;

(ii) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(E) a description of how the applicant will provide information to students regarding federally funded scholarship programs in related areas;

''(F) an explanation of how the activities funded by the grant will reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs, where applicable;

''(G) a description of how the applicant will address disputes regarding whether the activities funded under the application reflect diverse perspectives and a wide range of views; and

''(H) a description of how the applicant will encourage service in areas of national need as identified by the Secretary.''; and

(2) in subsection (c)—

(A) by striking ''FUNDING SUPPORT.—The Secretary'' and inserting ''FUNDING SUPPORT.—

''(1) THE SECRETARY.—The Secretary'';

(B) by striking ''10'' and inserting ''20''; and

(C) by adding at the end the following:

''(2) GRANTEES.—Of the total amount of grant funds awarded to a grantee under this section, the grantee may use not more than 10 percent of such funds for the activity described in subsection (a)(2)(I).''.

**SEC. 604. RESEARCH; STUDIES.**

Section 605(a) (20 U.S.C. 1125(a)) is amended—

(1) in paragraph (8), by striking ''and'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(10) evaluation of the extent to which programs assisted under this title reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs;

''(11) the systematic collection, analysis, and dissemination of data that contribute to achieving the purposes of this part; and

''(12) support for programs or activities to make data collected, analyzed, or disseminated under this section publicly available and easy to understand.''.

**SEC. 605. TECHNOLOGICAL INNOVATION AND COOPERATION FOR FOREIGN INFORMATION ACCESS.**

Section 606 (20 U.S.C. 1126) is amended—

(1) in subsection (a)—

(A) by striking ''new electronic technologies'' and inserting ''electronic technologies'';

(B) by inserting ''from foreign sources'' after ''disseminate information'';

(C) in the subsection heading, by striking ''AUTHORITY.—The Secretary'' and inserting ''AUTHORITY.—

''(1) IN GENERAL.—The Secretary''; and

(D) by adding at the end the following:

''(2) PARTNERSHIPS WITH NOT-FOR-PROFIT EDUCATIONAL ORGANIZATIONS.—The Secretary may award grants under this section to carry out the activities authorized under this section to the following:

''(A) An institution of higher education.

''(B) A public or nonprofit private library.

''(C) A consortium of an institution of higher education and 1 or more of the following:

''(i) Another institution of higher education.

''(ii) A library.

''(iii) A not-for-profit educational organization.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''to facilitate access to'' and inserting ''to acquire, facilitate access to,'';

(B) in paragraph (2), by inserting ''or standards for'' after ''means of'';

(C) in paragraph (6), by striking ''and'' after the semicolon;

(D) in paragraph (7), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

''(8) to establish linkages to facilitate carrying out the activities described in this subsection between—

''(A) the institutions of higher education, libraries, and consortia receiving grants under this section; and

''(B) institutions of higher education, not-for-profit educational organizations, and libraries overseas; and

''(9) to carry out other activities that the Secretary determines are consistent with the purpose of the grants or contracts awarded under this section.''; and

(3) in subsection (c), by striking ''institution or consortium'' and inserting ''institution of higher education, library, or consortium''.

**SEC. 606. SELECTION OF CERTAIN GRANT RECIPIENTS.**

Section 607 (20 U.S.C. 1127) is amended—

(1) in subsection (a), by striking ''evaluates the applications for comprehensive and undergraduate language and area centers and programs.'' and inserting ''evaluates—

''(1) the applications for comprehensive foreign language and area or international studies centers and programs; and

''(2) the applications for undergraduate foreign language and area or international studies centers and programs.''; and

(2) in subsection (b), by adding at the end the following: ''The Secretary shall also consider an applicant's record of placing students into service in areas of national need and an applicant's stated efforts to increase the number of such students that go into such service.''.

**SEC. 607. AMERICAN OVERSEAS RESEARCH CENTERS.**

Section 609 (20 U.S.C. 1128a) is amended by adding at the end the following:

''(e) APPLICATION.—Each center desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require.''.

**SEC. 608. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL AND FOREIGN LANGUAGE STUDIES.**

Section 610 (20 U.S.C. 1128b) is amended by striking ''$80,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

**SEC. 609. CENTERS FOR INTERNATIONAL BUSINESS EDUCATION.**

Section 612(f)(3) (20 U.S.C. 1130–1(f)(3)) is amended by inserting '', and that diverse perspectives will be made available to students in programs under this section'' before the semicolon.

**SEC. 610. EDUCATION AND TRAINING PROGRAMS.**

Section 613(c) (20 U.S.C. 1130a(c)) is amended by adding at the end the following: ''Each such application shall include an assurance that, where applicable, the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs.''.

**SEC. 611. AUTHORIZATION OF APPROPRIATIONS FOR BUSINESS AND INTERNATIONAL EDUCATION PROGRAMS.**

Section 614 (20 U.S.C. 1130b) is amended—

(1) in subsection (a), by striking ''$11,000,000 for fiscal year 1999'' and all that follows through ''fiscal years'' and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years''; and

(2) in subsection (b), by striking ''$7,000,000 for fiscal year 1999'' and all that follows through ''fiscal years,'' and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years''.

**SEC. 612. MINORITY FOREIGN SERVICE PROFESSIONAL DEVELOPMENT PROGRAM.**

Section 621 (20 U.S.C. 1131) is amended—

(1) in subsection (c), by adding at the end the following: ''Each application shall include a description of how the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs, where applicable.''; and

(2) in subsection (e)—

(A) by striking ''MATCH REQUIRED.—The eligible'' and inserting ''MATCHING FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (2), the eligible''; and

(B) by adding at the end the following:

''(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for an eligible recipient if the Secretary determines such waiver is appropriate.''.

**SEC. 613. INSTITUTIONAL DEVELOPMENT.**

Section 622 (20 U.S.C. 1131–1) is amended—

(1) in subsection (a)—

(A) by striking ''Tribally Controlled Colleges or Universities'' and inserting ''tribally controlled colleges or universities''; and

(B) by striking ''international affairs programs.'' and inserting ''international affairs, international business, and foreign language study programs, including the teaching of foreign languages, at such colleges, universities, and institutions, respectively, which may include collaboration with institutions of higher education that receive funding under this title.''; and

(2) in subsection (c)—

(A) by striking paragraphs (1) and (3);

(B) by redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as redesignated by subparagraph (B)), by inserting ''and'' after the semicolon.

**SEC. 614. STUDY ABROAD PROGRAM.**

Section 623(a) (20 U.S.C. 1131a(a)) is amended—

(1) by striking ''as defined in section 322 of this Act''; and

(2) by striking ''tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''tribally controlled colleges or universities''.

**SEC. 615. ADVANCED DEGREE IN INTERNATIONAL RELATIONS.**

Section 624 (20 U.S.C. 1131b) is amended—

(1) in the section heading, by striking ''masters'' and inserting ''advanced'';

(2) in the first sentence, by inserting '', and in exceptional circumstances, a doctoral degree,'' after ''masters degree'';

(3) in the second sentence, by striking ''masters degree'' and inserting ''advanced degree''; and

(4) in the fourth sentence, by striking ''United States'' and inserting ''United States.''.

**SEC. 616. INTERNSHIPS.**

Section 625 (20 U.S.C. 1131c) is amended—

(1) in subsection (a)—

(A) by striking ''as defined in section 322 of this Act'';

(B) by striking ''tribally controlled Indian community colleges as defined in the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''tribally controlled colleges or universities'';

(C) by striking ''an international'' and inserting ''international,''; and

(D) by striking ''the United States Information Agency'' and inserting ''the Department of State''; and

(2) in subsection (c)(1)—

(A) in subparagraph (E), by inserting ''and'' after the semicolon;

(B) in subparagraph (F), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (G).

**SEC. 617. FINANCIAL ASSISTANCE.**

Part C of title VI (20 U.S.C. 1131 et seq.) is further amended—

(1) by redesignating sections 626, 627, and 628 as sections 627, 628, and 629, respectively; and

(2) by inserting after section 625 the following:

**''SEC. 626. FINANCIAL ASSISTANCE.**

''(a) AUTHORITY.—The Institute may provide financial assistance, in the form of summer stipends described in subsection (b) and Ralph Bunche scholarship assistance described in subsection (c), to needy students to facilitate the participation of the students in the Institute's programs under this part.

''(b) SUMMER STIPENDS.—

''(1) REQUIREMENTS.—A student receiving a summer stipend under this section shall use such stipend to defray the student's cost of participation in a summer institute program funded under this part, including the costs of travel, living, and educational expenses necessary for the student's participation in such program.

''(2) AMOUNT.—A summer stipend awarded to a student under this section shall not exceed $3,000 per summer.

''(c) RALPH BUNCHE SCHOLARSHIP.—

''(1) REQUIREMENTS.—A student receiving a Ralph Bunche scholarship under this section—

''(A) shall be a full-time student at an institution of higher education who is accepted into a program funded under this part; and

''(B) shall use such scholarship to pay costs related to the cost of attendance, as defined in section 472, at the institution of higher education in which the student is enrolled.

''(2) AMOUNT AND DURATION.—A Ralph Bunche scholarship awarded to a student under this section shall not exceed $5,000 per academic year.''.

**SEC. 618. REPORT.**

Section 627 (as redesignated by section 617(1)) (20 U.S.C. 1131d) is amended by striking ''annually'' and inserting ''biennially''.

**SEC. 619. GIFTS AND DONATIONS.**

Section 628 (as redesignated by section 617(1)) (20 U.S.C. 1131e) is amended by striking ''annual report described in section 626'' and inserting ''biennial report described in section 627''.

**SEC. 620. AUTHORIZATION OF APPROPRIATIONS FOR THE INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.**

Section 629 (as redesignated by section 617(1)) (20 U.S.C. 1131f) is amended by striking ''$10,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

**SEC. 621. DEFINITIONS.**

Section 631 (20 U.S.C. 1132) is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (2), (3), (4), (5), (6), (8), and (9), as paragraphs (7), (4), (8), (2), (10), (6), and (3), respectively;

(3) in paragraph (2), as redesignated by paragraph (2), by striking ''comprehensive language and area center'' and inserting ''comprehensive foreign language and area or international studies center'';

(4) in paragraph (3), as redesignated by paragraph (2), by striking the period at the end and inserting a semicolon;

(5) by inserting after paragraph (4), as redesignated by paragraph (2), the following:

''(5) the term 'historically Black college and university' has the meaning given the term 'part B institution' in section 322;'';

(6) in paragraph (6), as redesignated by paragraph (2), by striking ''and'' after the semicolon;

(7) by inserting after paragraph (8), as redesignated by paragraph (2), the following:

''(9) the term 'tribally controlled college or university' has the meaning given the term in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801); and''; and

(8) in paragraph (10), as redesignated by paragraph (2), by striking ''undergraduate language and area center'' and inserting ''undergraduate foreign language and area or international studies center''.

**SEC. 622. ASSESSMENT AND ENFORCEMENT.**

Part D of title VI (20 U.S.C. 1132) is amended by adding at the end the following:

**''SEC. 632. ASSESSMENT; ENFORCEMENT; RULE OF CONSTRUCTION.**

''(a) IN GENERAL.—The Secretary is authorized to assess and ensure compliance with all the conditions and terms of grants provided under this title. If a complaint regarding activities funded under this title is not resolved under the process outlined in the relevant grantee's application, such complaint shall be filed with the Department and reviewed by the Secretary. The Secretary shall take the review of such complaints into account when determining the renewal of grants.

''(b) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to authorize the Secretary to mandate, direct, or control an institution of higher education's specific instructional content, curriculum, or program of instruction.

**''SEC. 633. EVALUATION, OUTREACH, AND INFORMATION.**

''The Secretary may use not more than 1 percent of the funds made available under this title to carry out program evaluation, national outreach, and information dissemination activities relating to the programs authorized under this title.

**''SEC. 634. BIENNIAL REPORT.**

''The Secretary shall, in consultation and collaboration with the Secretary of State, the Secretary of Defense, and the heads of other relevant Federal agencies, submit a biennial report that identifies areas of national need in foreign language, area, and international studies as such studies relate to government, education, business, and nonprofit needs, and a plan to address those needs. The report shall be provided to the authorizing committees and made available to the public.''.

## TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

**SEC. 701. PURPOSE.**

Section 700(1)(B)(i) (20 U.S.C. 1133(1)(B)(i)) is amended by inserting '', including those areas critical to United States national and homeland security needs such as mathematics, science, and engineering'' before the semicolon at the end.

**SEC. 702. ALLOCATION OF JACOB K. JAVITS FELLOWSHIPS.**

Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended to read as follows:

''(1) APPOINTMENT.—

''(A) IN GENERAL.—The Secretary shall appoint a Jacob K. Javits Fellows Program Fellowship Board (referred to in this subpart as the 'Board') consisting of 9 individuals representative of both public and private institutions of higher education who are especially qualified to serve on the Board.

''(B) QUALIFICATIONS.—In making appointments under subparagraph (A), the Secretary shall—

''(i) give due consideration to the appointment of individuals who are highly respected in the academic community;

''(ii) assure that individuals appointed to the Board are broadly representative of a range of disciplines in graduate education in arts, humanities, and social sciences;

''(iii) appoint members to represent the various geographic regions of the United States; and

''(iv) include representatives from minority institutions, as defined in section 365.''.

**SEC. 703. STIPENDS.**

Section 703(a) (20 U.S.C. 1134b(a)) is amended by striking ''graduate fellowships'' and inserting ''Graduate Research Fellowship Program''.

**SEC. 704. AUTHORIZATION OF APPROPRIATIONS FOR THE JACOB K. JAVITS FELLOWSHIP PROGRAM.**

Section 705 (20 U.S.C. 1134d) is amended by striking ''$30,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years to carry out this subpart.''.

**SEC. 705. INSTITUTIONAL ELIGIBILITY UNDER THE GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.**

Section 712(b) (20 U.S.C. 1135a(b)) is amended to read as follows:

''(b) DESIGNATION OF AREAS OF NATIONAL NEED.—After consultation with appropriate Federal and nonprofit agencies and organizations, including the National Science Foundation, the Department of Defense, the Department of Homeland Security, the National Academy of Sciences, and the Bureau of Labor Statistics, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into consideration—

''(1) the extent to which the interest in the area is compelling;

''(2) the extent to which other Federal programs support postbaccalaureate study in the area concerned;

''(3) an assessment of how the program may achieve the most significant impact with available resources; and

''(4) an assessment of current and future professional workforce needs of the United States.''.

**SEC. 706. AWARDS TO GRADUATE STUDENTS.**

Section 714 (20 U.S.C. 1135c) is amended—

(1) in subsection (b)—

(A) by striking ''1999–2000'' and inserting ''2008–2009''; and

(B) by striking ''graduate fellowships'' and inserting ''Graduate Research Fellowship Program''; and

(2) in subsection (c)—

(A) by striking ''716(a)'' and inserting ''715(a)''; and

(B) by striking ''714(b)(2)'' and inserting ''713(b)(2)''.

**SEC. 707. ADDITIONAL ASSISTANCE FOR COST OF EDUCATION.**

Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—

(1) by striking ''1999–2000'' and inserting ''2008–2009''; and

(2) by striking ''1998–1999'' and inserting ''2007–2008''.

**SEC. 708. AUTHORIZATION OF APPROPRIATIONS FOR THE GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED PROGRAM.**

Section 716 (20 U.S.C. 1135e) is amended by striking ''$35,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years to carry out this subpart.''.

**SEC. 709. LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.**

Section 721 (20 U.S.C. 1136) is amended—

(1) in subsection (a)—

(A) by inserting ''secondary school and'' after ''disadvantaged''; and

(B) by inserting ''and admission to law practice'' before the period at the end;

(2) in the matter preceding paragraph (1) of subsection (b), by inserting ''secondary school student or'' before ''college student'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''secondary school and'' before ''college students'';

(B) by striking paragraph (2) and inserting the following:

''(2) to prepare such students for successful completion of a baccalaureate degree and for study at accredited law schools, and to assist them with the development of analytical skills, writing skills, and study methods to enhance the students' success and promote the students' admission to and completion of law school;'';

(C) in paragraph (4), by striking ''and'' after the semicolon;

(D) by striking paragraph (5) and inserting the following:

''(4) to motivate and prepare such students—

''(A) with respect to law school studies and practice in low-income communities; and

''(B) to provide legal services to low-income individuals and families; and;''; and

(E) by adding at the end the following:

''(6) to award Thurgood Marshall Fellowships to eligible law school students—

''(A) who participated in summer institutes under subsection (d)(6) and who are enrolled in an accredited law school; or

''(B) who have successfully completed summer institute programs comparable to the summer institutes under subsection (d) that are certified by the Council on Legal Education Opportunity.'';

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting ''pre-college programs, undergraduate'' before ''pre-law'';

(B) in paragraph (1)—

(i) in subparagraph (B), by inserting ''law school'' before ''graduation''; and

(ii) by striking subparagraph (D) and inserting the following:

''(D) pre-college and undergraduate preparatory courses in analytical and writing skills, study methods, and curriculum selection;'';

(C) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(D) by inserting after paragraph (1) the following:

''(2) summer academic programs for secondary school students who have expressed interest in a career in the law;''; and

(E) in paragraph (7) (as redesignated by subparagraph (C)), by inserting ''and Associates'' after ''Thurgood Marshall Fellows'';

(5) in subsection (e)(1), by inserting '', including before and during undergraduate study'' before the semicolon;

(6) in subsection (f)—

(A) by inserting ''national and State bar associations,'' after ''agencies and organizations,''; and

(B) by striking ''and organizations.'' and inserting ''organizations, and associations.'';

(7) by striking subsection (g) and inserting the following:

''(g) FELLOWSHIPS AND STIPENDS.—The Secretary shall annually establish the maximum fellowship to be awarded, and stipend to be paid (including allowances for participant travel and for the travel of the dependents of the participant), to Thurgood Marshall Fellows or Associates for the period of participation in summer institutes, midyear seminars, and bar preparation seminars. A Fellow or Associate may be eligible for such a fellowship or stipend only if the Thurgood Marshall Fellow or Associate maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions (except with respect to a law school graduate enrolled in a bar preparation course).''; and

(8) in subsection (h), by striking ''$5,000,000 for fiscal year 1999'' and all that follows through the period at the end and inserting ''such sums as may be necessary for fiscal year 2008 and for each of the 5 succeeding fiscal years''.

**SEC. 710. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.**

Section 741 (20 U.S.C. 1138) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

''(3) the establishment and continuation of institutions, programs, consortia, collaborations, and other joint efforts based on the technology of communications, including those efforts that utilize distance education and technological advancements to educate and train postsecondary students (including health professionals serving medically underserved populations);'';

(B) in paragraph (7), by striking ''and'' after the semicolon;

(C) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(9) the introduction of reforms in remedial education, including English language instruction, to customize remedial courses to student goals and help students progress rapidly from remedial courses into core courses and through program completion; and

''(10) the creation of consortia that join diverse institutions of higher education to design and offer curricular and co-curricular interdisciplinary programs at the undergraduate and graduate levels, sustained for not less than a 5 year period, that—

''(A) focus on poverty and human capability; and

''(B) include—

''(i) a service-learning component; and

''(ii) the delivery of educational services through informational resource centers, summer institutes, midyear seminars, and other educational activities that stress the effects of poverty and how poverty can be alleviated through different career paths.''; and

(2) by adding at the end the following:

''(c) PROJECT GRAD.—

''(1) PURPOSES.—The purposes of this subsection are—

''(A) to provide support and assistance to programs implementing integrated education reform services in order to improve secondary school graduation, college attendance, and college completion rates for at-risk students; and

''(B) to promote the establishment of new programs to implement such integrated education reform services.

''(2) DEFINITIONS.—In this subsection:

''(A) AT-RISK.—The term 'at-risk' has the same meaning given such term in section 1432 of the Elementary and Secondary Education Act of 1965.

''(B) FEEDER PATTERN.—The term 'feeder pattern' means a secondary school and the elementary schools and middle schools that channel students into that secondary school.

''(3) GRANT AUTHORIZED.—The Secretary is authorized to award a grant to Project GRAD USA (referred to in this subsection as the 'grantee'), a nonprofit educational organization that has as its primary purpose the improvement of secondary school graduation, college attendance, and college completion rates for at-risk students, to implement and sustain the integrated education reform program at existing Project GRAD sites, and to promote the expansion of the Project GRAD program to new sites.

''(4) REQUIREMENTS OF GRANT AGREEMENT.—The Secretary shall enter into an agreement with the grantee that requires that the grantee shall—

''(A) enter into subcontracts with nonprofit educational organizations that serve a substantial number or percentage of at-risk students (referred to in this subsection as 'subcontractors'), under which the subcontractors agree to implement the Project GRAD program and provide matching funds for such programs; and

''(B) directly carry out—

''(i) activities to implement and sustain the literacy, mathematics, classroom management, social service, and college access components of the Project GRAD program;

''(ii) activities for the purpose of implementing new Project GRAD program sites;

''(iii) activities to support, evaluate, and consistently improve the Project GRAD program;

''(iv) activities for the purpose of promoting greater public awareness of integrated education reform services to improve secondary school graduation, college attendance, and college completion rates for at-risk students; and

''(v) other activities directly related to improving secondary school graduation, college attendance, and college completion rates for at-risk students.

''(5) GRANTEE CONTRIBUTION AND MATCHING REQUIREMENT.—

''(A) IN GENERAL.—The grantee shall provide funds to each subcontractor based on the number of students served by the subcontractor in the Project GRAD program, adjusted to take into consideration—

''(i) the resources available in the area where the subcontractor will implement the Project GRAD program; and

''(ii) the need for the Project GRAD program in such area to improve student outcomes, including reading and mathematics achievement and, where applicable, secondary school graduation, college attendance, and college completion rates.

''(B) MATCHING REQUIREMENT.—Each subcontractor shall provide funds for the Project GRAD program in an amount that is equal to or greater than the amount received by the subcontractor from the grantee. Such matching funds may be provided in cash or in-kind, fairly evaluated.

''(6) EVALUATION.—The Secretary shall select an independent entity to evaluate, every 3 years, the performance of students who participate in a Project GRAD program under this subsection.

''(d) CENTER FOR BEST PRACTICES TO SUPPORT SINGLE PARENT STUDENTS.—

''(1) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable such institution to establish and maintain a center to study and develop best practices for institutions of higher education to support single parents who are also students attending such institutions.

''(2) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to a 4-year institution of higher education that has demonstrated expertise in the development of programs to assist single parents who are students at institutions of higher education, as shown by the institution's development of a variety of targeted services to such students, including on-campus housing, child care, counseling, advising, internship opportunities, financial aid, and financial aid counseling and assistance.

''(3) CENTER ACTIVITIES.—The center funded under this section shall—

''(A) assist institutions implementing innovative programs that support single parents pursuing higher education;

''(B) study and develop an evaluation protocol for such programs that includes quantitative and qualitative methodologies;

''(C) provide appropriate technical assistance regarding the replication, evaluation, and continuous improvement of such programs; and

''(D) develop and disseminate best practices for such programs.

''(e) UNDERSTANDING THE FEDERAL REGULATORY IMPACT ON HIGHER EDUCATION.—

''(1) PURPOSE.—The purpose of this subsection is to help institutions of higher education understand the regulatory impact of the Federal Government on such institutions, in order to raise awareness of institutional legal obligations and provide information to improve compliance with, and to reduce the duplication and inefficiency of, Federal regulations.

''(2) PROGRAM AUTHORIZED.—The Secretary is authorized to award 1 grant or contract to an institution of higher education to enable the institution to carry out the activities described in the agreement under paragraph (4).

''(3) INSTITUTION REQUIREMENTS.—The Secretary shall award the grant or contract under this subsection to an institution of higher education that has demonstrated expertise in—

''(A) reviewing Federal higher education regulations;

''(B) maintaining a clearinghouse of compliance training materials; and

''(C) explaining the impact of such regulations to institutions of higher education through a comprehensive and freely accessible website.

''(4) REQUIREMENTS OF AGREEMENT.—As a condition of receiving a grant or contract under this subsection, the institution of higher education shall enter into an agreement with the Secretary that shall require the institution to—

''(A) monitor Federal regulations, including notices of proposed rulemaking, for their impact or potential impact on higher education;

''(B) provide a succinct description of each regulation or proposed regulation that is relevant to higher education; and

''(C) maintain a website providing information on Federal regulations that is easy to use, searchable, and updated regularly.

''(f) SCHOLARSHIP PROGRAM FOR FAMILY MEMBERS OF VETERANS OR MEMBERS OF THE MILITARY.—

''(1) AUTHORIZATION.—The Secretary shall contract with a nonprofit organization with demonstrated experience in carrying out the activities described in this subsection to carry out a program to provide postsecondary education scholarships for eligible students.

''(2) ELIGIBLE STUDENTS.—In this subsection, the term 'eligible student' means an individual who is—

''(A)(i) a dependent student who is a child of—

''(I) an individual who is—

''(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

''(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

''(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; or

''(ii) an independent student who is a spouse of—

''(I) an individual who is—

''(aa) serving on active duty during a war or other military operation or national emergency (as defined in section 481); or

''(bb) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 481); or

''(II) a veteran who died while serving or performing, as described in subclause (I), since September 11, 2001, or has been disabled while serving or performing, as described in subclause (I), as a result of such event; and

''(B) enrolled as a full-time or part-time student at an institution of higher education (as defined in section 102).

''(3) AWARDING OF SCHOLARSHIPS.—Scholarships awarded under this subsection shall be awarded based on need with priority given to eligible students who are eligible to receive Federal Pell Grants under subpart 1 of part A of title IV.

''(4) MAXIMUM SCHOLARSHIP AMOUNT.—The maximum scholarship amount awarded to an eligible student under this subsection for an academic year shall be the lesser of—

''(A) the difference between the eligible student's cost of attendance (as defined in section 472) and any non-loan based aid such student receives; or

''(B) $5,000.

''(5) AMOUNTS FOR SCHOLARSHIPS.—All of the amounts appropriated to carry out this subsection for a fiscal year shall be used for scholarships awarded under this subsection, except that a nonprofit organization receiving a contract under this subsection may use not more than 1 percent of such amounts for the administrative costs of the contract.''.

**SEC. 711. SPECIAL PROJECTS.**

Section 744(c) (20 U.S.C. 1138c) is amended to read as follows:

''(c) AREAS OF NATIONAL NEED.—Areas of national need shall include, at a minimum, the following:

''(1) Institutional restructuring to improve learning and promote productivity, efficiency, quality improvement, and cost and price control.

''(2) Improvements in academic instruction and student learning, including efforts designed to assess the learning gains made by postsecondary students.

''(3) Articulation between 2- and 4-year institutions of higher education, including developing innovative methods for ensuring the successful transfer of students from 2- to 4-year institutions of higher education.

''(4) Development, evaluation and dissemination of model programs, including model core curricula that—

''(A) provide students with a broad and integrated knowledge base;

''(B) include, at a minimum, broad survey courses in English literature, American and world history, American political institutions, economics, philosophy, college-level mathematics, and the natural sciences; and

''(C) include sufficient study of a foreign language to lead to reading and writing competency in the foreign language.

''(5) International cooperation and student exchanges among postsecondary educational institutions.''.

**SEC. 712. AUTHORIZATION OF APPROPRIATIONS FOR THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.**

Section 745 (20 U.S.C. 1138d) is amended by striking ''$30,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

**SEC. 713. REPEAL OF THE URBAN COMMUNITY SERVICE PROGRAM.**

Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.

**SEC. 714. GRANTS FOR STUDENTS WITH DISABILITIES.**

(a) GRANTS AUTHORIZED FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.—Section 762 (20 U.S.C. 1140a) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''to teach students with disabilities'' and inserting ''to teach and meet the academic and programmatic needs of students with disabilities in order to improve retention and completion of postsecondary education'';

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;

(iii) by inserting after subparagraph (A) the following:

''(B) EFFECTIVE TRANSITION PRACTICES.—The development of innovative and effective teaching methods and strategies to ensure the successful transition of students with disabilities from secondary school to postsecondary education.'';

(iv) in subparagraph (C), as redesignated by clause (ii), by striking the period at the end and inserting '', including data on the postsecondary education of and impact on subsequent employment of students with disabilities. Such research, information, and data shall be made publicly available and accessible.'';

(v) by inserting after subparagraph (C), as redesignated by clause (ii), the following:

''(D) DISTANCE LEARNING.—The development of innovative and effective teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of accessible curriculum and electronic communication for instruction and advisement.

''(E) DISABILITY CAREER PATHWAYS.—

''(i) IN GENERAL.—Training and providing support to secondary and postsecondary staff with respect to disability-related fields to—

''(I) encourage interest and participation in such fields, among students with disabilities and other students;

''(II) enhance awareness and understanding of such fields among such students;

''(III) provide educational opportunities in such fields among such students;

''(IV) teach practical skills related to such fields among such students; and

''(V) offer work-based opportunities in such fields among such students.

''(ii) DEVELOPMENT.—The training and support described in clause (i) may include developing means to offer students credit-bearing, college-level coursework, and career and educational counseling.''; and

(vi) by adding at the end the following:

''(G) ACCESSIBILITY OF EDUCATION.—Making postsecondary education more accessible to students with disabilities through curriculum development.''; and

(B) in paragraph (3), by striking ''subparagraphs (A) through (C)'' and inserting ''subparagraphs (A) through (G)''; and

(2) by adding at the end the following:

''(d) REPORT.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and disseminate a report reviewing the activities of the demonstration projects authorized under this subpart and providing guidance and recommendations on how successful projects can be replicated.''.

(b) TRANSITION PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES INTO HIGHER EDUCATION; COORDINATING CENTER.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in the part heading, by striking ''**DEMONSTRATION**'';

(2) by inserting after the part heading the following:

**"Subpart 1—Quality Higher Education";**

and

(3) by adding at the end the following:

**"Subpart 2—Transition Programs for Students With Intellectual Disabilities Into Higher Education; Coordinating Center**

**"SEC. 771. PURPOSE.**

''It is the purpose of this subpart to support model demonstration programs that promote the successful transition of students with intellectual disabilities into higher education.

**"SEC. 772. DEFINITIONS.**

''In this subpart:

''(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program offered by an institution of higher education that—

''(A) is designed for students with intellectual disabilities who seek to continue academic, vocational, or independent living instruction at the institution in order to prepare for gainful employment;

''(B) includes an advising and curriculum structure; and

''(C) requires the enrollment of the student (through enrollment in credit-bearing courses, auditing or participating in courses, participating in internships, or enrollment in noncredit, nondegree courses) in the equivalent of not less than a half-time course of study, as determined by the institution.

''(2) STUDENT WITH AN INTELLECTUAL DISABILITY.—The term 'student with an intellectual disability' means a student whose mental retardation or other significant cognitive impairment substantially impacts the student's intellectual and cognitive functioning.

**"SEC. 773. MODEL COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES.**

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall annually award grants, on a competitive basis, to institutions of higher education (or consortia of institutions of higher education), to create or expand high-quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

''(2) NUMBER AND DURATION OF GRANTS.—The Secretary shall award not less than 10 grants per year under this section, and each grant awarded under this subsection shall be for a period of 5 years.

''(b) APPLICATION.—An institution of higher education (or a consortium) desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to institutions of higher education (or consortia) that—

''(1) will carry out a model program under the grant in a State that does not already have a comprehensive transition and postsecondary program for students with intellectual disabilities; or

''(2) in the application submitted under subsection (b), agree to incorporate 1 or more the following elements into the model programs carried out under the grant:

''(A) The formation of a partnership with any relevant agency serving students with intellectual disabilities, such as a vocational rehabilitation agency.

''(B) In the case of an institution of higher education that provides institutionally-owned or operated housing for students attending the institution, the integration of students with intellectual disabilities into such housing.

''(C) The involvement of students attending the institution of higher education who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program carried out under the grant.

''(d) USE OF FUNDS.—An institution of higher education (or consortium) receiving a grant under this section shall use the grant funds to establish a model comprehensive transition and postsecondary program for students with intellectual disabilities that—

''(1) serves students with intellectual disabilities, including students with intellectual disabilities who are no longer eligible for special education and related services under the Individuals with Disabilities Education Act;

''(2) provides individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's regular postsecondary program;

''(3) with respect to the students with intellectual disabilities participating in the model program, provides a focus on—

''(A) academic enrichment;

''(B) socialization;

''(C) independent living, including self-advocacy skills; and

''(D) integrated work experiences and career skills that lead to gainful employment;

''(4) integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;

''(5) participates with the coordinating center established under section 774 in the evaluation of the model program;

''(6) partners with 1 or more local educational agencies to support students with intellectual disabilities participating in the model program who are still eligible for special education and related services under such Act, including regarding the utilization of funds available under part B of the Individuals with Disabilities Education Act for such students;

''(7) plans for the sustainability of the model program after the end of the grant period; and

''(8) creates and offers a meaningful credential for students with intellectual disabilities upon the completion of the model program.

''(e) MATCHING REQUIREMENT.—An institution of higher education that receives a grant under this section shall provide toward the cost of the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant, matching funds, which may be provided in cash or in-kind, in an amount not less than 25 percent of the amount of such grant funds.

''(f) REPORT.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall prepare and disseminate a report reviewing the activities of the model comprehensive transition and postsecondary programs for students with intellectual disabilities authorized under this subpart and providing guidance and recommendations on how successful programs can be replicated.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

**"SEC. 774. COORDINATING CENTER FOR TECHNICAL ASSISTANCE, EVALUATION, AND DEVELOPMENT OF ACCREDITATION STANDARDS.**

''(a) IN GENERAL.—

''(1) AWARD.—The Secretary shall, on a competitive basis, enter into a cooperative agreement with an eligible entity, for the purpose of establishing a coordinating center for technical assistance, evaluation, and development of accreditation standards for institutions of higher education that offer inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

''(2) DURATION.—The cooperative agreement under this section shall be for a period of 5 years.

''(b) REQUIREMENTS OF COOPERATIVE AGREEMENT.—The eligible entity entering into a cooperative agreement under this section shall establish and maintain a center that shall—

''(1) serve as the technical assistance entity for all model comprehensive transition and postsecondary programs for students with intellectual disabilities assisted under section 773;

''(2) provide technical assistance regarding the development, evaluation, and continuous improvement of such programs;

''(3) develop an evaluation protocol for such programs that includes qualitative and quantitative methodology measuring student outcomes and program strengths in the areas of academic enrichment, socialization, independent living, and competitive or supported employment;

''(4) assist recipients of grants under section 773 in efforts to award a meaningful credential to students with intellectual disabilities upon the completion of such programs, which credential takes into consideration unique State factors;

''(5) develop model criteria, standards, and procedures to be used in accrediting such programs that—

''(A) include, in the development of the model criteria, standards, and procedures for such programs, the participation of—

''(i) an expert in higher education;

''(ii) an expert in special education;

''(iii) a disability organization that represents students with intellectual disabilities; and

''(iv) a State, regional, or national accrediting agency or association recognized by the Secretary under subpart 2 of part H of title IV; and

''(B) define the necessary components of such programs, such as—

''(i) academic, vocational, social, and independent living skills;

''(ii) evaluation of student progress;

''(iii) program administration and evaluation;

''(iv) student eligibility; and

''(v) issues regarding the equivalency of a student's participation in such programs to semester, trimester, quarter, credit, or clock

hours at an institution of higher education, as the case may be;

''(6) analyze possible funding streams for such programs and provide recommendations regarding the funding streams;

''(7) develop model memoranda of agreement between institutions of higher education and agencies providing funding for such programs;

''(8) develop mechanisms for regular communication between the recipients of grants under section 773 regarding such programs; and

''(9) host a meeting of all recipients of grants under section 773 not less often than once a year.

''(c) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity, or a partnership of entities, that has demonstrated expertise in the fields of higher education, students with intellectual disabilities, the development of comprehensive transition and postsecondary programs for students with intellectual disabilities, and evaluation.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.''.

(c) CONFORMING AMENDMENTS.—Part D of title VII (20 U.S.C. 1140 et seq.) is further amended—

(1) in section 761, by striking ''part'' and inserting ''subpart'';

(2) in section 762 (as amended by subsection (a)), by striking ''part'' each place the term appears and inserting ''subpart'';

(3) in section 763, by striking ''part'' both places the term appears and inserting ''subpart'';

(4) in section 764, by striking ''part'' and inserting ''subpart''; and

(5) in section 765, by striking ''part'' and inserting ''subpart''.

**SEC. 715. APPLICATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.**

Section 763 (as amended in section 714(c)(3)) (20 U.S.C. 1140b) is further amended—

(1) by striking paragraph (1) and inserting the following:

''(1) a description of how such institution plans to address the activities allowed under this subpart;'';

(2) in paragraph (2), by striking ''and'' after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(4) a description of the extent to which the institution will work to replicate the research based and best practices of institutions of higher education with demonstrated success in serving students with disabilities.''.

**SEC. 716. AUTHORIZATION OF APPROPRIATIONS FOR DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.**

Section 765 (20 U.S.C. 1140d) is amended by striking ''$10,000,000 for fiscal year 1999'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

**SEC. 717. RESEARCH GRANTS.**

Title VII (20 U.S.C. 1133 et seq.) is further amended by adding at the end the following:

**"PART E—RESEARCH GRANTS**

**"SEC. 781. RESEARCH GRANTS.**

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to enable the eligible entities to develop or improve valid and reliable measures of student achievement for use by institutions of higher education to measure and evaluate learning in higher education.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) an institution of higher education;

''(B) a State agency responsible for higher education;

''(C) a recognized higher education accrediting agency or an organization of higher education accreditors;

''(D) an eligible applicant described in section 174(c) of the Education Sciences Reform Act of 2002; and

''(E) a consortium of any combination of entities described in subparagraphs (A) through (D).

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) CONTENTS.—Each application submitted under subsection (a) shall include a description of how the eligible entity—

''(A) will work with relevant experts, including psychometricians, research experts, institutions, associations, and other qualified individuals as determined appropriate by the eligible entity;

''(B) will reach a broad and diverse range of audiences;

''(C) has participated in work in improving postsecondary education;

''(D) has participated in work in developing or improving assessments to measure student achievement;

''(E) includes faculty, to the extent practicable, in the development of any assessments or measures of student achievement; and

''(F) will focus on program specific measures of student achievement generally applicable to an entire—

''(i) institution of higher education; or

''(ii) State system of higher education.

''(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall take into consideration—

''(1) the quality of an application for a grant under this section;

''(2) the distribution of the grants to different—

''(A) geographic regions;

''(B) types of institutions of higher education; and

''(C) higher education accreditors.

''(e) USE OF FUNDS.—Each eligible entity receiving a grant under this section may use the grant funds—

''(1) to enable the eligible entity to improve the quality, validity, and reliability of existing assessments used by institutions of higher education;

''(2) to develop measures of student achievement using multiple measures of student achievement from multiple sources;

''(3) to measure improvement in student achievement over time;

''(4) to evaluate student achievement;

''(5) to develop models of effective practices; and

''(6) for a pilot or demonstration project of measures of student achievement.

''(f) MATCHING REQUIREMENT.—An eligible entity described in subparagraph (A), (B), or (C) of subsection (b)(1) that receives a grant under this section shall provide for each fiscal year, from non-Federal sources, an amount (which may be provided in cash or in kind), to carry out the activities supported by the grant, equal to 50 percent of the amount received for the fiscal year under the grant.

''(g) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall be used to supplement, not supplant, other Federal or State funds.

''(h) REPORT.—

''(1) REPORT.—The Secretary shall provide an annual report to Congress on the implementation of the grant program assisted under this section.

''(2) CONTENT.—The report shall include—

''(A) information regarding the development or improvement of scientifically valid and reliable measures of student achievement;

''(B) a description of the assessments or other measures developed by eligible entities;

''(C) the results of any pilot or demonstration projects assisted under this section; and

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

**TITLE VIII—MISCELLANEOUS**

**SEC. 801. MISCELLANEOUS.**

The Act (20 U.S.C. 1001 et seq.) is amended by adding at the end the following:

**"TITLE VIII—MISCELLANEOUS**

**"PART A—MATHEMATICS AND SCIENCE SCHOLARS PROGRAM**

**"SEC. 811. MATHEMATICS AND SCIENCE SCHOLARS PROGRAM.**

''(a) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to States, on a competitive basis, to enable the States to award eligible students, who complete a rigorous secondary school curriculum in mathematics and science, scholarships for undergraduate study.

''(b) ELIGIBLE STUDENTS.—A student is eligible for a scholarship under this section if the student is a full-time undergraduate student in the student's first and second year of study who has completed a rigorous secondary school curriculum in mathematics and science.

''(c) RIGOROUS CURRICULUM.—Each participating State shall determine the requirements for a rigorous secondary school curriculum in mathematics and science described in subsection (b).

''(d) PRIORITY FOR SCHOLARSHIPS.—The Governor of a State may set a priority for awarding scholarships under this section for particular eligible students, such as students attending schools in high-need areas, students who are from groups underrepresented in the fields of mathematics, science, and engineering, students served by local educational agencies that do not meet or exceed State standards in mathematics and science, or students with regional or geographic needs as determined appropriate by the Governor.

''(e) AMOUNT AND DURATION OF SCHOLARSHIP.—The Secretary shall award a grant under this section—

''(1) in an amount that does not exceed $1,000; and

''(2) for not more than 2 years of undergraduate study.

''(f) MATCHING REQUIREMENT.—In order to receive a grant under this section, a State shall provide matching funds for the scholarships awarded under this section in an amount equal to 50 percent of the Federal funds received.

''(g) AUTHORIZATION.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

**"PART B—POSTSECONDARY EDUCATION ASSESSMENT**

**"SEC. 816. POSTSECONDARY EDUCATION ASSESSMENT.**

''(a) CONTRACT FOR ASSESSMENT.—The Secretary shall enter into a contract, with an independent, bipartisan organization with specific expertise in public administration

and financial management, to carry out an independent assessment of the cost factors associated with the cost of tuition at institutions of higher education.

''(b) TIMEFRAME.—The Secretary shall enter into the contract described in subsection (a) not later than 90 days after the date of enactment of the Higher Education Amendments of 2007.

''(c) MATTERS ASSESSED.—The assessment described in subsection (a) shall—

''(1) examine the key elements driving the cost factors associated with the cost of tuition at institutions of higher education during the 2001–2002 academic year and succeeding academic years;

''(2) identify and evaluate measures being used to control postsecondary education costs;

''(3) identify and evaluate effective measures that may be utilized to control postsecondary education costs in the future; and

''(4) identify systemic approaches to monitor future postsecondary education cost trends and postsecondary education cost control mechanisms.

**"PART C—JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES**

**"SEC. 821. JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES.**

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to provide relevant job skill training in high-growth industries or occupations.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership—

''(A) between an institution of higher education and a local board (as such term is defined in section 101 of the Workforce Investment Act of 1998); or

''(B) if an institution of higher education is located within a State that does not operate local boards, between the institution of higher education and a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998).

''(2) NONTRADITIONAL STUDENT.—The term 'nontraditional student' means a student who—

''(A) is independent, as defined in section 480(d);

''(B) attends an institution of higher education—

''(i) on less than a full-time basis;

''(ii) via evening, weekend, modular, or compressed courses; or

''(iii) via distance education methods; or

''(C) has delayed enrollment at an institution of higher education.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution of higher education, as defined in section 101(b), that offers a 1- or 2-year program of study leading to a degree or certificate.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of—

''(A) how the eligible partnership, through the institution of higher education, will provide relevant job skill training for students to enter high-growth occupations or industries;

''(B) local high-growth occupations or industries; and

''(C) the need for qualified workers to meet the local demand of high-growth occupations or industries.

''(d) AWARD BASIS.—In awarding grants under this section, the Secretary shall—

''(1) ensure an equitable distribution of grant funds under this section among urban and rural areas of the United States; and

''(2) take into consideration the capability of the institution of higher education—

''(A) to offer relevant, high quality instruction and job skill training for students entering a high-growth occupation or industry;

''(B) to involve the local business community and to place graduates in the community in employment in high-growth occupations or industries;

''(C) to provide secondary students with dual-enrollment or concurrent enrollment options;

''(D) to serve nontraditional or low-income students, or adult or displaced workers; and

''(E) to serve students from rural or remote communities.

''(e) USE OF FUNDS.—Grant funds provided under this section may be used—

''(1) to expand or create academic programs or programs of training that provide relevant job skill training for high-growth occupations or industries;

''(2) to purchase equipment which will facilitate the development of academic programs or programs of training that provide training for high-growth occupations or industries;

''(3) to support outreach efforts that enable students to attend institutions of higher education with academic programs or programs of training focused on high-growth occupations or industries;

''(4) to expand or create programs for distance, evening, weekend, modular, or compressed learning opportunities that provide relevant job skill training in high-growth occupations or industries;

''(5) to build partnerships with local businesses in high-growth occupations or industries;

''(6) to support curriculum development related to entrepreneurial training; and

''(7) for other uses that the Secretary determines to be consistent with the intent of this section.

''(f) REQUIREMENTS.—

''(1) FISCAL AGENT.—For the purpose of this section, the institution of higher education in an eligible partnership shall serve as the fiscal agent and grant recipient for the eligible partnership.

''(2) DURATION.—The Secretary shall award grants under this section for periods that may not exceed 5 years.

''(3) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds available to the eligible partnership for carrying out the activities described in subsection (e).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

**"PART D—ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS**

**"SEC. 826. ADDITIONAL CAPACITY FOR R.N. STUDENTS OR GRADUATE-LEVEL NURSING STUDENTS.**

''(a) AUTHORIZATION.—The Secretary shall award grants to institutions of higher education that offer—

''(1) a R.N. nursing program at the baccalaureate or associate degree level to enable such program to expand the faculty and facilities of such program to accommodate additional R.N. nursing program students; or

''(2) a graduate-level nursing program to accommodate advanced practice degrees for R.N.s or to accommodate students enrolled in a graduate-level nursing program to provide teachers of nursing students.

''(b) DETERMINATION OF NUMBER OF STUDENTS AND APPLICATION.—Each institution of higher education that offers a program described in subsection (a) that desires to receive a grant under this section shall—

''(1) determine for the 4 academic years preceding the academic year for which the determination is made the average number of matriculated nursing program students at such institution for such academic years; and

''(2) submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the average number determined under paragraph (1).

''(c) GRANT AMOUNT; AWARD BASIS.—

''(1) GRANT AMOUNT.—For each academic year after academic year 2006–2007, the Secretary shall provide to each institution of higher education awarded a grant under this section an amount that is equal to $3,000 multiplied by the number of matriculated nursing program students at such institution for such academic year that is more than the average number determined with respect to such institution under subsection (b)(1). Such amount shall be used for the purposes described in subsection (a).

''(2) DISTRIBUTION OF GRANTS AMONG DIFFERENT DEGREE PROGRAMS.—

''(A) IN GENERAL.—Subject to subparagraph (B), from the funds available to award grants under this section for each fiscal year, the Secretary shall—

''(i) use 20 percent of such funds to award grants under this section to institutions of higher education for the purpose of accommodating advanced practice degrees or students in graduate-level nursing programs;

''(ii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the baccalaureate degree level; and

''(iii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding R.N. nursing programs at the associate degree level.

''(B) DISTRIBUTION OF EXCESS FUNDS.—If, for a fiscal year, funds described in clause (i), (ii), or (iii) of subparagraph (A) remain after the Secretary awards grants under this section to all applicants for the particular category of nursing programs described in such clause, the Secretary shall use equal amounts of the remaining funds to award grants under this section to applicants for the remaining categories of nursing programs.

''(C) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure—

''(i) an equitable geographic distribution of the grants among the States; and

''(ii) an equitable distribution of the grants among different types of institutions of higher education.

''(d) PROHIBITION.—

''(1) IN GENERAL.—Funds provided under this section may not be used for the construction of new facilities.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prohibit funds provided under this section from being used for the repair or renovation of facilities.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

**"PART E—AMERICAN HISTORY FOR FREEDOM**

**"SEC. 831. AMERICAN HISTORY FOR FREEDOM.**

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award 3-year grants, on a

competitive basis, to eligible institutions to establish or strengthen postsecondary academic programs or centers that promote and impart knowledge of—

''(1) traditional American history;

''(2) the history and nature of, and threats to, free institutions; or

''(3) the history and achievements of Western civilization.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education as defined in section 101.

''(2) FREE INSTITUTION.—The term 'free institution' means an institution that emerged out of Western civilization, such as democracy, constitutional government, individual rights, market economics, religious freedom and religious tolerance, and freedom of thought and inquiry.

''(3) TRADITIONAL AMERICAN HISTORY.—The term 'traditional American history' means—

''(A) the significant constitutional, political, intellectual, economic, and foreign policy trends and issues that have shaped the course of American history; and

''(B) the key episodes, turning points, and leading figures involved in the constitutional, political, intellectual, diplomatic, and economic history of the United States.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible institution that desires a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

''(2) CONTENTS.—Each application submitted under subsection (a) shall include a description of —

''(A) how funds made available under this part will be used for the activities set forth under subsection (e), including how such activities will increase knowledge with respect to traditional American history, free institutions, or Western civilization;

''(B) how the eligible institution will ensure that information about the activities funded under this part is widely disseminated pursuant to subsection (e)(1)(B);

''(C) any activities to be undertaken pursuant to subsection (e)(2)(A), including identification of entities intended to participate;

''(D) how funds made available under this part shall be used to supplement and not supplant non-Federal funds available for the activities described in subsection (e); and

''(E) such fiscal controls and accounting procedures as may be necessary to ensure proper disbursement of and accounting for funding made available to the eligible institution under this part.

''(d) AWARD BASIS.—In awarding grants under this part, the Secretary shall take into consideration the capability of the eligible institution to—

''(1) increase access to quality programming that expands knowledge of traditional American history, free institutions, or Western civilization;

''(2) involve personnel with strong expertise in traditional American history, free institutions, or Western civilization; and

''(3) sustain the activities funded under this part after the grant has expired.

''(e) USE OF FUNDS.—

''(1) REQUIRED USE OF FUNDS.—Funds provided under this part shall be used to—

''(A) establish or strengthen academic programs or centers focused on traditional American history, free institutions, or Western civilization, which may include—

''(i) design and implementation of programs of study, courses, lecture series, seminars, and symposia;

''(ii) development, publication, and dissemination of instructional materials;

''(iii) research;

''(iv) support for faculty teaching in undergraduate and, if applicable, graduate programs;

''(v) support for graduate and postgraduate fellowships, if applicable; or

''(vi) teacher preparation initiatives that stress content mastery regarding traditional American history, free institutions, or Western civilization; and

''(B) conduct outreach activities to ensure that information about the activities funded under this part is widely disseminated—

''(i) to undergraduate students (including students enrolled in teacher education programs, if applicable);

''(ii) to graduate students (including students enrolled in teacher education programs), if applicable;

''(iii) to faculty;

''(iv) to local educational agencies; and

''(v) within the local community.

''(2) ALLOWABLE USES OF FUNDS.—Funds provided under this part may be used to support—

''(A) collaboration with entities such as—

''(i) local educational agencies, for the purpose of providing elementary, middle and secondary school teachers an opportunity to enhance their knowledge of traditional American history, free institutions, or Western civilization; and

''(ii) nonprofit organizations whose mission is consistent with the purpose of this part, such as academic organizations, museums, and libraries, for assistance in carrying out activities described under subsection (a); and

''(B) other activities that meet the purposes of this part.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

**"PART F—TEACH FOR AMERICA**

**"SEC. 836. TEACH FOR AMERICA.**

''(a) DEFINITIONS.—

''(1) IN GENERAL.—The terms 'highly qualified', 'local educational agency', and 'Secretary' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(2) GRANTEE.—The term 'grantee' means Teach For America, Inc.

''(3) HIGH NEED.—The term 'high need', when used with respect to a local educational agency, means a local educational agency experiencing a shortage of highly qualified teachers.

''(b) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to Teach For America, Inc., the national teacher corps of outstanding recent college graduates who commit to teach for 2 years in underserved communities in the United States, to implement and expand its program of recruiting, selecting, training, and supporting new teachers.

''(c) REQUIREMENTS.—In carrying out the grant program under subsection (b), the Secretary shall enter into an agreement with the grantee under which the grantee agrees to use the grant funds provided under this section—

''(1) to provide highly qualified teachers to high need local educational agencies in urban and rural communities;

''(2) to pay the cost of recruiting, selecting, training, and supporting new teachers; and

''(3) to serve a substantial number and percentage of underserved students.

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds provided under this section shall be used by the grantee to carry out each of the following activities:

''(A) Recruiting and selecting teachers through a highly selective national process.

''(B) Providing preservice training to the teachers through a rigorous summer institute that includes hands-on teaching experience and significant exposure to education coursework and theory.

''(C) Placing the teachers in schools and positions designated by partner local educational agencies as high need placements serving underserved students.

''(D) Providing ongoing professional development activities for the teachers' first 2 years in the classroom, including regular classroom observations and feedback, and ongoing training and support.

''(2) LIMITATION.—The grantee shall use all grant funds received under this section to support activities related directly to the recruitment, selection, training, and support of teachers as described in subsection (a).

''(e) REPORTS AND EVALUATIONS.—

''(1) ANNUAL REPORT.—The grantee shall provide to the Secretary an annual report that includes—

''(A) data on the number and quality of the teachers provided to local educational agencies through a grant under this section;

''(B) an externally conducted analysis of the satisfaction of local educational agencies and principals with the teachers so provided; and

''(C) comprehensive data on the background of the teachers chosen, the training the teachers received, the placement sites of the teachers, the professional development of the teachers, and the retention of the teachers.

''(2) STUDY.—

''(A) IN GENERAL.—From funds appropriated under subsection (f), the Secretary shall provide for a study that examines the achievement levels of the students taught by the teachers assisted under this section.

''(B) ACHIEVEMENT GAINS COMPARED.—The study shall compare, within the same schools, the achievement gains made by students taught by teachers who are assisted under this section with the achievement gains made by students taught by teachers who are not assisted under this section.

''(3) REQUIREMENTS.—The Secretary shall provide for such a study not less than once every 3 years, and each such study shall include multiple placement sites and multiple schools within placement sites.

''(4) PEER REVIEW STANDARDS.—Each such study shall meet the peer review standards of the education research community.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

''(2) LIMITATION.—The grantee shall not use more than 25 percent of Federal funds from any source for administrative costs.

**"PART G—PATSY T. MINK FELLOWSHIP PROGRAM**

**"SEC. 841. PATSY T. MINK FELLOWSHIP PROGRAM.**

''(a) PURPOSE.—

''(1) IN GENERAL.—It is the purpose of this section to provide, through eligible institutions, a program of fellowship awards to assist highly qualified minorities and women to acquire the doctoral degree, or highest possible degree available, in academic areas in which such individuals are underrepresented for the purpose of enabling such individuals to enter the higher education professoriate.

''(2) DESIGNATION.—Each recipient of a fellowship award from an eligible institution receiving a grant under this section shall be known as a 'Patsy T. Mink Graduate Fellow'.

''(b) DEFINITIONS.—In this section, the term 'eligible institution' means an institution of

higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a graduate degree.

''(c) PROGRAM AUTHORIZED.—

''(1) GRANTS BY SECRETARY.—

''(A) IN GENERAL.—The Secretary shall award grants to eligible institutions to enable such institutions to make fellowship awards to individuals in accordance with the provisions of this section.

''(B) PRIORITY CONSIDERATION.—In awarding grants under this section, the Secretary shall consider the eligible institution's prior experience in producing doctoral degree, or highest possible degree available, holders who are minorities and women, and shall give priority consideration in making grants under this section to those eligible institutions with a demonstrated record of producing minorities and women who have earned such degrees.

''(2) APPLICATIONS.—

''(A) IN GENERAL.—An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) APPLICATIONS MADE ON BEHALF.—

''(i) IN GENERAL.—The following entities may submit an application on behalf of an eligible institution:

''(I) A graduate school or department of such institution.

''(II) A graduate school or department of such institution in collaboration with an undergraduate college or university of such institution.

''(III) An organizational unit within such institution that offers a program of postbaccalaureate study leading to a graduate degree, including an interdisciplinary or an interdepartmental program.

''(IV) A nonprofit organization with a demonstrated record of helping minorities and women earn postbaccalaureate degrees.

''(ii) NONPROFIT ORGANIZATIONS.—Nothing in this paragraph shall be construed to permit the Secretary to award a grant under this section to an entity other than an eligible institution.

''(3) SELECTION OF APPLICATIONS.—In awarding grants under subsection (a), the Secretary shall—

''(A) take into account—

''(i) the number and distribution of minority and female faculty nationally;

''(ii) the current and projected need for highly trained individuals in all areas of the higher education professoriate; and

''(iii) the present and projected need for highly trained individuals in academic career fields in which minorities and women are underrepresented in the higher education professoriate; and

''(B) consider the need to prepare a large number of minorities and women generally in academic career fields of high national priority, especially in areas in which such individuals are traditionally underrepresented in college and university faculty.

''(4) DISTRIBUTION AND AMOUNTS OF GRANTS.—

''(A) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the maximum extent feasible, ensure an equitable geographic distribution of awards and an equitable distribution among public and independent eligible institutions that apply for grants under this section and that demonstrate an ability to achieve the purpose of this section.

''(B) SPECIAL RULE.—To the maximum extent practicable, the Secretary shall use not less than 30 percent of the amount appropriated pursuant to subsection (f) to award grants to eligible institutions that—

''(i) are eligible for assistance under title III or title V; or

''(ii) have formed a consortium that includes both non-minority serving institutions and minority serving institutions.

''(C) ALLOCATION.—In awarding grants under this section, the Secretary shall allocate appropriate funds to those eligible institutions whose applications indicate an ability to significantly increase the numbers of minorities and women entering the higher education professoriate and that commit institutional resources to the attainment of the purpose of this section.

''(D) NUMBER OF FELLOWSHIP AWARDS.—An eligible institution that receives a grant under this section shall make not less than 15 fellowship awards.

''(E) REALLOTMENT.—If the Secretary determines that an eligible institution awarded a grant under this section is unable to use all of the grant funds awarded to the institution, the Secretary shall reallot, on such date during each fiscal year as the Secretary may fix, the unused funds to other eligible institutions that demonstrate that such institutions can use any reallocated grant funds to make fellowship awards to individuals under this section.

''(5) INSTITUTIONAL ALLOWANCE.—

''(A) IN GENERAL.—

''(i) NUMBER OF ALLOWANCES.—In awarding grants under this section, the Secretary shall pay to each eligible institution awarded a grant, for each individual awarded a fellowship by such institution under this section, an institutional allowance.

''(ii) AMOUNT.—Except as provided in paragraph (3), an institutional allowance shall be in an amount equal to, for academic year 2007–2008 and succeeding academic years, the amount of institutional allowance made to an institution of higher education under section 715 for such academic year.

''(B) USE OF FUNDS.—Institutional allowances may be expended in the discretion of the eligible institution and may be used to provide, except as prohibited under paragraph (4), academic support and career transition services for individuals awarded fellowships by such institution.

''(C) REDUCTION.—The institutional allowance paid under paragraph (1) shall be reduced by the amount the eligible institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

''(D) USE FOR OVERHEAD PROHIBITED.—Funds made available under this section may not be used for general operational overhead of the academic department or institution receiving funds under this section.

''(d) FELLOWSHIP RECIPIENTS.—

''(1) AUTHORIZATION.—An eligible institution that receives a grant under this section shall use the grant funds to make fellowship awards to minorities and women who are enrolled at such institution in a doctoral degree, or highest possible degree available, program and—

''(A) intend to pursue a career in instruction at—

''(i) an institution of higher education (as the term is defined in section 101);

''(ii) an institution of higher education (as the term is defined in section 102(a)(1));

''(iii) an institution of higher education outside the United States (as the term is described in section 102(a)(2)); or

''(iv) a proprietary institution of higher education (as the term is defined in section 102(b)); and

''(B) sign an agreement with the Secretary agreeing—

''(i) to begin employment at an institution described in paragraph (1) not later than 3 years after receiving the doctoral degree or highest possible degree available, which 3-year period may be extended by the Secretary for extraordinary circumstances; and

''(ii) to be employed by such institution for 1 year for each year of fellowship assistance received under this section.

''(2) FAILURE TO COMPLY.—If an individual who receives a fellowship award under this section fails to comply with the agreement signed pursuant to subsection (a)(2), then the Secretary shall do 1 or both of the following:

''(A) Require the individual to repay all or the applicable portion of the total fellowship amount awarded to the individual by converting the balance due to a loan at the interest rate applicable to loans made under part B of title IV.

''(B) Impose a fine or penalty in an amount to be determined by the Secretary.

''(3) WAIVER AND MODIFICATION.—

''(A) REGULATIONS.—The Secretary shall promulgate regulations setting forth criteria to be considered in granting a waiver for the service requirement under subsection (a)(2).

''(B) CONTENT.—The criteria under paragraph (1) shall include whether compliance with the service requirement by the fellowship recipient would be—

''(i) inequitable and represent an extraordinary hardship; or

''(ii) deemed impossible because the individual is permanently and totally disabled at the time of the waiver request.

''(4) AMOUNT OF FELLOWSHIP AWARDS.—Fellowship awards under this section shall consist of a stipend in an amount equal to the level of support provided to the National Science Foundation graduate fellows, except that such stipend shall be adjusted as necessary so as not to exceed the fellow's tuition and fees or demonstrated need (as determined by the institution of higher education where the graduate student is enrolled), whichever is greater.

''(5) ACADEMIC PROGRESS REQUIRED.—An individual student shall not be eligible to receive a fellowship award—

''(A) except during periods in which such student is enrolled, and such student is maintaining satisfactory academic progress in, and devoting essentially full time to, study or research in the pursuit of the degree for which the fellowship support was awarded; and

''(B) if the student is engaged in gainful employment, other than part-time employment in teaching, research, or similar activity determined by the eligible institution to be consistent with and supportive of the student's progress toward the appropriate degree.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require an eligible institution that receives a grant under this section—

''(1) to grant a preference or to differentially treat any applicant for a faculty position as a result of the institution's participation in the program under this section; or

''(2) to hire a Patsy T. Mink Fellow who completes this program and seeks employment at such institution.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 for each of the 5 succeeding fiscal years.

**"PART H—IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS**

**"SEC. 846. IMPROVING COLLEGE ENROLLMENT BY SECONDARY SCHOOLS.**

''(a) IN GENERAL.—The Secretary shall contract with 1 nonprofit organization described in subsection (b) to enable the nonprofit organization—

''(1) to make publicly available the year-to-year higher education enrollment rate trends of secondary school students,

disaggregated by secondary school, in full compliance with the Family Education Rights and Privacy Act of 1974;

''(2) to identify not less than 50 urban local educational agencies and 5 States with significant rural populations, each serving a significant population of low-income students, and to carry out a comprehensive needs assessment in the agencies and States of the factors known to contribute to improved higher education enrollment rates, which factors shall include—

''(A) an evaluation of the local educational agency's and State's leadership strategies;

''(B) the secondary school curriculum and class offerings of the local educational agency and State;

''(C) the professional development used by the local educational agency and the State to assist teachers, higher education counselors, and administrators in supporting the transition of secondary students into higher education;

''(D) secondary school student attendance and other factors demonstrated to be associated with enrollment into higher education;

''(E) the data systems used by the local educational agency and the State to measure college enrollment rates and the incentives in place to motivate the efforts of faculty and students to improve student and school-wide outcomes; and

''(F) strategies to mobilize student leaders to build a college-bound culture; and

''(3) to provide comprehensive services to improve the school-wide higher education enrollment rates of each of not less than 10 local educational agencies and States, with the federally funded portion of each project declining by not less than 20 percent each year beginning in the second year of the comprehensive services, that—

''(A) participated in the needs assessment described in paragraph (2); and

''(B) demonstrated a willingness and commitment to improving the higher education enrollment rates of the local educational agency or State, respectively.

''(b) GRANT RECIPIENT CRITERIA.—The recipient of the grant awarded under subsection (a) shall be a nonprofit organization with demonstrated expertise—

''(1) in increasing school-wide higher education enrollment rates in low-income communities nationwide by providing curriculum, training, and technical assistance to secondary school staff and student peer influencers; and

''(2) in a college transition data management system.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

## ''PART I—PREDOMINANTLY BLACK INSTITUTIONS

### ''SEC. 850. PREDOMINANTLY BLACK INSTITUTIONS.

''(a) PURPOSE.—It is the purpose of this section to assist Predominantly Black Institutions in expanding educational opportunity through a program of Federal assistance.

''(b) DEFINITIONS.—In this section:

''(1) EDUCATIONAL AND GENERAL EXPENDITURES.—The term 'educational and general expenditures' has the meaning given the term in section 312.

''(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education that—

''(A) has an enrollment of needy undergraduate students;

''(B) has an average educational and general expenditure which is low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction, except that the Secretary may apply the waiver requirements described in section 392(b) to this subparagraph in the same manner as the Secretary applies the waiver requirements to section 312(b)(1)(B);

''(C) has an enrollment of undergraduate students that is not less than 40 percent Black American students;

''(D) is legally authorized to provide, and provides within the State, an educational program for which the institution of higher education awards a baccalaureate degree, or in the case of a junior or community college, an associate's degree; and

''(E) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation.

''(3) ENDOWMENT FUND.—The term 'endowment fund' has the meaning given the term in section 312.

''(4) ENROLLMENT OF NEEDY STUDENTS.—The term 'enrollment of needy students' means the enrollment at an eligible institution with respect to which not less than 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

''(A) in the second fiscal year preceding the fiscal year for which the determination is made, were Federal Pell Grant recipients for such year;

''(B) come from families that receive benefits under a means-tested Federal benefit program;

''(C) attended a public or nonprofit private secondary school—

''(i) that is in the school district of a local educational agency that was eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 for any year during which the student attended such secondary school; and

''(ii) which for the purpose of this paragraph and for that year was determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of such Act exceeds 30 percent of the total enrollment of such school; or

''(D) are first-generation college students and a majority of such first-generation college students are low-income individuals.

''(5) FIRST GENERATION COLLEGE STUDENT.—The term 'first generation college student' has the meaning given the term in section 402A(g).

''(6) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given such term in section 402A(g).

''(7) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means a program of the Federal Government, other than a program under title IV, in which eligibility for the program's benefits, or the amount of such benefits, are determined on the basis of income or resources of the individual or family seeking the benefit.

''(8) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' means an institution of higher education, as defined in section 101(a)—

''(A) that is an eligible institution with not less than 1,000 undergraduate students;

''(B) at which not less than 50 percent of the undergraduate students enrolled at the eligible institution are low-income individuals or first generation college students; and

''(C) at which not less than 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the eligible institution is licensed to award by the State in which the eligible institution is located.

''(9) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

''(c) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, from allotments under subsection (e), to Predominantly Black Institutions to enable the Predominantly Black Institutions to carry out the authorized activities described in subsection (d).

''(2) PRIORITY.—In awarding grants under this section the Secretary shall give priority to Predominantly Black Institutions with large numbers or percentages of students described in subsections (b)(2)(A) or (b)(2)(C). The level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in subsection (b)(2)(A) shall be twice the level of priority given to Predominantly Black Institutions with large numbers or percentages of students described in subsection (b)(2)(C).

''(d) AUTHORIZED ACTIVITIES.—

''(1) REQUIRED ACTIVITIES.—Grant funds provided under this section shall be used—

''(A) to assist the Predominantly Black Institution to plan, develop, undertake, and implement programs to enhance the institution's capacity to serve more low- and middle-income Black American students;

''(B) to expand higher education opportunities for students eligible to participate in programs under title IV by encouraging college preparation and student persistence in secondary school and postsecondary education; and

''(C) to strengthen the financial ability of the Predominantly Black Institution to serve the academic needs of the students described in subparagraphs (A) and (B).

''(2) ADDITIONAL ACTIVITIES.—Grant funds provided under this section shall be used for 1 or more of the following activities:

''(A) The activities described in paragraphs (1) through (11) of section 311(c).

''(B) Academic instruction in disciplines in which Black Americans are underrepresented.

''(C) Establishing or enhancing a program of teacher education designed to qualify students to teach in a public elementary school or secondary school in the State that shall include, as part of such program, preparation for teacher certification or licensure.

''(D) Establishing community outreach programs that will encourage elementary school and secondary school students to develop the academic skills and the interest to pursue postsecondary education.

''(E) Other activities proposed in the application submitted pursuant to subsection (f) that—

''(i) contribute to carrying out the purpose of this section; and

''(ii) are approved by the Secretary as part of the review and approval of an application submitted under subsection (f).

''(3) ENDOWMENT FUND.—

''(A) IN GENERAL.—A Predominantly Black Institution may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.

''(B) MATCHING REQUIREMENT.—In order to be eligible to use grant funds in accordance with subparagraph (A), a Predominantly Black Institution shall provide matching funds from non-Federal sources, in an amount equal to or greater than the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.

''(C) COMPARABILITY.—The provisions of part C of title III, regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under subparagraph (A).

''(4) LIMITATION.—Not more than 50 percent of the grant funds provided to a Predominantly Black Institution under this section may be available for the purpose of constructing or maintaining a classroom, library, laboratory, or other instructional facility.

''(e) ALLOTMENTS TO PREDOMINANTLY BLACK INSTITUTIONS.—

''(1) FEDERAL PELL GRANT BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-half of that amount as the number of Federal Pell Grant recipients in attendance at such institution at the end of the academic year preceding the beginning of that fiscal year, bears to the total number of Federal Pell Grant recipients at all such institutions at the end of such academic year.

''(2) GRADUATES BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the number of graduates for such academic year at such institution, bears to the total number of graduates for such academic year at all such institutions.

''(3) GRADUATES SEEKING A HIGHER DEGREE BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution having an application approved under subsection (f) a sum that bears the same ratio to one-fourth of that amount as the percentage of graduates from such institution who are admitted to and in attendance at, not later than 2 years after graduation with an associate's degree or a baccalaureate degree, a baccalaureate degree-granting institution or a graduate or professional school in a degree program in disciplines in which Black American students are underrepresented, bears to the percentage of such graduates for all such institutions.

''(4) MINIMUM ALLOTMENT.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1), (2), and (3), the amount allotted to each Predominantly Black Institution under this section shall not be less than $250,000.

''(B) INSUFFICIENT AMOUNT.—If the amount appropriated pursuant to subsection (i) for a fiscal year is not sufficient to pay the minimum allotment provided under subparagraph (A) for the fiscal year, then the amount of such minimum allotment shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allotment shall be increased on the same basis as the allotment was reduced until the amount allotted equals the minimum allotment required under subparagraph (A).

''(5) REALLOTMENT.—The amount of a Predominantly Black Institution's allotment under paragraph (1), (2), (3), or (4) for any fiscal year that the Secretary determines will not be required for such institution for the period such allotment is available, shall be available for reallotment to other Predominantly Black Institutions in proportion to the original allotment to such other institutions under this section for such fiscal year. The Secretary shall reallot such amounts from time to time, on such date and during such period as the Secretary determines appropriate.

''(f) APPLICATIONS.—Each Predominantly Black Institution desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(g) PROHIBITION.—No Predominantly Black Institution that applies for and receives a grant under this section may apply for or receive funds under any other program under part A or part B of title III.

''(h) DURATION AND CARRYOVER.—Any grant funds paid to a Predominantly Black Institution under this section that are not expended or used for the purposes for which the funds were paid within 10 years following the date on which the grant was awarded, shall be repaid to the Treasury.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of 5 succeeding fiscal years.

## ''PART J—EARLY CHILDHOOD EDUCATION PROFESSIONAL DEVELOPMENT AND CAREER TASK FORCE

**''SEC. 851. SHORT TITLE.**

''This part may be cited as the 'Early Childhood Education Professional Development and Career Task Force Act'.

**''SEC. 852. PURPOSE.**

''It is the purpose of this part—

''(1) to improve the quality of the early childhood education workforce by creating a statewide early childhood education professional development and career task force for early childhood education program staff, directors, and administrators; and

''(2) to create—

''(A) a coherent system of core competencies, pathways to qualifications, credentials, degrees, quality assurances, access, and outreach, for early childhood education program staff, directors, and administrators, that is linked to compensation commensurate with experience and qualifications;

''(B) articulation agreements that enable early childhood education professionals to transition easily among degrees; and

''(C) compensation initiatives for individuals working in an early childhood education program that reflect the individuals' credentials, degrees, and experience.

**''SEC. 853. DEFINITION OF EARLY CHILDHOOD EDUCATION PROGRAM.**

''In this part, the term 'early childhood education program' means—

''(1) a family child care program, center-based child care program, State prekindergarten program, or school-based program, that—

''(A) provides early childhood education;

''(B) uses developmentally appropriate practices;

''(C) is licensed or regulated by the State; and

''(D) serves children from birth through age 5;

''(2) a Head Start Program carried out under the Head Start Act; or

''(3) an Early Head Start Program carried out under section 645A of the Head Start Act.

**''SEC. 854. GRANTS AUTHORIZED.**

''(a) IN GENERAL.—The Secretary is authorized to award grants to States in accordance with the provisions of this part to enable such States—

''(1) to establish a State Task Force described in section 855; and

''(2) to support activities of the State Task Force described in section 856.

''(b) COMPETITIVE BASIS.—Grants under this part shall be awarded on a competitive basis.

''(c) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this part, the Secretary shall take into consideration providing an equitable geographic distribution of such grants.

''(d) DURATION.—Grants under this part shall be awarded for a period of 5 years.

**''SEC. 855. STATE TASK FORCE ESTABLISHMENT.**

''(a) STATE TASK FORCE ESTABLISHED.—The Governor of a State receiving a grant under this part shall establish, or designate an existing entity to serve as, the State Early Childhood Education Professional Development and Career Task Force (hereafter in this part referred to as the 'State Task Force').

''(b) MEMBERSHIP.—The State Task Force shall include a representative of a State agency, an institution of higher education (including an associate or a baccalaureate degree granting institution of higher education), an early childhood education program, a nonprofit early childhood organization, a statewide early childhood workforce scholarship or supplemental initiative, and any other entity or individual the Governor determines appropriate.

**''SEC. 856. STATE TASK FORCE ACTIVITIES.**

''(a) ACTIVITIES.—The State Task Force shall—

''(1) coordinate and communicate regularly with the State Advisory Council on Early Care and Education (hereafter in this part referred to as 'State Advisory Council') or a similar State entity charged with creating a comprehensive system of early care and education in the State, for the purposes of—

''(A) integrating recommendations for early childhood professional development and career activities into the plans of the State Advisory Council; and

''(B) assisting in the implementation of professional development and career activities that are consistent with the plans described in subparagraph (A);

''(2) conduct a review of opportunities for and barriers to high quality professional development, training, and higher education degree programs, in early childhood development and learning, including a periodic statewide survey concerning the demographics of individuals working in early childhood education programs in the State, which survey shall include information disaggregated by—

''(A) race, gender, and ethnicity;

''(B) compensation levels;

''(C) type of early childhood education program setting;

''(D) specialized knowledge of child development;

''(E) years of experience in an early childhood education program; and

''(F) attainment of—

''(i) academic credit for coursework;

''(ii) an academic degree;

''(iii) a credential;

''(iv) licensure; or

''(v) certification in early childhood education; and

''(3) develop a plan for a comprehensive statewide professional development and career system for individuals working in early childhood education programs or for early childhood education providers, which plan shall include—

''(A) methods of providing outreach to early childhood education program staff, directors, and administrators, including methods for how outreach is provided to non-English speaking providers, in order to enable the providers to be aware of opportunities and resources under the statewide plan;

''(B) developing a unified data collection and dissemination system for early childhood education training, professional development, and higher education programs;

''(C) increasing the participation of early childhood educators in high quality training and professional development by assisting in paying the costs of enrollment in and completion of such training and professional development courses;

''(D) increasing the participation of early childhood educators in postsecondary education programs leading to degrees in early childhood education by providing assistance to pay the costs of enrollment in and completion of such postsecondary education programs, which assistance—

''(i) shall only be provided to an individual who—

''(I) enters into an agreement under which the individual agrees to work, for a reasonable number of years after receiving such a degree, in an early childhood education program that is located in a low-income area; and

''(II) has a family income equal to or less than the annually adjusted national median family income as determined by the Bureau of the Census; and

''(ii) shall be provided in an amount that does not exceed $17,500;

''(E) supporting professional development activities and a career lattice for a variety of early childhood professional roles with varying professional qualifications and responsibilities for early childhood education personnel, including strategies to enhance the compensation of such personnel;

''(F) supporting articulation agreements between 2- and 4-year public and private institutions of higher education and mechanisms to transform other training, professional development, and experience into academic credit;

''(G) developing mentoring and coaching programs to support new educators in and directors of early childhood education programs;

''(H) providing career development advising with respect to the field of early childhood education, including informing an individual regarding—

''(i) entry into and continuing education requirements for professional roles in the field;

''(ii) available financial assistance; and

''(iii) professional development and career advancement in the field;

''(I) enhancing the quality of faculty and coursework in postsecondary programs that lead to an associate, baccalaureate, or graduate degree in early childhood education;

''(J) consideration of the availability of online graduate level professional development offered by institutions of higher education with experience and demonstrated expertise in establishing programs in child development, in order to improve the skills and expertise of individuals working in early childhood education programs; and

''(K) developing or enhancing a system of quality assurance with respect to the early childhood education professional development and career system, including standards or qualifications for individuals and entities who offer training and professional development in early childhood education.

''(b) PUBLIC HEARINGS.—The State Task Force shall hold public hearings and provide an opportunity for public comment on the activities described in the statewide plan described in subsection (a)(3).

''(c) PERIODIC REVIEW.—The State Task Force shall meet periodically to review implementation of the statewide plan and to recommend any changes to the statewide plan the State Task Force determines necessary.

**''SEC. 857. STATE APPLICATION AND REPORT.**

''(a) IN GENERAL.—Each State desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall include a description of—

''(1) the membership of the State Task Force;

''(2) the activities for which the grant assistance will be used;

''(3) other Federal, State, local, and private resources that will be available to support the activities of the State Task Force described in section 856;

''(4) the availability within the State of training, early childhood educator preparation, professional development, compensation initiatives, and career systems, related to early childhood education; and

''(5) the resources available within the State for such training, educator preparation, professional development, compensation initiatives, and career systems.

''(b) REPORT TO THE SECRETARY.—Not later than 2 years after receiving a grant under this part, a State shall submit a report to the Secretary that shall describe—

''(1) other Federal, State, local, and private resources that will be used in combination with a grant under this section to develop or expand the State's early childhood education professional development and career activities;

''(2) the ways in which the State Advisory Council (or similar State entity) will coordinate the various State and local activities that support the early childhood education professional development and career system; and

''(3) the ways in which the State Task Force will use funds provided under this part and carry out the activities described in section 856.

**''SEC. 858. EVALUATIONS.**

''(a) STATE EVALUATION.—Each State receiving a grant under this part shall—

''(1) evaluate the activities that are assisted under this part in order to determine—

''(A) the effectiveness of the activities in achieving State goals;

''(B) the impact of a career lattice for individuals working in early childhood education programs;

''(C) the impact of the activities on licensing or regulating requirements for individuals in the field of early childhood development;

''(D) the impact of the activities, and the impact of the statewide plan described in section 856(a)(3), on the quality of education, professional development, and training related to early childhood education programs that are offered in the State;

''(E) the change in compensation and retention of individuals working in early childhood education programs within the State resulting from the activities; and

''(F) the impact of the activities on the demographic characteristics of individuals working in early childhood education programs; and

''(2) submit a report at the end of the grant period to the Secretary regarding the evaluation described in paragraph (1).

''(b) SECRETARY'S EVALUATION.—Not later than September 30, 2013, the Secretary, in consultation with the Secretary of Health and Human Services, shall prepare and submit to the authorizing committees an evaluation of the State reports submitted under subsection (a)(2).

**''SEC. 859. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

**''PART K—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS**

**''SEC. 861. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON ALASKA NATIVE AND NATIVE HAWAIIAN STUDENTS.**

''(a) PURPOSE.—The purpose of this section is—

''(1) to develop or expand programs for the development of professionals in the fields of science, technology, engineering, and mathematics; and

''(2) to focus resources on meeting the educational and cultural needs of Alaska Natives and Native Hawaiians.

''(b) DEFINITIONS.—In this section:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Natives Claims Settlement Act (43 U.S.C. 1602(b)).

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a).

''(3) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—

''(A) 1 or more colleges or schools of engineering;

''(B) 1 or more colleges of science, engineering, or mathematics;

''(C) 1 or more institutions of higher education that offer 2-year degrees; and

''(D) 1 or more private entities that—

''(i) conduct career awareness activities showcasing local technology professionals;

''(ii) encourage students to pursue education in science, technology, engineering, and mathematics from elementary school through college, and careers in those fields, with the assistance of local technology professionals;

''(iii) develop internships, apprenticeships, and mentoring programs in partnership with relevant industries; and

''(iv) assist with placement of interns and apprentices.

''(4) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965.

''(c) GRANT AUTHORIZED.—The Secretary is authorized to award a grant to an eligible partnership to enable the eligible partnership to expand programs for the development of science, technology, engineering, or mathematics professionals, from elementary school through college, including existing programs for Alaska Native and Native Hawaiian students.

''(d) USES OF FUNDS.—Grant funds under this section shall be used for 1 or more of the following:

''(1) Development or implementation of cultural, social, or educational transition programs to assist students to transition into college life and academics in order to increase such students' retention rates in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native or Native Hawaiian students.

''(2) Development or implementation of academic support or supplemental educational programs to increase the graduation rates of students in the fields of science, technology, engineering, or mathematics, with a focus on Alaska Native and Native Hawaiian students.

''(3) Development or implementation of internship programs, carried out in coordination with educational institutions and private entities, to prepare students for careers

in the fields of science, technology, engineering, or mathematics, with a focus on programs that serve Alaska Native or Native Hawaiian students.

''(4) Such other activities that are consistent with the purposes of this section.

''(e) APPLICATION.—Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(f) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to an eligible partnership that provides 1 or more programs in which 30 percent or more of the program participants are Alaska Native or Native Hawaiian.

''(g) PERIOD OF GRANT.—A grant under this section shall be awarded for a period of 5 years.

''(h) EVALUATION AND REPORT.—Each eligible partnership that receives a grant under this section shall conduct an evaluation to determine the effectiveness of the programs funded under the grant and shall provide a report regarding the evaluation to the Secretary not later than 6 months after the end of the grant period.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

## "PART L—PILOT PROGRAM TO INCREASE PERSISTENCE IN COMMUNITY COLLEGES

### "SEC. 865. PILOT PROGRAM TO INCREASE PERSISTENCE IN COMMUNITY COLLEGES.

''(a) DEFINITIONS.—In this section:

''(1) INSTITUTION OF HIGHER EDUCATION.—Except as otherwise provided in this section, the term 'institution of higher education' means an institution of higher education, as defined in section 101, that provides a 1- or 2-year program of study leading to a degree or certificate.

''(2) ELIGIBLE STUDENT.—The term 'eligible student' means a student who—

''(A) meets the requirements of section 484(a);

''(B) is enrolled at least half time;

''(C) is not younger than age 19 and not older than age 33;

''(D) is the parent of at least 1 dependent child, which dependent child is age 18 or younger;

''(E) has a family income below 200 percent of the poverty line;

''(F) has a secondary school diploma or its recognized equivalent, and earned a passing score on a college entrance examination; and

''(G) does not have a degree or occupational certificate from an institution of higher education, as defined in section 101 or 102(a).

''(b) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to institutions of higher education to enable the institutions of higher education to provide additional monetary and nonmonetary support to eligible students to enable the eligible students to maintain enrollment and complete degree or certificate programs.

''(c) USES OF FUNDS.—

''(1) REQUIRED USES.—Each institution of higher education receiving a grant under this section shall use the grant funds—

''(A) to provide scholarships in accordance with subsection (d); and

''(B) to provide counseling services in accordance with subsection (e).

''(2) ALLOWABLE USES OF FUNDS.—Grant funds provided under this section may be used—

''(A) to conduct outreach to make students aware of the scholarships and counseling services available under this section and to encourage the students to participate in the program assisted under this section;

''(B) to provide gifts of $20 or less, such as a store gift card, to applicants who complete the process of applying for assistance under this section, as an incentive and as compensation for the student's time; and

''(C) to evaluate the success of the program.

''(d) SCHOLARSHIP REQUIREMENTS.—

''(1) IN GENERAL.—Each scholarship awarded under this section shall—

''(A) be awarded for 1 academic year;

''(B) be awarded in the amount of $1,000 for each of 2 semesters (prorated for quarters), or $2,000 for an academic year;

''(C) require the student to maintain during the scholarship period at least half-time enrollment and a 2.0 or C grade point average; and

''(D) be paid in increments of—

''(i) $250 upon enrollment (prorated for quarters);

''(ii) $250 upon passing midterm examinations (prorated for quarters); and

''(iii) $500 upon passing courses (prorated for quarters).

''(2) NUMBER.—An institution may award an eligible student not more than 2 scholarships under this section.

''(e) COUNSELING SERVICES.—

''(1) IN GENERAL.—Each institution of higher education receiving a grant under this section shall use the grant funds to provide students at the institution with a counseling staff dedicated to students participating in the program under this section. Each such counselor shall—

''(A) have a caseload of less than 125 students;

''(B) use a proactive, team-oriented approach to counseling;

''(C) hold a minimum of 2 meetings with students each semester; and

''(D) provide referrals to and follow-up with other student services staff, including financial and career services.

''(2) COUNSELING SERVICES AVAILABILITY.—The counseling services provided under this section shall be available to participating students during the daytime and evening hours.

''(f) APPLICATION.—An institution of higher education that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) the number of students to be served under this section;

''(2) a description of the scholarships and counseling services that will be provided under this section; and

''(3) a description of how the program under this section will be evaluated.

''(g) PERIOD OF GRANT.—The Secretary may award a grant under this section for a period of 5 years.

''(h) EVALUATION.—

''(1) IN GENERAL.—Each institution of higher education receiving a grant under this section shall conduct an annual evaluation of the impact of the grant and shall provide the evaluation to the Secretary. The Secretary shall disseminate to the public the findings, information on best practices, and lessons learned, with respect to the evaluations.

''(2) RANDOM ASSIGNMENT RESEARCH DESIGN.—The evaluation shall be conducted using a random assignment research design with the following requirements:

''(A) When students are recruited for the program, all students will be told about the program and the evaluation.

''(B) Baseline data will be collected from all applicants for assistance under this section.

''(C) Students will be assigned randomly to 2 groups, which will consist of—

''(i) a program group that will receive the scholarship and the additional counseling services; and

''(ii) a control group that will receive whatever regular financial aid and counseling services are available to all students at the institution of higher education.

''(3) PREVIOUS COHORTS.—In conducting the evaluation for the second and third years of the program, each institution of higher education shall include information on previous cohorts of students as well as students in the current program year.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

## "PART M—STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT

### "SEC. 871. STUDENT SAFETY AND CAMPUS EMERGENCY MANAGEMENT.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to institutions of higher education or consortia of institutions of higher education to enable institutions of higher education or consortia to pay the Federal share of the cost of carrying out the authorized activities described in subsection (c).

''(2) CONSULTATION WITH THE ATTORNEY GENERAL AND THE SECRETARY OF HOMELAND SECURITY.—Where appropriate, the Secretary shall award grants under this section in consultation with the Attorney General of the United States and the Secretary of Homeland Security.

''(3) DURATION.—The Secretary shall award each grant under this section for a period of 2 years.

''(4) LIMITATION ON INSTITUTIONS AND CONSORTIA.—An institution of higher education or consortium shall be eligible for only 1 grant under this section.

''(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share shall be 50 percent.

''(2) NON-FEDERAL SHARE.—The institution of higher education or consortium shall provide the non-Federal share, which may be provided from other Federal, State, and local resources dedicated to emergency preparedness and response.

''(c) AUTHORIZED ACTIVITIES.—Each institution of higher education or consortium receiving a grant under this section may use the grant funds to carry out 1 or more of the following:

''(1) Developing and implementing a state-of-the-art emergency communications system for each campus of an institution of higher education or consortium, in order to contact students via cellular, text message, or other state-of-the-art communications methods when a significant emergency or dangerous situation occurs. An institution or consortium using grant funds to carry out this paragraph shall also, in coordination with the appropriate State and local emergency management authorities—

''(A) develop procedures that students, employees, and others on a campus of an institution of higher education or consortium will be directed to follow in the event of a significant emergency or dangerous situation; and

''(B) develop procedures the institution of higher education or consortium shall follow to inform, within a reasonable and timely manner, students, employees, and others on

a campus in the event of a significant emergency or dangerous situation, which procedures shall include the emergency communications system described in this paragraph.

''(2) Supporting measures to improve safety at the institution of higher education or consortium, such as—

''(A) security assessments;

''(B) security training of personnel and students at the institution of higher education or consortium;

''(C) where appropriate, coordination of campus preparedness and response efforts with local law enforcement, local emergency management authorities, and other agencies, to improve coordinated responses in emergencies among such entities; and

''(D) establishing a hotline that allows a student or staff member at an institution or consortium to report another student or staff member at the institution or consortium who the reporting student or staff member believes may be a danger to the reported student or staff member or to others.

''(3) Coordinating with appropriate local entities the provision of, mental health services for students enrolled in the institution of higher education or consortium, including mental health crisis response and intervention services, to individuals affected by a campus or community emergency.

''(d) APPLICATION.—Each institution of higher education or consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(e) TECHNICAL ASSISTANCE.—The Secretary shall coordinate technical assistance provided by State and local emergency management agencies, the Department of Homeland Security, and other agencies as appropriate, to institutions of higher education or consortia that request assistance in developing and implementing the activities assisted under this section.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to provide a private right of action to any person to enforce any provision of this section;

''(2) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability; or

''(3) to affect the Family Educational Rights and Privacy Act of 1974 or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

**''SEC. 872. MODEL EMERGENCY RESPONSE POLICIES, PROCEDURES, AND PRACTICES.**

''The Secretary of Education, the Attorney General of the United States, and the Secretary of Homeland Security shall jointly have the authority—

''(1) to advise institutions of higher education on model emergency response policies, procedures, and practices; and

''(2) to disseminate information concerning those policies, procedures, and practices.''.

**SEC. 802. ADDITIONAL PROGRAMS.**

Title VIII (as added by section 801) is further amended by adding at the end the following:

**''PART N—SCHOOL OF VETERINARY MEDICINE COMPETITIVE GRANT PROGRAM**

**''SEC. 876. SCHOOL OF VETERINARY MEDICINE COMPETITIVE GRANT PROGRAM.**

''(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the 'Secretary') shall award competitive grants to eligible entities for the purpose of improving public health preparedness through increasing the number of veterinarians in the workforce.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be—

''(A) a public or other nonprofit school of veterinary medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV;

''(B) a public or nonprofit, department of comparative medicine, department of veterinary science, school of public health, or school of medicine that is accredited by a nationally recognized accrediting agency or association recognized by the Secretary of Education pursuant to part H of title IV and that offers graduate training for veterinarians in a public health practice area as determined by the Secretary; or

''(C) a public or nonprofit entity that—

''(i) conducts recognized residency training programs for veterinarians that are approved by a veterinary specialty organization that is recognized by the American Veterinary Medical Association; and

''(ii) offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary; and

''(2) prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

''(c) CONSIDERATION OF APPLICATIONS.—The Secretary shall establish procedures to ensure that applications under subsection (b)(2) are rigorously reviewed and that grants are competitively awarded based on—

''(1) the ability of the applicant to increase the number of veterinarians who are trained in specified public health practice areas as determined by the Secretary;

''(2) the ability of the applicant to increase capacity in research on high priority disease agents; or

''(3) any other consideration the Secretary determines necessary.

''(d) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall give preference to applicants that demonstrate a comprehensive approach by involving more than one school of veterinary medicine, department of comparative medicine, department of veterinary science, school of public health, school of medicine, or residency training program that offers postgraduate training for veterinarians in a public health practice area as determined by the Secretary.

''(e) USE OF FUNDS.—Amounts received under a grant under this section shall be used by a grantee to increase the number of veterinarians in the workforce through paying costs associated with the expansion of academic programs at schools of veterinary medicine, departments of comparative medicine, departments of veterinary science, or entities offering residency training programs, or academic programs that offer postgraduate training for veterinarians or concurrent training for veterinary students in specific areas of specialization, which costs may include minor renovation and improvement in classrooms, libraries, and laboratories.

''(f) DEFINITION OF PUBLIC HEALTH PRACTICE.—In this section, the term 'public health practice' includes bioterrorism and emergency preparedness, environmental health, food safety and food security, regulatory medicine, diagnostic laboratory medicine, and biomedical research.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years. Amounts appropriated under this subsection shall remain available until expended.

**''PART O—EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM**

**''SEC. 881. EARLY FEDERAL PELL GRANT COMMITMENT DEMONSTRATION PROGRAM.**

''(a) DEMONSTRATION PROGRAM AUTHORITY.—

''(1) IN GENERAL.—The Secretary is authorized to carry out an Early Federal Pell Grant Commitment Demonstration Program under which—

''(A) the Secretary awards grants to 4 State educational agencies, in accordance with paragraph (2), to pay the administrative expenses incurred in participating in the demonstration program under this section; and

''(B) the Secretary awards Federal Pell Grants to participating students in accordance with this section.

''(2) GRANTS.—

''(A) IN GENERAL.—From amounts appropriated under subsection (h) for a fiscal year, the Secretary is authorized to award grants to 4 State educational agencies to enable the State educational agencies to pay the administrative expenses incurred in participating in a demonstration program under which 8th grade students who are eligible for a free or reduced price meal described in subsection (b)(1)(B) receive a commitment to receive a Federal Pell Grant early in their academic careers.

''(B) EQUAL AMOUNTS.—The Secretary shall award grants under this section in equal amounts to each of the 4 participating State educational agencies.

''(b) DEMONSTRATION PROJECT REQUIREMENTS.—Each of the 4 demonstration projects assisted under this section shall meet the following requirements:

''(1) PARTICIPANTS.—

''(A) IN GENERAL.—The State educational agency shall make participation in the demonstration project available to 2 cohorts of students, which shall consist of—

''(i) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009; and

''(ii) 1 cohort of 8th grade students who begin the participation in academic year 2009–2010.

''(B) STUDENTS IN EACH COHORT.—Each cohort of students shall consist of not more than 10,000 8th grade students who qualify for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966.

''(2) STUDENT DATA.—The State educational agency shall ensure that student data from local educational agencies serving students who participate in the demonstration project, as well as student data from local educational agencies serving a comparable group of students who do not participate in the demonstration project, are available for evaluation of the demonstration project, except that in no case shall such data be provided in a manner that would reveal personally identifiable information about an individual student.

''(3) FEDERAL PELL GRANT COMMITMENT.—Each student who participates in the demonstration project receives a commitment from the Secretary to receive a Federal Pell Grant during the first academic year that the student is in attendance at an institution of higher education as an undergraduate, if the student applies for Federal financial aid (via the FAFSA or EZ FAFSA) during the student's senior year of secondary school and during succeeding years.

''(4) APPLICATION PROCESS.—The Secretary shall establish an application process to select State educational agencies to participate in the demonstration program and State educational agencies shall establish an application process to select local educational agencies within the State to participate in the demonstration project.

''(5) LOCAL EDUCATIONAL AGENCY PARTICIPATION.—Subject to the 10,000 statewide student limitation described in paragraph (1), a local educational agency serving students, not less than 50 percent of whom are eligible for a free or reduced price meal under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, shall be eligible to participate in the demonstration project.

''(c) STATE EDUCATIONAL AGENCY APPLICATIONS.—

''(1) IN GENERAL.—Each State educational agency desiring to participate in the demonstration program under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(2) CONTENTS.—Each application shall include—

''(A) a description of the proposed targeted information campaign for the demonstration project and a copy of the plan described in subsection (f)(2);

''(B) a description of the student population that will receive an early commitment to receive a Federal Pell Grant under this section;

''(C) an assurance that the State educational agency will fully cooperate with the ongoing evaluation of the demonstration project; and

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

''(d) SELECTION CONSIDERATIONS.—

''(1) SELECTION OF STATE EDUCATIONAL AGENCIES.—In selecting State educational agencies to participate in the demonstration program under this section, the Secretary shall consider—

''(A) the number and quality of State educational agency applications received;

''(B) the Department's capacity to oversee and monitor each State educational agency's participation in the demonstration program;

''(C) a State educational agency's—

''(i) financial responsibility;

''(ii) administrative capability;

''(iii) commitment to focusing State resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

''(iv) ability and plans to run an effective and thorough targeted information campaign for students served by local educational agencies eligible to participate in the demonstration project; and

''(v) ability to ensure the participation in the demonstration program of a diverse group of students, including with respect to ethnicity and gender.

''(2) LOCAL EDUCATIONAL AGENCY.—In selecting local educational agencies to participate in a demonstration project under this section, the State educational agency shall consider—

''(A) the number and quality of local educational agency applications received;

''(B) the State educational agency's capacity to oversee and monitor each local educational agency's participation in the demonstration project;

''(C) a local educational agency's—

''(i) financial responsibility;

''(ii) administrative capability;

''(iii) commitment to focusing local resources, in addition to any resources provided under part A of title I of the Elementary and Secondary Education Act of 1965, on students who receive assistance under such part A;

''(iv) ability and plans to run an effective and thorough targeted information campaign for students served by the local educational agency; and

''(v) ability to ensure the participation in the demonstration project of a diverse group of students with respect to ethnicity and gender.

''(e) EVALUATION.—

''(1) IN GENERAL.—From amounts appropriated under subsection (h) for a fiscal year, the Secretary shall reserve not more than $1,000,000 to award a grant or contract to an organization outside the Department for an independent evaluation of the impact of the demonstration program assisted under this section.

''(2) COMPETITIVE BASIS.—The grant or contract shall be awarded on a competitive basis.

''(3) MATTERS EVALUATED.—The evaluation described in this subsection shall—

''(A) determine the number of individuals who were encouraged by the demonstration program to pursue higher education;

''(B) identify the barriers to the effectiveness of the demonstration program;

''(C) assess the cost-effectiveness of the demonstration program in improving access to higher education;

''(D) identify the reasons why participants in the demonstration program either received or did not receive a Federal Pell Grant;

''(E) identify intermediate outcomes related to postsecondary education attendance, such as whether participants—

''(i) were more likely to take a college-prep curriculum while in secondary school;

''(ii) submitted any college applications; and

''(iii) took the PSAT, SAT, or ACT;

''(F) identify the number of individuals participating in the demonstration program who pursued an associate's degree or a bachelor's degree, or other postsecondary education;

''(G) compare the findings of the demonstration program with respect to participants to comparison groups (of similar size and demographics) that did not participate in the demonstration program; and

''(H) identify the impact on the parents of students eligible to participate in the demonstration program.

''(4) DISSEMINATION.—The findings of the evaluation shall be reported to the Secretary, who shall widely disseminate the findings to the public.

''(f) TARGETED INFORMATION CAMPAIGN.—

''(1) IN GENERAL.—Each State educational agency receiving a grant under this section shall, in cooperation with the participating local educational agencies within the State and the Secretary, develop a targeted information campaign for the demonstration program assisted under this section.

''(2) PLAN.—Each State educational agency receiving a grant under this section shall include in the application submitted under subsection (c) a written plan for their proposed targeted information campaign. The plan shall include the following:

''(A) OUTREACH.—A description of the outreach to students and their families at the beginning and end of each academic year of the demonstration project, at a minimum.

''(B) DISTRIBUTION.—How the State educational agency plans to provide the outreach described in subparagraph (A) and to provide the information described in subparagraph (C).

''(C) INFORMATION.—The annual provision by the State educational agency to all students and families participating in the demonstration program of information regarding—

''(i) the estimated statewide average cost of attendance for an institution of higher education for each academic year, which cost data shall be disaggregated by—

''(I) type of institution, including—

''(aa) 2-year public degree-granting institutions of higher education;

''(bb) 4-year public degree-granting institutions of higher education; and

''(cc) 4-year private degree-granting institutions of higher education;

''(II) component, including—

''(aa) tuition and fees; and

''(bb) room and board;

''(ii) Federal Pell Grants, including—

''(I) the maximum Federal Pell Grant for each award year;

''(II) when and how to apply for a Federal Pell Grant; and

''(III) what the application process for a Federal Pell Grant requires;

''(iii) State-specific college savings programs;

''(iv) State merit-based financial aid;

''(v) State need-based financial aid; and

''(vi) Federal financial aid available to students, including eligibility criteria for such aid and an explanation of the Federal financial aid programs, such as the Student Guide published by the Department of Education (or any successor to such document).

''(3) COHORTS.—The information described in paragraph (2)(C) shall be provided to 2 cohorts of students annually for the duration of the students' participation in the demonstration program. The 2 cohorts shall consist of—

''(A) 1 cohort of 8th grade students who begin the participation in academic year 2008–2009; and

''(B) 1 cohort of 8th grade students who begin the participation in academic year 2009–2010.

''(4) RESERVATION.—Each State educational agency receiving a grant under this section shall reserve not more than 15 percent of the grant funds received each fiscal year to carry out the targeted information campaign described in this subsection.

''(g) SUPPLEMENT, NOT SUPPLANT.—A State educational agency shall use grant funds received under this section only to supplement the funds that would, in the absence of such funds, be made available from non-Federal sources for students participating in the demonstration program under this section, and not to supplant such funds.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.

**''PART P—HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES**

**''SEC. 886. HENRY KUUALOHA GIUGNI KUPUNA MEMORIAL ARCHIVES.**

''(a) GRANTS AUTHORIZED.—The Secretary is authorized to award a grant to the University of Hawaii Academy for Creative Media for the establishment, maintenance, and periodic modernization of the Henry Kuualoha Giugni Kupuna Memorial Archives at the University of Hawaii.

''(b) USE OF FUNDS.—The Henry Kuualoha Giugni Kupuna Memorial Archives shall use the grant funds received under this section—

''(1) to facilitate the acquisition of a secure web accessible repository of Native Hawaiian historical data rich in ethnic and cultural significance to the United States for preservation and access by future generations;

''(2) to award scholarships to facilitate access to a postsecondary education for students who cannot afford such education;

''(3) to support programmatic efforts associated with the web-based media projects of the archives;

''(4) to create educational materials, from the contents of the archives, that are applicable to a broad range of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians;

''(5) to develop outreach initiatives that introduce the archival collections to elementary schools and secondary schools;

''(6) to develop supplemental web-based resources that define terms and cultural practices innate to Native Hawaiians;

''(7) to rent, lease, purchase, maintain, or repair educational facilities to house the archival collections;

''(8) to rent, lease, purchase, maintain, or repair computer equipment for use by elementary schools and secondary schools in accessing the archival collections;

''(9) to provide pre-service and in-service teacher training to develop a core group of kindergarten through grade 12 teachers who are able to provide instruction in a way that is relevant to the unique background of indigenous students, such as Native Hawaiians, Alaskan Natives, and Native American Indians, in order to—

''(A) facilitate greater understanding by teachers of the unique background of indigenous students; and

''(B) improve student achievement; and

''(10) to increase the economic and financial literacy of postsecondary education students through the dissemination of best practices used at other institutions of higher education regarding debt and credit management and economic decision-making.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

**SEC. 803. STUDENT LOAN CLEARINGHOUSE.**

(a) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall establish 1 or more clearinghouses of information on student loans (including loans under parts B and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.) and private loans, for both undergraduate and graduate students) for use by prospective borrowers or any person desiring information regarding available interest rates and other terms from lenders. Such a clearinghouse shall—

(1) have no affiliation with any institution of higher education or any lender;

(2) accept nothing of value from any lender, guaranty agency, or any entity affiliated with a lender or guaranty agency, except that the clearinghouse may establish a flat fee to be charged to each listed lender, based on the costs necessary to establish and maintain the clearinghouse;

(3) provide information regarding the interest rates, fees, borrower benefits, and any other matter that the Department of Education determines relevant to enable prospective borrowers to select a lender;

(4) provide interest rate information that complies with the Federal Trade Commission guidelines for consumer credit term disclosures; and

(5) be a nonprofit entity.

(b) PUBLICATION OF LIST.—The Secretary of Education shall publish a list of clearinghouses described in subsection (a) on the website of the Department of Education and such list shall be updated not less often than every 90 days.

(c) DISCLOSURE.—Beginning on the date the first clearinghouse described in subsection (a) is established, each institution of higher education that receives Federal assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) and that designates 1 or more lenders as preferred, suggested, or otherwise recommended shall include a standard disclosure developed by the Secretary of Education on all materials that reference such lenders to inform students that the students might find a more attractive loan, with a lower interest rate, by visiting a clearinghouse described in subsection (a).

(d) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on whether students are using a clearinghouse described in subsection (a) to find and secure a student loan. The report shall assess whether students could have received a more attractive loan, one with a lower interest rate or better benefits, by using a clearinghouse described in subsection (a) instead of a preferred lender list.

**SEC. 804. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.**

At the end of title VIII (as added by section 801), add the following:

**''PART Q—MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION**

**''SEC. 890. PURPOSES.**

''The purposes of the program under this part are to—

''(1) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies; and

''(2) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

**''SEC. 891. DEFINITION OF ELIGIBLE INSTITUTION.**

''In this part, the term 'eligible institution' means an institution that is—

''(1) a historically Black college or university that is a part B institution, as defined in section 322;

''(2) a Hispanic-serving institution, as defined in section 502(a);

''(3) a Tribal College or University, as defined in section 316(b);

''(4) an Alaska Native-serving institution, as defined in section 317(b);

''(5) a Native Hawaiian-serving institution, as defined in section 317(b); or

''(6) an institution determined by the Secretary to have enrolled a substantial number of minority, low-income students during the previous academic year who received a Federal Pell Grant for that year.

**''SEC. 892. MINORITY SERVING INSTITUTIONS FOR ADVANCED TECHNOLOGY AND EDUCATION.**

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the activities described in subsection (d).

''(2) GRANT PERIOD.—The Secretary may award a grant to an eligible institution under this part for a period of not more than 5 years.

''(b) APPLICATION AND REVIEW PROCEDURE.—

''(1) IN GENERAL.—To be eligible to receive a grant under this part, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. The application shall include—

''(A) a program of activities for carrying out 1 or more of the purposes described in section 890; and

''(B) such other policies, procedures, and assurances as the Secretary may require by regulation.

''(2) REGULATIONS.—After consultation with appropriate individuals with expertise in technology and education, the Secretary shall establish a procedure by which to accept and review such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

''(3) APPLICATION REVIEW CRITERIA.—The application review criteria used by the Secretary for grants under this part shall include consideration of—

''(A) demonstrated need for assistance under this part; and

''(B) diversity among the types of eligible institutions receiving assistance under this part.

''(c) MATCHING REQUIREMENT.—

''(1) IN GENERAL.—An eligible institution that receives a grant under this part shall agree that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant is awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 25 percent of the amount of the grant awarded by the Secretary, or $500,000, whichever is the lesser amount.

''(2) WAIVER.—The Secretary shall waive the matching requirement for any eligible institution with no endowment, or an endowment that has a current dollar value as of the time of the application of less than $50,000,000.

''(d) USES OF FUNDS.—An eligible institution shall use a grant awarded under this part—

''(1) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure;

''(2) to develop and provide educational services, including faculty development, related to science, technology, engineering, and mathematics;

''(3) to provide teacher preparation and professional development, library and media specialist training, and early childhood educator and teacher aide certification or licensure to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process to improve student achievement;

''(4) to form consortia or collaborative projects with a State, State educational agency, local educational agency, community-based organization, national nonprofit organization, or business, including a minority business, to provide education regarding technology in the classroom;

''(5) to provide professional development in science, technology, engineering, or mathematics to administrators and faculty of eligible institutions with institutional responsibility for technology education;

''(6) to provide capacity-building technical assistance to eligible institutions through remote technical support, technical assistance workshops, distance learning, new technologies, and other technological applications; and

''(7) to foster the use of information communications technology to increase scientific, technological, engineering, and mathematical instruction and research.

''(e) DATA COLLECTION.—An eligible institution that receives a grant under this part shall provide the Secretary with any relevant institutional statistical or demographic data requested by the Secretary.

''(f) INFORMATION DISSEMINATION.—The Secretary shall convene an annual meeting of

eligible institutions receiving grants under this part for the purposes of—

''(1) fostering collaboration and capacity-building activities among eligible institutions; and

''(2) disseminating information and ideas generated by such meetings.

''(g) LIMITATION.—An eligible institution that receives a grant under this part that exceeds $2,500,000 shall not be eligible to receive another grant under this part until every other eligible institution that has applied for a grant under this part has received such a grant.

**''SEC. 893. ANNUAL REPORT AND EVALUATION.**

''(a) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each eligible institution that receives a grant under this part shall provide an annual report to the Secretary on the eligible institution's use of the grant.

''(b) EVALUATION BY SECRETARY.—The Secretary shall—

''(1) review the reports provided under subsection (a) each year; and

''(2) evaluate the program authorized under this part on the basis of those reports every 2 years.

''(c) CONTENTS OF EVALUATION.—The Secretary, in the evaluation under subsection (b), shall—

''(1) describe the activities undertaken by the eligible institutions that receive grants under this part; and

''(2) assess the short-range and long-range impact of activities carried out under the grant on the students, faculty, and staff of the institutions.

''(d) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of the Higher Education Amendments of 2007, the Secretary shall submit a report on the program supported under this part to the authorizing committees that shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.

**''SEC. 894. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

## TITLE IX—AMENDMENTS TO OTHER LAWS

## PART A—EDUCATION OF THE DEAF ACT OF 1986

**SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION CENTER.**

Section 104 of the Education of the Deaf Act of 1986 (20 U.S.C. 4304) is amended—

(1) by striking the section heading and inserting **LAURENT CLERC NATIONAL DEAF EDUCATION CENTER**'';

(2) in subsection (a)(1)(A), by inserting ''the Laurent Clerc National Deaf Education Center (referred to in this section as the 'Clerc Center') to carry out'' after ''maintain and operate''; and

(3) in subsection (b)—

(A) in the matter preceding subparagraph (A) of paragraph (1), by striking ''elementary and secondary education programs'' and inserting ''Clerc Center'';

(B) in paragraph (2), by striking ''elementary and secondary education programs'' and inserting ''Clerc Center''; and

(C) by adding at the end the following:

''(5) The University, for purposes of the elementary and secondary education programs carried out at the Clerc Center, shall—

''(A)(i) select challenging academic content standards, challenging student academic achievement standards, and academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (3) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1) and (3)) and approved by the Secretary; and

''(ii) implement such standards and assessments for such programs by not later than the beginning of the 2009–2010 academic year;

''(B) annually determine whether such programs at the Clerc Center are making adequate yearly progress, as determined according to the definition of adequate yearly progress defined (pursuant to section 1111(b)(2)(C) of such Act (20 U.S.C. 6311(b)(2)(C))) by the State that has adopted and implemented the standards and assessments selected under subparagraph (A)(i); and

''(C) publicly report the results of the academic assessments implemented under subparagraph (A) and whether the programs at the Clerc Center are making adequate yearly progress, as determined under subparagraph (B).''.

**SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.**

Section 105(b)(4) of the Education of the Deaf Act of 1986 (20 U.S.C. 4305(b)(4)) is amended—

(1) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(2) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

**SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.**

Section 112 of the Education of the Deaf Act of 1986 (20 U.S.C. 4332) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking ''an institution of higher education'' and inserting ''the Rochester Institute of Technology, Rochester, New York''; and

(II) by striking ''of a'' and inserting ''of the''; and

(ii) by striking the second sentence;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) If, pursuant to the agreement established under paragraph (1), either the Secretary or the Rochester Institute of Technology terminates the agreement, the Secretary shall consider proposals from other institutions of higher education and enter into an agreement with one of those institutions for the establishment and operation of a National Technical Institution for the Deaf.''; and

(2) in subsection (b)—

(A) in paragraph (3), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''; and

(B) in paragraph (5)—

(i) by striking ''the Act of March 3, 1931 (40 U.S.C. 276a–276a–5) commonly referred to as the Davis-Bacon Act'' and inserting ''subchapter IV of chapter 31 of title 40, United States Code, commonly referred to as the Davis-Bacon Act''; and

(ii) by striking ''section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)'' and inserting ''section 3145 of title 40, United States Code''.

**SEC. 904. CULTURAL EXPERIENCES GRANTS.**

(a) CULTURAL EXPERIENCES GRANTS.—Title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end the following:

### ''PART C—OTHER PROGRAMS

**''SEC. 121. CULTURAL EXPERIENCES GRANTS.**

''(a) IN GENERAL.—The Secretary shall, on a competitive basis, make grants to, and enter into contracts and cooperative agreements with, eligible entities to support the activities described in subsection (b).

''(b) ACTIVITIES.—In carrying out this section, the Secretary shall support activities providing cultural experiences, through appropriate nonprofit organizations with a demonstrated proficiency in providing such activities, that—

''(1) enrich the lives of deaf and hard-of-hearing children and adults;

''(2) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf and hard-of-hearing persons; or

''(3) promote the integration of hearing, deaf, and hard-of-hearing persons through shared cultural, educational, and social experiences.

''(c) APPLICATIONS.—An eligible entity that desires to receive a grant, or enter into a contract or cooperative agreement, under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

(b) CONFORMING AMENDMENT.—The title heading of title I of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.) is amended by adding at the end ''; OTHER PROGRAMS''.

**SEC. 905. AUDIT.**

Section 203 of the Education of the Deaf Act of 1986 (20 U.S.C. 4353) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''sections'' and all that follows through the period and inserting ''sections 102(b), 105(b)(4), 112(b)(5), 203(c), 207(b)(2), subsections (c) through (f) of section 207, and subsections (b) and (c) of section 209.''; and

(B) in paragraph (3), by inserting ''and the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate'' after ''Secretary''; and

(2) in subsection (c)(2)(A), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate''.

**SEC. 906. REPORTS.**

Section 204 of the Education of the Deaf Act of 1986 (20 U.S.C. 4354) is amended—

(1) in the matter preceding paragraph (1), by striking ''Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Health, Education, Labor, and Pensions of the Senate'';

(2) in paragraph (1), by striking ''preparatory,'';

(3) in paragraph (2)(C), by striking ''upon graduation/completion'' and inserting ''on the date that is 1 year after the date of graduation or completion''; and

(4) in paragraph (3)(B), by striking ''of the institution of higher education'' and all that follows through the period and inserting ''of NTID programs and activities.''.

**SEC. 907. MONITORING, EVALUATION, AND REPORTING.**

Section 205 of the Education of the Deaf Act of 1986 (20 U.S.C. 4355) is amended—

(1) in subsection (b), by striking ''The Secretary, as part of the annual report required under section 426 of the Department of Education Organization Act, shall include a description of'' and inserting ''The Secretary shall annually transmit information to Congress on''; and

(2) in subsection (c), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''.

**SEC. 908. LIAISON FOR EDUCATIONAL PROGRAMS.**

Section 206(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4356(a)) is amended by striking ''Not later than 30 days after the date of enactment of this Act, the'' and inserting ''The''.

**SEC. 909. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.**

Section 207(h) of the Education of the Deaf Act of 1986 (20 U.S.C. 4357(h)) is amended by striking ''fiscal years 1998 through 2003'' each place it appears and inserting ''fiscal years 2008 through 2013''.

**SEC. 910. OVERSIGHT AND EFFECT OF AGREEMENTS.**

Section 208(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359(a)) is amended by striking ''Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives'' and inserting ''Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate''.

**SEC. 911. INTERNATIONAL STUDENTS.**

Section 209 of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a) is amended—

(1) in subsection (a)—

(A) by striking ''preparatory, undergraduate,'' and inserting ''undergraduate'';

(B) by striking ''Effective with'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), effective with''; and

(C) by adding at the end the following:

''(2) DISTANCE LEARNING.—International students who participate in distance learning courses that are at NTID or the University and who are residing outside of the United States shall—

''(A) not be counted as international students for purposes of the cap on international students under paragraph (1), except that in any school year no United States citizen who applies to participate in distance learning courses that are at the University or NTID shall be denied participation in such courses because of the participation of an international student in such courses; and

''(B) not be charged a tuition surcharge, as described in subsection (b).''; and

(2) by striking subsections (b), (c), and (d), and inserting the following:

''(b) TUITION SURCHARGE.—Except as provided in subsections (a)(2)(B) and (c), the tuition for postsecondary international students enrolled in the University (including undergraduate and graduate students) or NTID shall include, for academic year 2008–2009 and any succeeding academic year, a surcharge of—

''(1) 100 percent for a postsecondary international student from a non-developing country; and

''(2) 50 percent for a postsecondary international student from a developing country.

''(c) REDUCTION OF SURCHARGE.—

''(1) IN GENERAL.—Beginning with the academic year 2008–2009, the University or NTID may reduce the surcharge—

''(A) under subsection (b)(1) from 100 percent to not less than 50 percent if—

''(i) a student described under subsection (b)(1) demonstrates need; and

''(ii) such student has made a good faith effort to secure aid through such student's government or other sources; and

''(B) under subsection (b)(2) from 50 percent to not less than 25 percent if—

''(i) a student described under subsection (b)(2) demonstrates need; and

''(ii) such student has made a good faith effort to secure aid through such student's government or other sources.

''(2) DEVELOPMENT OF SLIDING SCALE.—The University and NTID shall develop a sliding scale model that—

''(A) will be used to determine the amount of a tuition surcharge reduction pursuant to paragraph (1); and

''(B) shall be approved by the Secretary.

''(d) DEFINITION.—In this section, the term 'developing country' means a country with a per-capita income of not more than $4,825, measured in 1999 United States dollars, as adjusted by the Secretary to reflect inflation since 1999.''.

**SEC. 912. RESEARCH PRIORITIES.**

Section 210(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359b(b)) is amended by striking ''Committee on Education and the Workforce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate'' and inserting ''Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate''.

**SEC. 913. AUTHORIZATION OF APPROPRIATIONS.**

Section 212 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360a) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''; and

(2) in subsection (b), by striking ''fiscal years 1998 through 2003'' and inserting ''fiscal years 2008 through 2013''.

## PART B—UNITED STATES INSTITUTE OF PEACE ACT

**SEC. 921. UNITED STATES INSTITUTE OF PEACE ACT.**

(a) POWERS AND DUTIES.—Section 1705(b)(3) of the United States Institute of Peace Act (22 U.S.C. 4604(b)(3)) is amended by striking ''the Arms Control and Disarmament Agency,''.

(b) BOARD OF DIRECTORS.—Section 1706 of the United States Institute of Peace Act (22 U.S.C. 4605) is amended—

(1) by striking ''(b)(5)'' each place the term appears and inserting ''(b)(4)''; and

(2) in subsection (e), by adding at the end the following:

''(5) The term of a member of the Board shall not commence until the member is confirmed by the Senate and sworn in as a member of the Board.''.

(c) FUNDING.—Section 1710 of the United States Institute of Peace Act (22 U.S.C. 4609) is amended—

(1) by striking ''to be appropriated'' and all that follows through the period at the end and inserting ''to be appropriated such sums as may be necessary for fiscal years 2008 through 2013.''; and

(2) by adding at the end the following:

''(d) EXTENSION.—Any authorization of appropriations made for the purposes of carrying out this title shall be extended in the same manner as applicable programs are extended under section 422 of the General Education Provisions Act.''.

## PART C—THE HIGHER EDUCATION AMENDMENTS OF 1998

**SEC. 931. REPEALS.**

The following provisions of title VIII of the Higher Education Amendments of 1998 (Public Law 105–244) are repealed:

(1) Part A.

(2) Part C (20 U.S.C. 1070 note).

(3) Part F (20 U.S.C. 1862 note).

(4) Part J.

(5) Section 861.

(6) Section 863.

**SEC. 932. GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.**

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

**''SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.**

''(a) DEFINITION.—In this section, the term 'youth offender' means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

''(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the 'Secretary')—

''(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allocations for the States under subsection (h), to assist and encourage youth offenders to acquire functional literacy, life, and job skills, through—

''(A) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree while in prison; and

''(B) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

''(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

''(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that—

''(1) identifies the scope of the problem, including the number of youth offenders in need of postsecondary education and vocational training;

''(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

''(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

''(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

''(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

''(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

''(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

''(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

''(iii) attainment of employment both prior to and subsequent to release;

''(iv) success in employment indicated by job retention and advancement; and

''(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

''(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and vocational training) and State industry programs;

''(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section; and

''(7) describes how students will be selected so that only youth offenders eligible under subsection (e) will be enrolled in postsecondary programs.

''(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

''(1) annually report to the Secretary regarding—

''(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

''(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2); and

''(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4) as necessary to document the attainment of project performance objectives; and

''(2) provide to each State for each student eligible under subsection (e) not more than—

''(A) $3,000 annually for tuition, books, and essential materials; and

''(B) $300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education.

''(e) STUDENT ELIGIBILITY.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

''(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time);

''(2) is 35 years of age or younger; and

''(3) has not been convicted of—

''(A) a 'criminal offense against a victim who is a minor' or a 'sexually violent offense', as such terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071 et seq.); or

''(B) murder, as described in section 1111 of title 18, United States Code.

''(f) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma or its recognized equivalent. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than 1 year after release from confinement.

''(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

''(h) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2008 through 2013.''.

**SEC. 933. UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL PROGRAM.**

Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by striking ''this section'' and all that follows through the period at the end and inserting ''this section such sums as may be necessary for fiscal years 2008 through 2013.''.

**SEC. 934. OLYMPIC SCHOLARSHIPS UNDER THE HIGHER EDUCATION AMENDMENTS OF 1992.**

Section 1543(d) of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note) is amended by striking ''to be appropriated'' and all that follows through the period at the end and inserting ''to be appropriated such sums as may be necessary for fiscal years 2008 through 2013.''.

## PART D—INDIAN EDUCATION

### Subpart 1—Tribal Colleges and Universities

**SEC. 941. REAUTHORIZATION OF THE TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY ASSISTANCE ACT OF 1978.**

(a) CLARIFICATION OF THE DEFINITION OF NATIONAL INDIAN ORGANIZATION.—Section 2(a)(6) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(6)) is amended by striking ''in the field of Indian education'' and inserting ''in the fields of tribally controlled colleges and universities and Indian higher education''.

(b) INDIAN STUDENT COUNT.—Section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) 'Indian student' means a student who is—

''(A) a member of an Indian tribe; or

''(B) a biological child of a member of an Indian tribe, living or deceased;''.

(c) CONTINUING EDUCATION.—Section 2(b) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''paragraph (7) of subsection (a)'' and inserting ''subsection (a)(8)'';

(2) by striking paragraph (5) and inserting the following:

''(5) DETERMINATION OF CREDITS.—Eligible credits earned in a continuing education program—

''(A) shall be determined as 1 credit for every 10 contact hours in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester system, of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction, as described in the criteria established by the International Association for Continuing Education and Training; and

''(B) shall be limited to 10 percent of the Indian student count of a tribally controlled college or university.''; and

(3) by striking paragraph (6).

(d) ACCREDITATION REQUIREMENT.—Section 103 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1804) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (3), the following:

''(4)(A) is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority with regard to the quality of training offered; or

''(B) according to such an agency or association, is making reasonable progress toward accreditation.''.

(e) TECHNICAL ASSISTANCE CONTRACTS.—Section 105 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1805) is amended—

(1) by striking the section designation and heading and all that follows through ''The Secretary shall'' and inserting the following:

**''SEC. 105. TECHNICAL ASSISTANCE CONTRACTS.**

''(a) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall'';

(2) in the second sentence, by striking ''In the awarding of contracts for technical assistance, preference shall be given'' and inserting the following:

''(2) DESIGNATED ORGANIZATION.—The Secretary shall require that a contract for technical assistance under paragraph (1) shall be awarded''; and

(3) in the third sentence, by striking ''No authority'' and inserting the following:

''(b) EFFECT OF SECTION.—No authority''.

(f) AMOUNT OF GRANTS.—Section 108(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1808(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(2) by striking ''(a) Except as provided in section 111,'' and inserting the following:

''(a) REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and section 111,'';

(3) in paragraph (1) (as redesignated by paragraphs (1) and (2))—

(A) in the matter preceding subparagraph (A) (as redesignated by paragraph (1))—

(i) by striking ''him'' and inserting ''the Secretary''; and

(ii) by striking ''product of'' and inserting ''product obtained by multiplying'';

(B) in subparagraph (A) (as redesignated by paragraph (1)), by striking ''section 2(a)(7)'' and inserting ''section 2(a)(8)''; and

(C) in subparagraph (B) (as redesignated by paragraph (1)), by striking ''$6,000,'' and inserting ''$8,000, as adjusted annually for inflation.''; and

(4) by striking ''except that no grant shall exceed the total cost of the education program provided by such college or university.'' and inserting the following:

''(2) EXCEPTION.—The amount of a grant under paragraph (1) shall not exceed an amount equal to the total cost of the education program provided by the applicable tribally controlled college or university.''.

(g) GENERAL PROVISIONS REAUTHORIZATION.—Section 110(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

(1) in paragraphs (1), (2), (3), and (4), by striking ''1999'' and inserting ''2008'';

(2) in paragraphs (1), (2), and (3), by striking ''4 succeeding'' and inserting ''5 succeeding'';

(3) in paragraph (2), by striking ''$40,000,000'' and inserting ''such sums as may be necessary'';

(4) in paragraph (3), by striking ''$10,000,000'' and inserting ''such sums as may be necessary''; and

(5) in paragraph (4), by striking ''succeeding 4'' and inserting ''5 succeeding''.

(h) ENDOWMENT PROGRAM REAUTHORIZATION.—Section 306(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1836(a)) is amended—

(1) by striking ''1999'' and inserting ''2008''; and

(2) by striking ''4 succeeding'' and inserting ''5 succeeding''.

(i) TRIBAL ECONOMIC DEVELOPMENT REAUTHORIZATION.—Section 403 of the Tribal Economic Development and Technology Related Education Assistance Act of 1990 (25 U.S.C. 1852) is amended—

(1) by striking ''$2,000,000 for fiscal year 1999'' and inserting ''such sums as may be necessary for fiscal year 2008''; and

(2) by striking ''4 succeeding'' and inserting ''5 succeeding''.

(j) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.—

(1) IN GENERAL.—The Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) is amended by adding at the end the following:

**"Subtitle V—Tribally Controlled Postsecondary Career and Technical Institutions**

**"SEC. 501. DEFINITION OF TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION.**

''In this title, the term 'tribally controlled postsecondary career and technical institution' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

**"SEC. 502. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS PROGRAM.**

''(a) IN GENERAL.—Subject to the availability of appropriations, for fiscal year 2008 and each fiscal year thereafter, the Secretary shall—

''(1) subject to subsection (b), select 2 tribally controlled postsecondary career and technical institutions to receive assistance under this title; and

''(2) provide funding to the selected tribally controlled postsecondary career and technical institutions to pay the costs (including institutional support costs) of operating postsecondary career and technical education programs for Indian students at the tribally controlled postsecondary career and technical institutions.

''(b) SELECTION OF CERTAIN INSTITUTIONS.—

''(1) REQUIREMENT.—For each fiscal year during which the Secretary determines that a tribally controlled postsecondary career and technical institution described in paragraph (2) meets the definition referred to in section 501, the Secretary shall select that tribally controlled postsecondary career and technical institution under subsection (a)(1) to receive funding under this section.

''(2) INSTITUTIONS.—The 2 tribally controlled postsecondary career and technical institutions referred to in paragraph (1) are—

''(A) the United Tribes Technical College; and

''(B) the Navajo Technical College.

''(c) METHOD OF PAYMENT.—For each applicable fiscal year, the Secretary shall provide funding under this section to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) in a lump sum payment for the fiscal year.

''(d) DISTRIBUTION.—

''(1) IN GENERAL.—For fiscal year 2009 and each fiscal year thereafter, of amounts made available pursuant to section 504, the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for the fiscal year under subsection (a)(1) an amount equal to the greater of—

''(A) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2006; or

''(B) the total amount appropriated for the tribally controlled postsecondary career and technical institution for fiscal year 2008.

''(2) EXCESS AMOUNTS.—If, for any fiscal year, the amount made available pursuant to section 504 exceeds the sum of the amounts required to be distributed under paragraph (1) to the tribally controlled postsecondary career and technical institutions selected for the fiscal year under subsection (a)(1), the Secretary shall distribute to each tribally controlled postsecondary career and technical institution selected for that fiscal year a portion of the excess amount, to be determined by—

''(A) dividing the excess amount by the aggregate Indian student count (as defined in section 117(h) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327(h)) of such institutions for the prior academic year; and

''(B) multiplying the quotient described in subparagraph (A) by the Indian student count of each such institution for the prior academic year.

**"SEC. 503. APPLICABILITY OF OTHER LAWS.**

''(a) IN GENERAL.—Paragraphs (4) and (7) of subsection (a), and subsection (b), of section 2, sections 105, 108, 111, 112 and 113, and titles II, III, and IV shall not apply to this title.

''(b) INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE.—Funds made available pursuant to this title shall be subject to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

''(c) ELECTION TO RECEIVE.—A tribally controlled postsecondary career and technical institution selected for a fiscal year under section 502(b) may elect to receive funds pursuant to section 502 in accordance with an agreement between the tribally controlled postsecondary career and technical institution and the Secretary under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) if the agreement is in existence on the date of enactment of the Higher Education Amendments of 2007.

''(d) OTHER ASSISTANCE.—Eligibility for, or receipt of, assistance under this title shall not preclude the eligibility of a tribally controlled postsecondary career and technical institutions to receive Federal financial assistance under—

''(1) any program under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

''(2) any program under the Carl D. Perkins Career and Technical Education Act of 2006; or

''(3) any other applicable program under which a benefit is provided for—

''(A) institutions of higher education;

''(B) community colleges; or

''(C) postsecondary educational institutions.

**"SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated such sums as are necessary for fiscal year 2008 and each fiscal year thereafter to carry out this title.''.

(2) CONFORMING AMENDMENTS.—Section 117 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327) is amended—

(A) by striking subsection (a) and inserting the following:

''(a) GRANT PROGRAM.—Subject to the availability of appropriations, the Secretary shall make grants under this section, to provide basic support for the education and training of Indian students, to tribally controlled postsecondary career and technical institutions that are not receiving Federal assistance as of the date on which the grant is provided under—

''(1) title I of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1802 et seq.); or

''(2) the Navajo Community College Act (25 U.S.C. 640a et seq.).''; and

(B) by striking subsection (d) and inserting the following:

''(d) APPLICATIONS.—To be eligible to receive a grant under this section, a tribally controlled postsecondary career and technical institution that is not receiving Federal assistance under title I of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1802 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.''.

(k) SHORT TITLE.—

(1) IN GENERAL.—The first section of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 note; Public Law 95–471) is amended to read as follows:

**"SECTION 1. SHORT TITLE.**

''This Act may be cited as the 'Tribally Controlled Colleges and Universities Assistance Act of 1978'.''.

(2) REFERENCES.—Any reference in law (including regulations) to the Tribally Controlled College or University Assistance Act of 1978 shall be considered to be a reference to the ''Tribally Controlled Colleges and Universities Assistance Act of 1978''.

**Subpart 2—Navajo Higher Education**

**SEC. 945. SHORT TITLE.**

This subpart may be cited as the ''Navajo Nation Higher Education Act of 2006''.

**SEC. 946. REAUTHORIZATION OF NAVAJO COMMUNITY COLLEGE ACT.**

(a) PURPOSE.—Section 2 of the Navajo Community College Act (25 U.S.C. 640a) is amended—

(1) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(2) by striking ''the Navajo Community College'' and inserting ''Diné College''.

(b) GRANTS.—Section 3 of the Navajo Community College Act (25 U.S.C. 640b) is amended—

(1) in the first sentence—

(A) by inserting ''the'' before ''Interior'';

(B) by striking ''Navajo Tribe of Indians'' and inserting ''Navajo Nation''; and

(C) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(2) in the second sentence—

(A) by striking ''Navajo Tribe'' and inserting ''Navajo Nation''; and

(B) by striking ''Navajo Indians'' and inserting ''Navajo people''.

(c) STUDY OF FACILITIES NEEDS.—Section 4 of the Navajo Community College Act (25 U.S.C. 640c) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking ''the Navajo Community College'' and inserting ''Dine College''; and

(ii) by striking ''August 1, 1979'' and inserting ''October 31, 2010''; and

(B) in the second sentence, by striking ''Navajo Tribe'' and inserting ''Navajo Nation'';

(2) in subsection (b), by striking ''the date of enactment of the Tribally Controlled Community College Assistance Act of 1978'' and inserting ''October 1, 2007''; and

(3) in subsection (c), in the first sentence, by striking ''the Navajo Community College'' and inserting ''Diné College''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 5 of the Navajo Community College Act (25 U.S.C. 640c–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$2,000,000'' and all that follows through the end of the paragraph and inserting ''such sums as are necessary for fiscal years 2008 through 2013.''; and

(B) by adding at the end the following:

''(3) Sums described in paragraph (2) shall be used to provide grants for construction activities, including the construction of buildings, water and sewer facilities, roads, information technology and telecommunications infrastructure, classrooms, and external structures (such as walkways).'';

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''the Navajo Community College'' and inserting ''Diné College''; and

(ii) by striking '', for each fiscal year'' and all that follows through ''for—'' and inserting ''such sums as are necessary for fiscal years 2008 through 2013 to pay the cost of—'';

(B) in subparagraph (A)—

(i) by striking ''college'' and inserting ''College'';

(ii) in clauses (i) and (iii), by striking the commas at the ends of the clauses and inserting semicolons; and

(iii) in clause (ii), by striking ''; and'' at the end and inserting ''; and'';

(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;

(D) in subparagraph (C), by striking ''; and'' at the end and inserting a semicolon;

(E) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(E) improving and expanding the College, including by providing, for the Navajo people and others in the community of the College—

''(i) higher education programs;

''(ii) career and technical education;

''(iii) activities relating to the preservation and protection of the Navajo language, philosophy, and culture;

''(iv) employment and training opportunities;

''(v) economic development and community outreach; and

''(vi) a safe learning, working, and living environment.''; and

(3) in subsection (c), by striking ''the Navajo Community College'' and inserting ''Diné College''.

(e) EFFECT ON OTHER LAWS.—Section 6 of the Navajo Community College Act (25 U.S.C. 640c–2) is amended—

(1) by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''; and

(2) in subsection (b), by striking ''college'' and inserting ''College''.

(f) PAYMENTS; INTEREST.—Section 7 of the Navajo Community College Act (25 U.S.C. 640c–3) is amended by striking ''the Navajo Community College'' each place it appears and inserting ''Diné College''.

**''SEC. 428L. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.**

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

''(b) DEFINITIONS.—In this section:

''(1) CIVIL LEGAL ASSISTANCE ATTORNEY.—The term 'civil legal assistance attorney' means an attorney who—

''(A) is a full-time employee of a nonprofit organization that provides legal assistance with respect to civil matters to low-income individuals without a fee;

''(B) as such employee, provides civil legal assistance as described in subparagraph (A) on a full-time basis; and

''(C) is continually licensed to practice law.

''(2) STUDENT LOAN.—The term 'student loan' means—

''(A) subject to subparagraph (B), a loan made, insured, or guaranteed under part B, D, or E of this title; and

''(B) a loan made under section 428C or 455(g), to the extent that such loan was used to repay—

''(i) a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan;

''(ii) a loan made under section 428, 428B, or 428H; or

''(iii) a loan made under part E.

''(c) PROGRAM AUTHORIZED.—The Secretary shall carry out a program of assuming the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a civil legal assistance attorney; and

''(2) is not in default on a loan for which the borrower seeks repayment.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement with the Secretary that specifies that—

''(A) the borrower will remain employed as a civil legal assistance attorney for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Secretary the amount of any benefits received by such employee under this agreement;

''(C) if the borrower is required to repay an amount to the Secretary under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Secretary may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Secretary shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Secretary under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Secretary in an agreement under paragraph (1), except that the amount paid by the Secretary under this section shall not exceed—

''(i) $6,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $40,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Secretary to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Secretary entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Secretary may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a civil legal assistance attorney for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Secretary shall provide repayment benefits under this section on a first-come, first-served basis, and subject to the availability of appropriations.

''(2) PRIORITY.—The Secretary shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) has practiced law for 5 years or less and, for at least 90 percent of the time in such practice, has served as a civil legal assistance attorney;

''(B) received repayment benefits under this section during the preceding fiscal year; and

''(C) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

## PART E—OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

**SEC. 951. SHORT TITLE.**

This part may be cited as the ''John R. Justice Prosecutors and Defenders Incentive Act of 2007''.

**SEC. 952. LOAN REPAYMENT FOR PROSECUTORS AND DEFENDERS.**

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part II (42 U.S.C. 3797cc et seq.) the following:

## ''PART JJ—LOAN REPAYMENT FOR PROSECUTORS AND PUBLIC DEFENDERS

**''SEC. 3001. GRANT AUTHORIZATION.**

''(a) PURPOSE.—The purpose of this section is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders.

''(b) DEFINITIONS.—In this section:

''(1) PROSECUTOR.—The term 'prosecutor' means a full-time employee of a State or local agency who—

''(A) is continually licensed to practice law; and

''(B) prosecutes criminal or juvenile delinquency cases at the State or local level (including supervision, education, or training of other persons prosecuting such cases).

''(2) PUBLIC DEFENDER.—The term 'public defender' means an attorney who—

''(A) is continually licensed to practice law; and

''(B) is—

''(i) a full-time employee of a State or local agency who provides legal representation to indigent persons in criminal or juvenile delinquency cases (including supervision, education, or training of other persons providing such representation);

''(ii) a full-time employee of a nonprofit organization operating under a contract with a State or unit of local government, who devotes substantially all of his or her full-time employment to providing legal representation to indigent persons in criminal or juvenile delinquency cases, (including supervision, education, or training of other persons providing such representation); or

''(iii) employed as a full-time Federal defender attorney in a defender organization established pursuant to subsection (g) of section 3006A of title 18, United States Code, that provides legal representation to indigent persons in criminal or juvenile delinquency cases.

''(3) STUDENT LOAN.—The term 'student loan' means—

''(A) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

''(B) a loan made under part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq. and 1087aa et seq.); and

''(C) a loan made under section 428C or 455(g) of the Higher Education Act of 1965 (20

U.S.C. 1078–3 and 1087e(g)) to the extent that such loan was used to repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a loan made under section 428 or 428H of such Act.

''(c) PROGRAM AUTHORIZED.—The Attorney General shall establish a program by which the Department of Justice shall assume the obligation to repay a student loan, by direct payments on behalf of a borrower to the holder of such loan, in accordance with subsection (d), for any borrower who—

''(1) is employed as a prosecutor or public defender; and

''(2) is not in default on a loan for which the borrower seeks forgiveness.

''(d) TERMS OF AGREEMENT.—

''(1) IN GENERAL.—To be eligible to receive repayment benefits under subsection (c), a borrower shall enter into a written agreement that specifies that—

''(A) the borrower will remain employed as a prosecutor or public defender for a required period of service of not less than 3 years, unless involuntarily separated from that employment;

''(B) if the borrower is involuntarily separated from employment on account of misconduct, or voluntarily separates from employment, before the end of the period specified in the agreement, the borrower will repay the Attorney General the amount of any benefits received by such employee under this section;

''(C) if the borrower is required to repay an amount to the Attorney General under subparagraph (B) and fails to repay such amount, a sum equal to that amount shall be recoverable by the Federal Government from the employee (or such employee's estate, if applicable) by such methods as are provided by law for the recovery of amounts owed to the Federal Government;

''(D) the Attorney General may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest; and

''(E) the Attorney General shall make student loan payments under this section for the period of the agreement, subject to the availability of appropriations.

''(2) REPAYMENTS.—

''(A) IN GENERAL.—Any amount repaid by, or recovered from, an individual or the estate of an individual under this subsection shall be credited to the appropriation account from which the amount involved was originally paid.

''(B) MERGER.—Any amount credited under subparagraph (A) shall be merged with other sums in such account and shall be available for the same purposes and period, and subject to the same limitations, if any, as the sums with which the amount was merged.

''(3) LIMITATIONS.—

''(A) STUDENT LOAN PAYMENT AMOUNT.—Student loan repayments made by the Attorney General under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed upon by the borrower and the Attorney General in an agreement under paragraph (1), except that the amount paid by the Attorney General under this section shall not exceed—

''(i) $10,000 for any borrower in any calendar year; or

''(ii) an aggregate total of $60,000 in the case of any borrower.

''(B) BEGINNING OF PAYMENTS.—Nothing in this section shall authorize the Attorney General to pay any amount to reimburse a borrower for any repayments made by such borrower prior to the date on which the Attorney General entered into an agreement with the borrower under this subsection.

''(e) ADDITIONAL AGREEMENTS.—

''(1) IN GENERAL.—On completion of the required period of service under an agreement under subsection (d), the borrower and the Attorney General may, subject to paragraph (2), enter into an additional agreement in accordance with subsection (d).

''(2) TERM.—An agreement entered into under paragraph (1) may require the borrower to remain employed as a prosecutor or public defender for less than 3 years.

''(f) AWARD BASIS; PRIORITY.—

''(1) AWARD BASIS.—Subject to paragraph (2), the Attorney General shall provide repayment benefits under this section—

''(A) giving priority to borrowers who have the least ability to repay their loans, except that the Attorney General shall determine a fair allocation of repayment benefits among prosecutors and public defenders, and among employing entities nationwide; and

''(B) subject to the availability of appropriations.

''(2) PRIORITY.—The Attorney General shall give priority in providing repayment benefits under this section in any fiscal year to a borrower who—

''(A) received repayment benefits under this section during the preceding fiscal year; and

''(B) has completed less than 3 years of the first required period of service specified for the borrower in an agreement entered into under subsection (d).

''(g) REGULATIONS.—The Attorney General is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(h) STUDY.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall study and report to Congress on the impact of law school accreditation requirements and other factors on law school costs and access, including the impact of such requirements on racial and ethnic minorities.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2008 and such sums as may be necessary for each succeeding fiscal year.''.

## TO AMEND U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of S. 1716 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

The bill (S. 1716) to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

There being no objection, the Senate proceeded to consider the bill.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1716) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1716

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

**SECTION 1. CONTRACT WAIVER.**

The U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 112) is amended by striking section 9012.

## TO AMEND TITLE 4, UNITED STATES CODE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1877, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1877) to amend title 4, United States Code, to prescribe that members of the Armed Forces and veterans out of uniform may render the military salute during hoisting, lowering, or passing of flag.

There being no objection, the Senate proceeded to consider the bill.

Mrs. MURRAY. Mr. President, I ask unanimous consent 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. Without objection, it is so ordered.

The bill (S. 1877) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1877

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

**SECTION 1. CONDUCT BY MEMBERS OF THE ARMED FORCES AND VETERANS OUT OF UNIFORM DURING HOISTING, LOWERING, OR PASSING OF FLAG.**

Section 9 of title 4, United States Code, is amended by striking ''all persons present'' and all that follows through the end and inserting ''those present in uniform should render the military salute. Members of the Armed Forces and veterans who are present but not in uniform may render the military salute. All other persons present should face the flag and stand at attention with their right hand over the heart, or if applicable, remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Citizens of other countries should stand at attention. All such conduct toward the flag in a moving column should be rendered at the moment the flag passes.''.

## AUTHORIZING PRINTING OF BROCHURE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H. Con. Res. 190, just received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 190) authorizing printing of the brochure entitled

''How Our Laws Are Made'', the document-sized, annotated version of the United States Constitution, and the pocket version of the United States Constitution.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 190) was agreed to.

## ORDERS FOR THURSDAY, JULY 26, 2007

Mrs. MURRAY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, July 26; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final portion; that at the close of morning business, the Senate resume consideration of H.R. 2638.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. MURRAY. If there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:11 p.m., adjourned until Thursday, July 26, 2007, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate July 25, 2007:

### DEPARTMENT OF STATE

HARRY K. THOMAS, JR., OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE GEORGE MCDADE STAPLES.

JAMES D. MCGEE, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

VINCENT OBSITNIK, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

### IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

*To be lieutenant*

KRISTINE B. NEELEY, 0000

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

GEN. KEVIN P. CHILTON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. DAVID A. DEPTULA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. CLAUDE R. KEHLER, 0000

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. KENNETH W. HUNZEKER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. R. STEVEN WHITCOMB, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. JAMES D. THURMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

GEN. JAMES J. LOVELACE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. CARTER F. HAM, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES 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. LAWRENCE A. HASKINS, 0000

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. RICHARD K. GALLAGHER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. ROBERT T. MOELLER, 0000

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

DAMION T. GOTTLIEB, 0000

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

*To be lieutenant colonel*

FRANCIS E. LOWE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

LISTA M. BENSON, 0000
ALLISON W. BOWDEN, 0000
MARLA D. BUCKLES, 0000
LILLY B. CHRISMAN, 0000
LESLIE M. CLARAVALL, 0000
RICHARD H. EAVES, 0000
JOYCELYN ELAIHO, 0000
BETH A. EWING, 0000
JOHN R. EWING, 0000
KATRINA A. GLAVANHEISE, 0000
JANE C. HENDRICKSVESEL, 0000
MARK S. HOLLAND, 0000
JUDITH A. HUGHES, 0000
BARBARA A. JONES, 0000
ANDREW J. JORGENSEN, 0000
KAREN M. KINNE, 0000
CATHERINE F. MATTIE, 0000
CORINNE O. NAUGHTON, 0000
WILLIAM R. OSBORNE, 0000
BEVERLY J. SMITH, 0000
ROBIN E. SQUELLATI, 0000
CECELIA W. SUTTON, 0000
SANDRA C. TYNES, 0000
ROSEANNE C. WARNER, 0000
KAREN L. WEIS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

KEVIN C. BLAKLEY, 0000
ROBERT V. BOWERSOX, 0000
MARK E. BUTLER, 0000
STEVEN C. CABERTO, 0000
ROBERT J. CAMPBELL, 0000
JOHN L. CHITWOOD, 0000
SCOTT E. CORCORAN, 0000
DALE A. FERGUSON, 0000
LAWRENCE K. HARRINGTON, 0000
DONALD C. HICKMAN, 0000
SCOTT R. MARRS, 0000
PARKER P. PLANTE, 0000
BRYAN E. RAMSTACK, 0000
MARTHA A. STOKES, 0000
FRED P. STONE, 0000
TERRY L. STOTLER, 0000
ROBERT A. TETLA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

ROBERT K. ABERNATHY, 0000
DONALD R. ADAMS, JR., 0000
DAVID J. ALCORN, 0000
PATRICK R. ALLEN, 0000
RANDY S. ALLEN, 0000
KENNETH ALLISON, 0000
JAMES L. ANDERSEN, 0000
DAVID M. ANDERSON, 0000
DEAN J. ANDERSON, 0000
DOUGLAS P. ANDERSON, 0000
KEVIN J. ANDERSON, 0000
JOHN L. ARMANTROUT, 0000
ROBERT G. ARMFIELD, 0000
MERRILL F. ARMSTRONG, 0000
ROBERT T. ATKINS, 0000
KORVIN D. AUCH, 0000
LAWRENCE M. AVERBECK, 0000
FREDERICK C. BACON, 0000
THOMAS M. BAILEY, 0000
RONALD B. BALDINGER, 0000
DIETER E. BAREIHS, 0000
CHRIS BARGERY, 0000
CASSIE B. BARLOW, 0000
EDWARD C. BARON, 0000
RICHARD C. BARTON, 0000
CHARLES L. BEAMES, 0000
ARTHUR F. BEAUCHAMP, 0000
JAMES J. BEISSNER, 0000
ANDREW E. BELKO II, 0000
FRANK K. BENJAMIN, 0000
JOHN R. BERNIER, 0000
HARRY A. BERRY, 0000
GEORGE W. BIRSIC IV, 0000
SCOTT C. BISHOP, 0000
SCOTT C. BLUM, 0000
ERIC A. BOE, 0000
SCOTT C. BOWEN, 0000
VICTORIA L. BOWENS, 0000
LARRY D. BOWERS, 0000
MARTIN C. BRAUN, 0000
WILLIAM S. BREI, 0000
GORDON D. BRIDGER, 0000
KAREN M. BRIDGES, 0000
KIM R. BROOKS, 0000
TODD A. BROOKS, 0000
DAVID W. BROWN, 0000
EUGENE A. BROWN, JR., 0000
KELLEY A. BROWN, 0000
ROGER A. BROWN, 0000
STANLEY L. BROWN, 0000
KENRYU M. BRYSON, 0000
DAVID T. BUCKMAN, 0000
JOHN T. BUDD, 0000
WILLIAM E. BURTON, JR., 0000
TIMOTHY E. BUSH, 0000
SCOTT R. CALISTI, 0000
MARK D. CAMERER, 0000
CRAIG P. CAMPBELL, 0000
ROBERT C. CAMPBELL, JR., 0000
WAYNE A. CANIPE, 0000
DOUGLAS C. CATO, JR., 0000
THOMAS J. CHIAVACCI, 0000
CATHERINE M. CHIN, 0000
GREGORY M. CHRIST, 0000
STEVEN E. CLAPP, 0000
AARON J. CLARK, 0000

BYRON K. CLAY, 0000
PATRICK G. CLEMENTS, 0000
SARAH B. CLIATT, 0000
ALFORD C. COCKFIELD, 0000
RICHARD A. COE, 0000
CHRISTOPHER A. COFFELT, 0000
LAVANSON C. COFFEY III, 0000
DAVID M. COHEN, 0000
ROBERT H. COLE, 0000
EDWARD S. CONANT, 0000
LYNN F. CONNETT, 0000
STANLEY K. CONTRADES, 0000
SEBASTIAN M. CONVERTINO, 0000
CHRISTOPHER D. COOK, 0000
DEANNA L. COOPER, 0000
CRAIG R. COREY, 0000
SHANE P. COURVILLE, 0000
DOUGLAS A. COX, 0000
DUANE T. CREAMER, 0000
BRIAN J. CREELMAN, 0000
DAVID J. CROW, 0000
RUSSELL N. CUTTING, 0000
CHARLES H. CYNAMON, 0000
MARK G. CZELUSTA, 0000
DANNY P. DAGHER, 0000
ROBERT J. DAGUE, 0000
PAUL S. DALY, JR., 0000
MARK T. DAMIANO, 0000
DANIEL A. DANT, 0000
RANDY J. DAVIS, 0000
STEPHEN L. DAVIS, 0000
JAMES C. DAWKINS, JR., 0000
ALLAN E. DAY, 0000
PATRICK K. DEAN, 0000
DAVID S. DEARY, 0000
JON CHASE DECLERCK, 0000
CARL T. DEKEMPER, 0000
DAVID F. DEMARTINO, 0000
DAVID R. DENNING, 0000
DEBORAH A. DETERMAN, 0000
VICTOR J. DIAZ, JR., 0000
DONALD A. DICKERSON, 0000
BERNARD DODSON, JR., 0000
DAVID M. DOE, 0000
PATRICK J. DOHERTY, 0000
PETER A. DONNELLY, 0000
TIMOTHY S. DONOHUE, 0000
CHARLES A. DOUGLASS, 0000
BERT L. DREHER, 0000
JOHN A. DUCHARME, JR., 0000
DAWN M. DUNLOP, 0000
LARRY J. DUVALL, 0000
KENNETH L. ECHTERNACHT, JR., 0000
TRENT H. EDWARDS, 0000
REGAN W. ELDER, 0000
WILLIAM G. ELDRIDGE, 0000
LAURENCE E. ELLIS, 0000
ALBERT M. ELTON II, 0000
CHARLES D. ENGEL, 0000
SAMUEL H. EPPERSON, JR., 0000
JASON G. EVGENIDES, 0000
FREDERICK L. FAHLBUSCH, 0000
GEORGE R. FARFOUR, 0000
MICHAEL R. FARRAR, 0000
TAMMY E. FARROW, 0000
VINCENT J. FECK, 0000
MICHAEL C. FERGUSON, 0000
TIMOTHY D. FERGUSON, 0000
ERIC T. FICK, 0000
TOD R. FINGAL, 0000
JAMES D. FISHER, 0000
JOHN A. FISHER, 0000
MICHAEL F. FLECK, 0000
MATTHEW W. FLOOD, 0000
PATRICK F. FOGARTY, 0000
TIMOTHY A. FORSYTHE, 0000
HARRY A. FOSTER, 0000
MICHAEL R. FRANKEL, 0000
JEFFREY E. FRANKHOUSER, 0000
TODD M. FREECE, 0000
SEAN M. FRISBEE, 0000
GARY GAGLIARDI, 0000
JOSEPH M. GAINES, 0000
VON A. GARDINER, 0000
LAWRENCE M. GATTI, 0000
FRED W. GAUDLIP, 0000
AMANDO E. GAVINO, JR., 0000
JAMES R. GEAR, 0000
MARTIN R. GEARHART, 0000
CHRISTOPHER R. GENTRY, 0000
DAVID MARTIN GIACHETTI, 0000
DAVID L. GILLESPIE, 0000
THOMAS L. GLARDON, 0000
JOHN A. GLAZE, 0000
KEVIN A. GORDEY, 0000
DANIEL B. GORDON, 0000
TODD W. GOSSETT, 0000
GARY J. GOTTSCHALL, 0000
DAVID C. GOULD II, 0000
BRADLEY K. GRAMBO, 0000
STEVEN G. GRAY, 0000
MICHAEL R. GREGG, 0000
FREDERICK D. GREGORY, JR., 0000
GORDON C. GRIFFIN, 0000
JAMES L. GRIFFITH, 0000
LUKE G. GROSSMAN, 0000
ROBERTO I. GUERRERO, 0000
GREGORY M. GUILLOT, 0000
DAVID A. HAASE, 0000
WILLIAM D. HACK, 0000
TODD C. HACKETT, 0000
DAVID E. HAFER, JR., 0000
SCOTT A. HAINES, 0000
ZOE M. HALE, 0000
WESLEY P. HALLMAN, 0000
PATRICK J. HALLORAN, 0000
BRADLEY K. HAMMER, 0000
AMY A. HAMMOND, 0000
WILLIAM E. HAMPTON, 0000
ERIK W. HANSEN, 0000
BRUCE E. HARDY, 0000
JOHN N. HARRIS, 0000
HARRY M. HARRISON, 0000
SHAWN D. HARRISON, 0000
KEVEN E. HARSHBARGER, 0000
SCOTT A. HARTFORD, 0000
JAMES P. HARVEY, 0000
DAVID C. HATHAWAY, 0000
DANIEL J. HAUSAUER, 0000
MICHAEL D. HAYS, 0000
RICHARD J. HAZDRA, 0000
GLENN H. HECHT, 0000
SCOT T. HECKMAN, 0000
BRUCE T. HELLEN, 0000
CHARLES HELWIG III, 0000
GARY W. HENDERSON, 0000
MASAO HENDRIX, 0000
MICHAEL D. HENNESSY, 0000
THOMAS A. HENWOOD, 0000
MARK A. HERING, 0000
SEAN R. HERR, 0000
MARTIN R. HERTZ, 0000
JOSEPH C. HICKOX, 0000
NATHAN E. HILL, 0000
PAMELA M. HILL, 0000
FRANKLIN J. HINSON, JR., 0000
STEVEN T. HISS, 0000
ROBERT J. HOCK, 0000
PETER D. HOFELICH, 0000
ROBERT S. HOLBA, 0000
ERIC J. HOLDAWAY, 0000
PATRICK R. HOLLRAH, 0000
PHILLIP W. HOOVER, 0000
GERALD L. HOUNCHELL, 0000
PETER W. HUGGINS, 0000
JOHNATHAN B. HUGHES, 0000
MICHAEL P. HUGHES, 0000
JOSEPH A. HUNTINGTON, 0000
ROBERT E. HUTCHENS, 0000
ANDREW D. INGRAM, 0000
PAUL E. IRWIN, JR., 0000
GORDON D. ISSLER, 0000
JAMES A. JACOBSON, 0000
DOUGLAS E. JAMES, 0000
JAMES D. JEFFERS, 0000
MARILYN H. JENKINS, 0000
JIM E. JENNINGS, 0000
CAROL A. JOHNSON, 0000
JERRY L. JOHNSON, 0000
KARLTON D. JOHNSON, 0000
STEVEN B. JOHNSON, 0000
NICHOLAS G. JOHNSTON, 0000
DAVID E. JONES, 0000
HOWARD G. JONES III, 0000
KEITH R. JONES, 0000
SOREN K. JONES, 0000
BRIAN T. JORDAN, 0000
BARBARA J. JORGENSEN, 0000
THOMAS C. JOYCE, 0000
DAVID J. JULAZADEH, 0000
DIMASALANG F. JUNIO, 0000
PATRICK KANE, 0000
DAVID A. KASBERG, 0000
ROBERT H. KAUFMAN, 0000
MATTHEW L. KELL, 0000
STEVEN D. KEPHART, 0000
JOHN A. KIMBALL III, 0000
STEVEN A. KIMBALL, 0000
JEFFREY D. KINDLEY, 0000
CHRISTOPHER J. KINNAN, 0000
JAMES A. KIRK, JR., 0000
BRETT W. KNAUB, 0000
CRAIG J. KNIERIM, 0000
KATHRYN L. KOLBE, 0000
MUSTAFA R. KOPRUCU, 0000
EDWARD J. KOSLOW, 0000
JOHN C. KRESS, 0000
DAVID A. KRUMM, 0000
JEFFREY A. KRUSE, 0000
MICHAEL J. KUCHTA, 0000
GARRY L. KUHN, 0000
CHRISTOPHER J. KULAS, 0000
RUSSELL D. KURTZ, 0000
MICHAEL L. LAKOS, 0000
DOUGLAS K. LAMBERTH, 0000
MARK G. LANGENDERFER, 0000
BILLY R. LANGFORD, 0000
KELLY J. LARSON, 0000
JON A. LARVICK, 0000
STEVEN G. LAVOYE, 0000
STEVEN B. LAWLOR, 0000
KIRK A. LEAR, 0000
PETER A. LEE, 0000
CEDRIC E. LEIGHTON, 0000
BARRY P. LEISTER, 0000
SCOTT P. LEMAY, 0000
ROBERT M. LETOURNEAU, 0000
WILLIAM K. LEWIS, 0000
DENNIS W. LISHERNESS, 0000
STEPHEN W. LISKA, 0000
DONALD C. LOCKE, JR., 0000
PHIL LOCKLEAR, 0000
SCOTT C. LONG, 0000
PATRICK A. LOPARDI, 0000
THOMAS J. LOWRY, 0000
JAMES L. MACFARLANE, 0000
MICHAEL E. MADISON, 0000
JAMES A. MAESTAS, 0000
DAVID H. MAHARREY, JR., 0000
DEIRDRE A. MAHON, 0000
DENNIS J. MALFER, JR., 0000
CHRISTOPHER S. MARDIS, 0000
KURT M. MARISA, 0000
PETER A. MARKLE, 0000
GLENN D. MARTIN, 0000
GREGORY S. MARZOLF, 0000
KEVIN P. MASTIN, 0000
RUSSELL F. MATHERS, 0000
STEPHEN M. MATSON, 0000
KYLE H. MATYI, 0000
CHARLES C. MAU, 0000
SIDNEY F. MAYEUX, 0000
ROBERT S. MCALLUM, 0000
KEITH D. MCBRIDE, 0000
TERRANCE J. MCCAFFREY II, 0000
MICHAEL J. MCCARTHY, 0000
THOMAS D. MCCARTHY, 0000
GARY L. MCCOLLUM, 0000
RICHARD D. MCCOMB, 0000
BRADLEY K. MCCOY, 0000
DENNIS P. MCDEVITT, JR., 0000
JOHN F. MCDEVITT, JR., 0000
JENNY A. MCGEE, 0000
KEVIN P. MCGLAUGHLIN, 0000
JAMES K. MCKENZIE, 0000
PATRICK T. MCKENZIE, 0000
FLOYD A. MCKINNEY, 0000
MICHAEL T. MCLAUGHLIN, 0000
BENJAMIN S. MCMULLEN, 0000
MARY E. MCRAE, 0000
ROBERT K. MENDENHALL, 0000
GEORGE T. MENKER, JR., 0000
RODNEY C. MERANDA, 0000
SCOTT C. MERRELL, 0000
ROBERT E. MIGLIONICO, 0000
BARRY G. MILLER, 0000
COLIN R. MILLER, 0000
DANIEL R. MILLER, 0000
DOUGLAS R. MILLER, 0000
JOHN G. MILLER, 0000
MICHAEL J. MILLER, 0000
TIMOTHY M. MILLER, 0000
VINCENT B. MILLER, 0000
M. J. MITCHELL, 0000
MARIAMNE R. MITCHELL, 0000
ROBERT E. MITCHELL, 0000
PETER H. MIYARES, 0000
DAVID B. MOBLEY, 0000
ANDREW J. MOLNAR, 0000
ROBERT E. MONROE, 0000
POLLYANNA P. MONTGOMERY, 0000
MICHAEL S. MOORE, 0000
DAVID A. MORGAN, 0000
JEFFREY W. MORGAN, 0000
ROBERT A. MORIARTY, 0000
BRETT E. MORRIS, 0000
SHAUN Q. MORRIS, 0000
TIMOTHY R. MORRIS, 0000
RANDY J. MOSER, 0000
ROBERT A. MULHERAN, 0000
KENNETH B. MULLIGAN, 0000
ANTHONY J. MURCH, 0000
RICKY R. MURPHY, 0000
THOMAS E. MURPHY, 0000
JOHN D. NEWBERRY, 0000
TIMOTHY P. NICKERSON, 0000
JOHN S. OATES, 0000
TRACY A. OGRADYWALSH, 0000
STEVEN G. OLIVE, 0000
CHARLES E. OSTEEN, 0000
PATRICK J. OWENS, 0000
HENRY P. PANDES, 0000
KEITH J. PANNABECKER, 0000
MARK W. PAPEN, 0000
GUY E. PARKER, 0000
GEOFFREY S. PARKHURST, 0000
CHARLES W. PATNAUDE, 0000
JOHN T. PATRICOLA, 0000
CHRIS B. PATTERSON, 0000
JOHN W. PEARSE, 0000
DAVID R. PEDERSEN, 0000
LEE J. PERA, 0000
LEEANN PERKINS, 0000
MONTY R. PERRY, 0000
MICHAEL E. PETERSON, 0000
TRENT A. PICKERING, 0000
ERIC J. PIERCE, 0000
GEORGE M. PIERCE II, 0000
TODD M. PIERGROSSI, 0000
BRIAN C. PIERSON, 0000
CHRISTOPHER A. PIKE, 0000
WILLIAM B. PILCHER, JR., 0000
JOSEPH M. PINCKNEY, JR., 0000
LEE T. PITTMAN, 0000
SCOTT L. PLEUS, 0000
WILLIAM S. PORTER, JR., 0000
THOMAS J. PORTERFIELD, 0000
STEVEN W. POWELL, 0000
PHILLIP R. J. PRATZNER, 0000
RONALD R. PRINCE, 0000
MARK D. PRUITT, 0000
DAVID C. PTAK, 0000
ALDON E. PURDHAM, JR., 0000
GEORGE C. RAMEY, 0000
KIMBERLEY A. RAMOS, 0000
GLENN R. RATTELL, 0000
JAMES J. RAVELLA, 0000
DAVID A. REARICK, 0000
MICHAEL D. REED, 0000
VICTORIA H. REED, 0000
WILLIAM A. REESE, 0000
JAMES A. REGENOR, 0000
JAMES R. REITZEL, 0000
LENNY J. RICHOUX, 0000
HEINRICH K. RIEPING, JR., 0000
EDWARD M. RIVERA, 0000
KEVIN J. ROBBINS, 0000
JULIE M. ROBEL, 0000
KYLE W. ROBINSON, 0000
STEVEN M. ROBINSON, 0000
LAWRENCE O. ROCHE, 0000

RICKEY S. RODGERS, 0000
ERNEST H. RODRIGUEZ, 0000
VICTOR M. RODRIGUEZ, 0000
DONNA M. ROGERS, 0000
MARILYN R. ROGERS, 0000
JOHN R. ROMERO, 0000
LUIS E. ROSABERRIOS, 0000
PAT A. ROSE, JR., 0000
LEE W. ROSEN, 0000
JAMES P. ROSS, 0000
WILLIAM G. ROUTT, 0000
TOMISLAV Z. RUBY, 0000
WILLIAM Y. RUPP, 0000
JOHN T. RUSSELL, 0000
ROBERT L. RUSSELL, JR., 0000
JAMES P. RYAN, 0000
MELVIN D. SACHS, 0000
RICHARD P. SAMUELS, 0000
JOSE A. SANCHEZ, 0000
WALTER R. SCHENBERGER, JR., 0000
JOSEPH H. SCHERRER, 0000
PAUL F. SCHULTZ, 0000
JIMMIE D. SCHUMAN, JR., 0000
GREGORY J. SCHWARTZ, 0000
RICHARD P. SCHWING, 0000
TODD J. SCOTT, 0000
SCOTT D. SEAVERS, 0000
JEFFREY D. SEINWILL, 0000
GREGORY S. SELLERS, 0000
CHRISTOPHER C. SHARPE, 0000
PETRA L. SHARRETT, 0000
JOHN E. SHAW, 0000
CHARLES B. SHERWIN, JR., 0000
KEITH B. SHOATES, 0000
TIMOTHY D. SKINNER, 0000
ANDREW T. SLAWSON, 0000
DIRK D. SMITH, 0000
GREGORY C. SMITH, 0000
JEFFREY J. SMITH, 0000
MARVIN W. SMITH, JR., 0000
MICHAEL S. SMITH, 0000
MICHAEL V. SMITH, 0000
SHANE RAY SMITH, 0000
MICHAEL C. SNEEDER, 0000
JEFFERY S. SNELL, 0000
DANIEL R. SNY, 0000
THOMAS J. SNYDER, 0000
DWIGHT C. SONES, 0000
DAVID A. SOUTHERLAND, 0000
JOEL S. SPEIGHT, 0000
CHARLES F. SPENCER, JR., 0000
LESLEY D. SPRAKER, 0000
CLIFFORD B. STANSELL, 0000
SHERRY L. STEARNSBOLES, 0000
ROBERT L. STEPHENSON, 0000
WILLIAM B. STEVENSON IV, 0000
DAVID T. STEWART, 0000
MICHAEL J. STINSON, 0000
RICHARD C. STOCKTON, 0000
CRISTINA M. STONE, 0000
ANTHONY STRICKLAND, 0000
RICKY D. STRICKLAND, 0000
DANA E. STRUCKMAN, 0000
JOSEPH A. SUBLOUSKY, 0000
THOMAS A. SUMMERS, 0000
DAVID E. SWANSON, 0000
JEFFREY R. SWEGEL, 0000
GLENN B. SWIFT, 0000
WILLIAM M. TART, 0000
KENNETH R. TATUM, JR., 0000
DOUGLAS J. TAYLOR, 0000
JOHN B. TAYLOR, 0000
RUSSELL E. TAYLOR, 0000
WILLIAM J. TAYLOR, 0000
MICHAEL L. THERIANOS, JR., 0000
JAMES P. THOMAS, 0000
BILLY D. THOMPSON, 0000
RONALD E. THOMPSON, JR., 0000
WILLIAM A. THOMPSON, 0000
DAVID A. THOMSON, 0000
ERIC M. THOMTON, 0000
PAUL W. TIBBETS IV, 0000
JOHN C. TOBIN, 0000
WADE G. TOLLIVER, 0000
JODINE K. TOOKE, 0000
THOMAS J. TOOMER, 0000
EDWARD M. TOPPS, 0000
ROBERT J. TORICK, JR., 0000
JOSE L. TORRES, JR., 0000
ANDREW J. TOTH, 0000
ROBERT P. TOTH, 0000
WILLIAM S. TULLY, JR., 0000
KIP B. TURAIN, 0000
LUTHER S. TURNER III, 0000
SCOTT M. TURNER, 0000
SHAUN B. TURNER, 0000
ROGER T. TYREE, 0000
JON H. ULLMANN, 0000
KIMBERLY C. ULLMANN, 0000
FRANK L. VANHORN, 0000
DONALD A. VANPATTEN, 0000
EDGAR M. VAUGHAN, 0000
MARK K. VIDMAR, 0000
XAVIER C. VILLARREAL, 0000
ROGER M. VINCENT, 0000
JEFFERY ALLEN VINGER, 0000
MICHAEL D. VLK, 0000
ROGER L. WAGNER, 0000
ANDREAS W. WALSH, 0000
BENJAMIN F. WARD, 0000
TERRY WARD, 0000
WILLIAM R. WARD, 0000
BENJAMIN C. WASH, 0000
MARK E. WEATHERINGTON, 0000
JEFFREY R. WEED, 0000
JAMES L. WERTZ, 0000
HERBERT H. WESSELMAN, 0000
JAMES J. WESSLUND, 0000
EVIN R. WESTEREN, 0000
ROGER H. WESTERMEYER, 0000
BENJAMIN WHAM II, 0000
MARK S. WHINNERY, 0000
ROBERT E. WICKS, JR., 0000
ALAN J. WIEDER, 0000
DAVID P. WIEGAND, 0000
ALBERT C. WILLIAMS II, 0000
JOHN D. WILLIAMS, 0000
TRAVIS A. WILLIS, JR., 0000
CRAIG D. WILLS, 0000
KURT DANIEL WILSON, 0000
RUSSELL A. WILSON, 0000
CURTIS M. WINSTEAD, 0000
ROGER J. WITEK, 0000
RANDY L. WITHAM, 0000
MARSHALL S. WOODSON, 0000
LARRY D. WORLEY, JR., 0000
CHRISTOPHER P. WRIGHT, 0000
GEORGE A. ZANIEWSKI, 0000
ANTHONY J. ZUCCO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

LAURA E. BARNES, 0000
SARAHANN BEAL, 0000
RICHARD J. BERT, JR., 0000
DANIEL J. BESSMER, 0000
LAWRENCE A. CALABRO, 0000
JOSEPH COSTANTINO, 0000
GERALD F. HESKO, 0000
BARRY O. HILL, 0000
SCOTT B. HOLLIDAY, 0000
MELISSA R. HOWARD, 0000
BRENT A. JOHNSON, 0000
ROSALIND D. JONES, 0000
SCOTT J. KREBS, 0000
MICHAEL LEE, 0000
KERRY L. LEWIS, 0000
MICHAEL P. LUNDY, 0000
STEPHANIE D. MCCORMACKBROWN, 0000
SCOTT M. MCKIM, 0000
DUANE L. MEIGHAN, 0000
SCOTT A. NEMMERS, 0000
JODY C. NOE, 0000
STEPHEN E. NOVAK, 0000
ROBERT A. NYQUIST, 0000
CARLENE M. PERRY, 0000
JAMES R. POEL, 0000
KYLE R. REINHARDT, 0000
JEAN P. RUDDELL, 0000
LIBBY S. SCHINDLER, 0000
RAYMOND M. SIRAK, 0000
BECKY S. SOBEL, 0000
MARK A. STAAL, 0000
CHRISTOPHER B. STANLEY, 0000
DAVID W. STREETER, 0000
LARRY G. TAYLOR, 0000
KEVIN W. TILLER, 0000
SANDRA L. TODD, 0000
RYAN L. TRAVER, 0000
JAY A. VIETAS, 0000
JOHN M. WAITE, 0000
CAROL C. WALTERS, 0000
KEVIN L. WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

DANA M. ADAMS, 0000
JENNIFER M. AGULTO, 0000
MARY J. ANTE, 0000
SYLVIA BALLEZGRIFFIN, 0000
LORRAINE R. BARTON, 0000
MICHELE A. BAXTER, 0000
PAMELA K. BEMENT, 0000
KIRSTEN A. BENFORD, 0000
JULIE M. BOSCH, 0000
DAVID A. BRADFIELD, 0000
PATRICIA N. BRADSHAW, 0000
MARY T. CARLISLE, 0000
MAUREEN A. CHARLES, 0000
DOUGLAS J. CHEEK, 0000
ELIZABETH J. CODDINGTON, 0000
SUSAN C. DAVIS, 0000
ELIZABETH A. DECKER, 0000
DEBORAH J. DILLARD, 0000
ADRIANA EDEN, 0000
DEONA J. EICKHOFF, 0000
NATHALIE F. ELLIS, 0000
KELLY JO FIELDS, 0000
RAMONA L. FIELDS, 0000
AMY A. FORRESTER, 0000
LAURA J. FRAZER, 0000
JOANN C. FRYE, 0000
BETH A. GOODWILL, 0000
CHERYL J. GREENTREE, 0000
DALE G. GREY, 0000
RITCHIE D. GRISSETT, 0000
MARIA GUEVARADEMATALOBOS, 0000
JULIE C. HANSON, 0000
ROBERT L. HARSHAW, 0000
DOUGLAS L. HOUSTON, 0000
GWENDOLYN C. JOHNSON, 0000
LAURIE E. JOHNSON, 0000
KRISTI A. KENNEDY, 0000
ALINA KHALIFE, 0000
PAULETTE E. KING, 0000
VINCENT L. KIRKNER, 0000
BRIAN T. KOONCE, 0000
PETER R. LITTLE, 0000
MICHELLE D. MARTINEAU, 0000
ANTOINETTE M. MCNEARY, 0000
PATRICE H. MORRISON, 0000
JACQUELINE A. MUDD, 0000
JILL J. OREAR, 0000
PATRICIA F. PARK, 0000
SUSAN M. PERRY, 0000
MARCIA A. POTTER, 0000
JERE M. POUND IV, 0000
MELANIE A. PRINCE, 0000
IRIS A. REEDOM, 0000
TERRI A. RENSCH, 0000
ALESIA D. RICKS, 0000
ANNA M. RIGHERO, 0000
CHRISTLE A. ROBINSON, 0000
JOANNE R. RUGGERI, 0000
JEANNINE M. RYDER, 0000
SHARON T. SCOTT, 0000
DAVID J. STAMPS, 0000
CHRISTINE S. TAYLOR, 0000
SHEILA M. THORNTON, 0000
KIRK A. TRESCH, 0000
JULIE P. TSEHWILLCOCKSON, 0000
STEVEN F. ULSAS, 0000
VIVENE E. WALTERS, 0000
KATHRYN W. WEISS, 0000
KENNETH R. WESTENKIRCHNER, 0000
MONICA L. WHEATON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

MARY ANN BEHAN, 0000
DAVID M. BERTHE, 0000
STEVEN E. BODILY, JR., 0000
CHRISTOPHER J. CANALES, 0000
GEORGE G. CARTER, 0000
PAUL N. CONNER, 0000
CARRIE D. COOPER, 0000
GREGORY S. CULLISON, 0000
MICHAEL D. CUPITO, 0000
CHRISTOPHER A. DUN, 0000
TIMOTHY A. DYKENS, 0000
MONTSERRAT P. EDIEKORLESKI, 0000
LEAH JANE ERWIN, 0000
ALFRED K. FLOWERS, JR., 0000
BRIAN T. GOUVEIA, 0000
LINDA M. GUERRERO, 0000
ROBERT A. HARRIS, 0000
SALLY ANN KELLYRANK, 0000
STEPHEN D. LARSEN, 0000
RODNEY J. LASTER, 0000
CAMILLE R. LOONEY, 0000
JOHN J. MAMMANO, 0000
ANTHONY M. MARICI, 0000
TIMOTHY L. MARTINEZ, 0000
RONALD J. MERCHANT, 0000
TIMOTHY T. MIDDLETON, 0000
JON T. MOHATT, 0000
JAMES B. MOTT, 0000
GREGORY W. PAPKE, 0000
WAYNE S. PETERS, 0000
MICHELLE A. PUFALL, 0000
SCOTT C. SUCKOW, 0000
MICHAEL A. TAYLOR, 0000
SAMUEL C. WASHINGTON, 0000
JEFFREY J. WHITE, 0000
PAUL A. WILLINGHAM, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

DAWUD A. AGBERE, 0000
CHARLES F. BARNA, 0000
DAVID A. BOTTOMS, 0000
RANDALL E. BOWEN, 0000
JEFFREY L. BROOKS, 0000
CHARLES M. BURGESS, 0000
DONALD S. CARROTHERS, 0000
HERMAN B. CHEATHAM, 0000
DARREN K. COLEMAN, 0000
EDDIE W. COOK, 0000
LANE J. CREAMER, 0000
LAWRENCE M. DABECK, 0000
CHRISTOPHER F. EDWARDS, 0000
PAUL A. FOREMAN, 0000
MATTHEW L. GIBSON, 0000
JIMMIE C. GREGORY, 0000
WARREN L. HAGGRAY, 0000
CHARLES E. HAMLIN, 0000
GEORGE H. HAMMIL, 0000
INSOON G. HOAGLAND, 0000
DOUGLAS C. HOOVER, 0000
JERRY B. HORNER, 0000
ABDULLAH A. HULWE, 0000
MARK J. JACOBS, 0000
WILLIAM L. KELLER II, 0000
TODD M. KEPLEY, 0000
MOON H. KIM, 0000
PHILIP A. KOCHENBURGER, 0000
KRZYSZTOF A. KOPEC, 0000
KENNETH M. LEBON, 0000
JAMES B. LEE, 0000
SUN C. LEE, 0000
WILLIAM A. LOVELL, 0000
ROBERT E. MARSI, 0000
HENRY D. MCCAIN, 0000
SHAWN E. MCCAMMON, 0000
ROBERT A. MILLER, 0000
STEVEN J. MOSER, 0000

LINDA D. NORLIEN, 0000
EDWARD U. OHM, 0000
PAUL G. PASSAMONTI, 0000
IBRAHEEM A. RAHEEM, 0000
DAVID A. SCHNARR, 0000
WILLIAM H. SCRITCHFIELD, 0000
MUHAMMAD K. SHABAZZ, 0000
JOHN R. SUTTON, JR., 0000
DOUGLAS C. SWIFT, JR., 0000
ROBERT R. THOMAS, 0000
FRED C. TOWNSEND, 0000
DAVID K. TROGDON, 0000
SEGGERN A. VON, 0000
ROBERT K. WALKER, 0000
EDWARD J. YURUS, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

BLAKE C. ORTNER, 0000
ANDREW S. ZELLER, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

JULIE A. BENTZ, 0000
THOMAS L. TURPIN, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

LARRY L. GUYTON, 0000
RANDY J. MIZE, 0000
WILLIAM C. PROCTOR, 0000
LINDA V. G. WEAVER, 0000
LINDA M. WILLIAMS, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be captain*

JOSE A. ACOSTA, 0000
GREGORY M. GULLAHORN, 0000
DAVID J. HARRISON, 0000
PHILLIP J. VARGAS, 0000

*To be commander*

GREGORY P. GEISEN, 0000
JESSE W. LEE, JR., 0000
STEVEN NAGEL, 0000

*To be lieutenant commander*

STEPHEN W. BOWMAN, 0000
LORI J. CICCI, 0000
JEFFREY A. GILES, 0000
DANIEL L. MODE, 0000
CHRISTOPHER L. MORGAN, 0000
JOHN Q. QUARTEY, 0000
LAWRENCE A. RAMIREZ, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

DOUGLAS P. BARBER, JR., 0000
CHRISTOPHER J. CORVO, 0000
DANIEL R. CROUCH, 0000
JOSEPH J. ELDRED, 0000
DAMIAN D. FLATT, 0000
PETER D. GALINDEZ, 0000
PATRICK J. GIBBONS, 0000
KEITH S. GIBEL, 0000
COLLEEN M. GLASERALLEN, 0000
MARC F. GUARIN, 0000
GLENN R. HANCOCK, 0000
JOHN A. HELTON, 0000
MICHAEL C. HOLIFIELD, 0000
ELISABETH B. JONES, 0000
DONALD C. KING, 0000
SALVATORE M. MAIDA, JR., 0000
TREVOR A. RUSH, 0000
KELVIN M. STROBLE, 0000
DOUGLAS R. VELVEL, 0000
THOMAS J. WELSH, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

SUSAN D. CHACON, 0000
DANIEL M. EVES, 0000
BRUCE G. GREEN, 0000
ISTVAN HARGITAI, 0000
THOMAS M. JACKS, 0000
STEVEN A. MATIS, 0000
JACQUELINE R. PALAISA, 0000
ORVILLE J. STEIN, JR., 0000
FRANCISCO X. VERAY, 0000
SEUNG C. YANG, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

ENEIN Y. H. ABOUL, 0000
ALEJANDRO ALVARADO, 0000
PAUL A. ANDRE, 0000
HOWARD A. AUPKE, JR., 0000
DANIEL J. BELISLE, 0000
PATRICK J. BLAIR, 0000
BARBARA A. COLEMAN, 0000
MICHAEL A. CORRIERE, 0000
WILLIAM M. DENISTON, 0000
GLENDON B. DIEHL, JR., 0000
MICHAEL J. DUSZYNSKI, 0000
DUANE A. EGGERT, 0000
DAVID A. ELLENBECKER, 0000
GLENN J. GARGANO, 0000
CYNTHIA C. GRANBY, 0000
MATTHEW E. GRIMES, 0000
THOMAS C. HERZIG, 0000
DANIEL J. HIGGINS, 0000
LEE D. HOEY, 0000
ERIC R. HOFFMAN, 0000
BRIAN E. HUTCHISON, 0000
SUSAN M. JAY, 0000
ANTONY R. JOSEPH, 0000
LISA K. KENNEMUR, 0000
KRISTIN N. KLEMANN, 0000
CONRAD F. KRESS, 0000
KAREN P. LEAHY, 0000
MICHAEL S. LELAND, 0000
DENISE M. LEVELING, 0000
JAMIE M. LINDLY, 0000
RALPH J. MARRO, 0000
JAMES L. MARTIN, 0000
JAMES F. MCALLISTER, 0000
THOMAS E. MCCOY, 0000
BRENDAN T. MELODY, 0000
WILLIAM T. MILES, 0000
PATRICIA A. MILLER, 0000
PAUL C. MILLER, 0000
MARSHALL R. MONTEVILLE, 0000
GARY A. MORRIS, 0000
LEO J. MURPHY, 0000
SAMUEL T. OLAIYA, 0000
PAMELA A. OLOUGHLIN, 0000
JACQUELINE L. PIERRE, 0000
ERIC G. POTTERAT, 0000
MICHAEL C. PREVOST, 0000
JAMES D. QUEENER, 0000
EDWARD J. SULLIVAN, 0000
ROHINI SURAJ, 0000
BRIAN G. TOLBERT, 0000
LEE A. VITATOE, 0000
JUDITH M. WALKER, 0000
THOMAS C. WALTER, 0000
AARON D. WERBEL, 0000
BYRON C. WIGGINS, 0000
KIMBERLY A. ZUZELSKI, 0000

# EXTENSIONS OF REMARKS

## RECOGNIZING LEON BRACHMAN

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Mr. BURGESS. Madam Speaker, I rise today to recognize the service of Mr. Leon Brachman with Baylor All Saints Medical Center Board of Trustees. Dr. Brachman was recently selected to receive the Texas Healthcare Trustees' 2007 Founders' Award.

For over a half of a decade, Mr. Brachman has shown unwavering commitment to leadership and service to the health care industry in the City of Fort Worth. In 1958, he oversaw the construction of the initial building for All Saints Hospital, an Episcopal Hospital, that later became affiliated with the Baylor Healthcare system. Mr. Brachman has served as a trustee for over 50 years as the hospital has expanded throughout the North Texas community. Through his efforts, in an ever-changing and challenging health care arena, Fort Worth now stands as an excellent model for other communities hoping for a strong health care system.

The Texas Healthcare Trustees Founders' Award is the highest honor for a Texas hospital and health system trustee. It is a statewide award, given to only one person in the state, per year. Mr. Brachman was selected as the distinguished trustee in honor of his record of leadership in health care governance. The Founders' Award remains a symbol of dedication and excellence in service in the health care field.

It is with great honor and pride that I recognize Mr. Leon Brachman today, and I encourage him to continue to serve as an example to us all in putting our community and the needs of others ahead of ourselves. His vision will ensure a healthier future for Texans.

## HONORING LEN STEWART

**HON. WILLIAM D. DELAHUNT**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in honoring the exemplary career of a constituent of mine, Mr. Len Stewart.

Having faithfully served Barnstable County, Massachusetts, for the past 8 years as the director of human services, Len is leaving us to take a similar position in Mesa County, Colorado. During his tenure on Cape Cod, he has played a pivotal role in the growth and success of the county's Human Services Department. Len's efforts have brought the region's health and human service providers together, attracting new Federal dollars to deliver vital services to our people.

Len first came to the cape in 1981, serving as the director of the Provincetown AIDS Support Group. Following his success in Provincetown, Len became the director of the county's Human Services Department. His leadership over the past 8 years has led to the establishment of a regional alliance of agencies committed to increasing access to health care for the uninsured and underserved residents of our community. This collaboration has attracted millions of dollars to the region for critical services benefiting thousands of cape and island residents, in areas such as dental and medical care, mental health, and substance abuse needs.

His talents and expertise have also helped those who have become marginalized because of their age, ethnicity, gender, race and sexual orientation. Of all of his endeavors, one of the most note-worthy is the creation of the first human rights commission in Barnstable County, behind which he was the driving force.

I have long admired Len's dedication to the cape and his passion for public service. As he leaves us, I have no doubt that he will bring this same sense of commitment to his new responsibilities in Colorado.

As we pause and reflect on the significance of his achievements, he can take with him the heartfelt gratitude of the people of the cape and the islands for all that he has done to improve the lives of those around him. On behalf of a grateful constituency, I want to say thank you and wish you the very best.

## COMMEMORATING THE 200TH ANNIVERSARY OF THE ARCHDIOCESE OF NEW YORK

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF MEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Mrs. MALONEY of New York. Mr. Speaker, I am proud to rise today in support of a resolution commemorating the 200th anniversary of the Roman Catholic Archdiocese of New York. I want to thank my colleague, Mr. FOSSELLA, for taking the lead in sponsoring this Resolution.

It is a tradition of this legislative body to honor and pay tribute to American institutions whose historic significance has contributed to the culture and traditions of our citizens. The Archdiocese of New York, with its long history of faith and service, is one such institution.

The Roman Catholic Archdiocese of New York presently covers New York City and other areas of southern New York State. When it was established on April 8, 1808, the Diocese of New York was under the jurisdiction of the Archdiocese of Baltimore and covered all of New York State and certain parts of New Jersey. The Diocese was elevated to an Archdiocese in 1850. Twelve dioceses now occupy the area that was once covered by one.

Under Archbishop Cardinal Edward M. Egan, the Archdiocese of New York now serves 2.5 million New York Roman Catholics and consists of 42 parishes, 278 elementary schools, and 3,729 charitable ministries.

The Archdiocese of New York is significant for many reasons. Elizabeth Ann Seton, founder of today's Catholic education parochial school and the first American-born saint, was a member of the Archdiocese. In fact, her name appears on the front doors of the well-known St. Patrick's Cathedral—the largest decorated gothic-style Catholic cathedral in the United States, which is located in my district. The New York Archdiocese has also had the honor of hosting three papal visits: Pope Paul VI in 1965 and Pope John Paul II in 1979 and 1995.

Throughout its rich history and up to the present day, the Archdiocese of New York has been generously sustained by its faithful parishioners, and has long supported the community through its ministries and countless good deeds. I can think of no better time to celebrate the Archdiocese than in this, its bicentennial year.

## COMMENDING DAVID RAY RITCHESON AND RECOGNIZING HIS EFFORTS IN PROMOTING FEDERAL LEGISLATION TO COMBAT HATE CRIMES

SPEECH OF

**HON. AL GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2007*

Mr. AL GREEN of Texas. Mr. Speaker, I am proud to support this resolution honoring the life and courage of the late David Ray Ritcheson.

David was a popular, friendly and cheerful student at Klein Collins High School in the Houston suburb of Spring, Texas. After a dispute at a party in Spring on April 23, 2006, two avowed white supremacists viciously attacked David because he was Mexican-American. David's attackers attempted to burn a swastika into his chest, poured bleach on his face and body, and used a jagged pipe to brutally assault him. One of his attackers was a skinhead with Nazi tattoos, and both of his attackers yelled "White Power!" during their assault on David.

After this attack, David was left for dead, but, after being sent to the hospital the next morning, he fought bravely on. After 3½ months in an intensive care hospital bed, David was able to leave the hospital and attempt to return to a life of normalcy. David courageously decided to use his tragedy to create something positive and became an outspoken advocate of federal hate crimes legislation that would help ensure that local police departments would be able to prosecute cases like his as hate crimes in the future.

This past April, David testified before a subcommittee of the House of Representatives Committee on the Judiciary in favor of the

Local Law Enforcement Hate Crimes Prevention Act. His passionate, moving and eloquent testimony helped spur this House to act on that important legislation, which passed this House in May.

Unfortunately, David passed away on July 1, after fighting to overcome the physical and mental wounds left by his attackers for over a year. In this difficult time for David's family and friends, it is important to remember David's admirable courage, warmth and strength.

I would like to give my condolences to all of David Ray Ritcheson's family, friends and loved ones. I also would like to recognize David's life and everything that he accomplished. I commend my friend and colleague, the gentlewoman from Texas, Ms. JACKSON-LEE, for introducing this resolution.

## HONORING THE LIFE OF LOI NGUYEN

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Mr. WALSH of New York. I rise today in tribute to Loi Nguyen, respected leader of the Syracuse Vietnamese Community. Sadly, Mr. Nguyen passed away on July 8th, 2007, after a long battle with liver complications.

Mr. Nguyen was a true patriot and an exemplary citizen. He fought valiantly alongside U.S. troops in Vietnam as a battalion commander in the South Vietnamese Army, suffering 10 years in a Communist re-education camp for aiding Americans. Along with other South Vietnamese soldiers who helped the U.S., Mr. Nguyen was allowed to immigrate into the United States, and moved to the Syracuse area in 1990. He began to assist refugees from Vietnam and other Southeast Asian nations in learning to drive, find jobs, learn English, and register to vote. He led the Vietnamese Community of Syracuse and the Vietnamese Veterans, and worked tirelessly to build a sense of community and improve conditions in Syracuse's North Side, where many Vietnamese immigrants live. One of his crowning achievements, Mr. Nguyen was instrumental in the development of the Franciscan Vietnamese Freedom Garden, which will serve as a green space for residents of the North Side, and also as a symbol of community.

Mr. Nguyen's leadership, his patriotism, and his concern for others have benefited his community greatly. He fostered a better understanding and sense of community among many different cultures, and reminded us all of the significance of what many of us take for granted—freedom. Loi Nguyen will be missed, but will not be forgotten.

## IN RECOGNITION OF CLYDE AND LINDA ROGERS

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to an occasion very dear to me. On July 26, 2007, my mother and father will mark their 50th wedding anniversary.

Linda Lou Perryman and Clyde Gilbert Rogers were wed by a Justice of the Peace on July 26, 1957, in Crown Point, Indiana. When they moved to Alabama my father worked as a firefighter at the Anniston Army Depot for 25 years and my mother took a job as an inspector at Classie Ribbon Company, where she worked for more than 30 years.

I would like to wish my parents a happy anniversary and thank them for all that they have done for me.

## PERSONAL EXPLANATION

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Ms. DELAURO. Madam Speaker, during rollcall vote No. 703 on H.R. 3074, I mistakenly recorded my vote as "aye" when I should have voted "no."

## PERSONAL EXPLANATION

### HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Ms. CLARKE. Madam Speaker, On rollcall No. 691, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 692, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 693, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 694, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 695, I was taking a leave of absence. Had I been present, I would have voted "nay."

On rollcall No. 696, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 697, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 698, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 699, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 700, I was taking a leave of absence. Had I been present, I would have voted "nay."

On rollcall No. 701, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 702, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 703, I was taking a leave of absence. Had I been present, I would have voted "yea." On rollcall No. 704, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 705, I was taking a leave of absence. Had I been present, I would have voted "nay."

On rollcall No. 706, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 707, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 708, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 709, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 710, I was taking a leave of absence. Had I been present, I would have voted "nay."

On rollcall No. 711 I was taking a leave of abence. Had I been present, I would have voted "nay." On rollcall No. 712, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 713 I was taking a leave of absence. Had I been present, I would have voted "yea." On rollcall No. 714, I was taking a leave of absence. Had I been present, I would have voted "nay." On rollcall No. 715, I was taking a leave of absence. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Mr. HONDA. Madam Speaker, on Monday, July 23, and Tuesday, July 24, I was unavoidably detained due to family medical matters in California and was not present for a number of rollcall votes on those days.

Had I been present I would have voted:

"Yea" on rollcall 687, H.R. 404, the Federal Customer Service Enhancement Act.

"Yea" on rollcall 688, H. Res. 553, Mourning the passing of former First Lady, Lady Bird Johnson.

"Yea" on rollcall 689, H. Res. 519, Honoring the life and accomplishments of renowned artist Tom Lea on the 100th anniversary of his birth.

"Yea" on rollcall 690, a Motion on Ordering the Previous Question on H. Res. 558.

"Nay" on rollcall 691, an amendment offered by Representative MICA to H.R. 3074.

"Nay" on rollcall 692, an amendment offered by Representative BACHMANN to H.R. 3074.

"Nay" on rollcall 693, an amendment offered by Representative FLAKE to H.R. 3074.

"Nay" on rollcall 694, an amendment offered by Representative FLAKE to H.R. 3074.

"Nay" on rollcall 695, an amendment offered by Representative CHABOT to H.R. 3074.

"Nay" on rollcall 696, an amendment offered by Representative WESTMORELAND to H.R. 3074.

"Nay" on rollcall 697, an amendment offered by Representative SESSIONS to H.R. 3074.

"Nay" on rollcall 698, an amendment offered by Representative FLAKE to H.R. 3074.

"Nay" on rollcall 699, an amendment offered by Representative FLAKE to H.R. 3074.

"Nay" on rollcall 700, an amendment offered by Representative FLAKE to H.R. 3074.

"Nay" on rollcall 701, an amendment offered by Representative FLAKE to H.R. 3074.

"Nay" on rollcall 702, an amendment offered by Representative FLAKE to H.R. 3074.

"Yea" on rollcall 703, an amendment offered by Representative HASTINGS (Florida) to H.R. 3074.

"Nay" on rollcall 704, an amendment offered by Representative FRELINGHUYSEN to H.R. 3074.

"Nay" on rollcall 705, an amendment offered by Representative HENSARLING to H.R. 3074.

"Nay" on rollcall 706, an amendment offered by Representative HENSARLING to H.R. 3074.

"Nay" on rollcall 707, an amendment offered by Representative HUNTER to H.R. 3074.

"Nay" on rollcall 708, an amendment offered by Representative JORDAN to H.R. 3074.

"Nay" on rollcall 709, an amendment offered by Representative PRICE (Georgia) to H.R. 3074.

"Nay" on rollcall 710, an amendment offered by Representative MUSGRAVE to H.R. 3074.

"Nay" on rollcall 711, an amendment offered by Representative PRICE (Georgia) to H.R. 3074.

"Nay" on rollcall 712, an amendment offered by Representative KING (Iowa) to H.R. 3074.

"Yea" on rollcall 713, an amendment offered by Representative FRANK to H.R. 3074.

"Nay" on rollcall 714, a Motion to Recommit H.R. 3074.

"Yea" on rollcall 715, H.R. 3074, the Fiscal Year 2008 Transportation/HUD Appropriations Act.

## PERSONAL EXPLANATION

### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

July 24, 2007

Roll call vote 691, on agreeing to the Mica (FL) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 692, on agreeing to the Bachmann (MN) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 693, on agreeing to the Flake (AZ) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 694, on agreeing to the Flake (AZ) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 695, on agreeing to the Chabot (OH) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 696, on agreeing to the Westmoreland (GA) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 697, on agreeing to the Sessions (TX) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 698, on agreeing to the Flake (AZ) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 699, on agreeing to the Flake (AZ) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 700, on agreeing to the Flake (AZ) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 701, on agreeing to the Flake (AZ) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 702, on agreeing to the Flake (AZ) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted aye.

Roll call vote 703, on agreeing to the Hastings (FL) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted nay.

Roll call vote 704, on agreeing to the Frelinghuysen (NJ) amendment—H.R. 3074, the Departments of Transportation, and Housing and Urban Development, and related agencies appropriations for FY 2008—I would have voted nay.

## IN RECOGNITION OF STAND UP EFFORTS OF STAND DOWN

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Mr. GALLEGLY. Madam Speaker, I rise to recognize the outstanding achievements of Ventura County Stand Down, which this weekend will mark 15 years of helping homeless veterans combat life on the streets.

During the three-day, two-night Stand Down, veterans will live on the campus of the California Army National Guard Armory in military-style tents erected by the Seabees. They will have access to shower facilities, toiletries, new and used clean clothing, and hot meals each day.

Working in conjunction with dozens of public and private agencies, Stand Down 2007 will provide homeless veterans with a myriad of services such as medical treatment, legal services, prescription lenses, employment counseling and referrals, VA benefits, drug and alcohol counseling, general relief information, transitional housing information, along with a range of other government and social services.

It's a monumental undertaking. Ventura County Stand Down would not be a success—or have even been launched—without the skill and perseverance of Claire Hope, the founder and executive committee chairperson of Ventura County Stand Down. The daughter of a World War II veteran and mother of a veteran of Desert Storm, Claire Hope has a soft heart for veterans and a strong will to help those in need.

She is not alone. About 300 volunteers help each year with the efforts. Another nearly 300 companies, corporations, and non-profit organizations are on board. About 20 service providers take part and 20 committees oversee all aspects of the event, from planning, to execution, to cleanup, to follow-up.

Many of the volunteers have been with Claire since the beginning. While I can't name them all, I would be remiss without noting several key people whose efforts have meant so much to our veterans. They include:

Duane Dammeyer, Public Defender; J. Roger Myers, Legal Counsel; Bob Reeves, Grounds; Hal Nachenberg, VA Benefits and Services; Joseph Narkevitz and Robert Reed, PTSD & Intervention Counseling; Herb Williams, On-Site Activities; Bob Adams, Job Placement; Betty Zamost, Homeless Program VA Administration; Judge John Dobroth, Superior Court; Dr. Cal Farmer, Entertainment/Ambiance; Madeline Lee, Toiletries; Marie Williams, Transportation; Gene Ogden, Adopt-A-Veteran Program; and, Mary Ann Foushee, Social Security Administration.

Madam Speaker, I know my colleagues will join me in recognizing the importance of Ventura County Stand Down and in thanking Claire Hope and her myriad of volunteers for their selfless efforts in helping those who served our country and who fell on hard times to have a fighting chance to resume a life of stability and peace. It's a yeoman's effort, and one worth undertaking.

## TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 24, 2007*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes:

Mrs. MALONEY of New York. Mr. Chairman, I rise today in support of H.R. 3074, the FY2008 Transportation-HUD Appropriations Act.

This legislation includes funding for many valuable programs including $1.4 billion for Amtrak, which serves as a critical transportation link not only for my constituents, but for people across the country.

I especially want to thank Chairman OLVER for the funding in the bill for the Second Avenue Subway. The President's budget request included funding for the Second Avenue Subway, which will be vital to commuters throughout the region and for thousands of tourists

who visit from around the country. The Second Avenue Subway will ease the incredibly overcrowded Lexington Avenue subway line, which is one of the busiest in the Nation. On day one, the Second Avenue Subway will carry nearly 200,000 riders, reducing crowding on the Lex line by 13 percent. I am also pleased that the bill includes funding for the East Side Connector, which when completed will bring approximately 160,000 new passengers, including 5,000 residents of western Queens, into Grand Central Station.

Finally, I support the provisions in the bill to increase funding for Section 8 housing vouchers, the HOPE VI program, and the Community Development Block Grant, and to restore the President's proposed cuts to housing for the disabled and the elderly. This legislation addresses the needs of our constituents, and I urge my colleagues to support the bill.

## COMMEMORATING THE 100TH ANNIVERSARY OF THE CORNERSTONE LAYING OF THE PILGRIM MONUMENT IN PROVINCETOWN, MASSACHUSETTS

### HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Mr. DELAHUNT. Madam Speaker, it is with enormous pride that I rise today to commemorate an important historical milestone in America's history, the 100th anniversary of the cornerstone laying of the Pilgrim Monument in Provincetown, MA.

The Pilgrims arrived on our shores with their many hopes and dreams; they worked hard and suffered greatly in order to fulfill them. Now, people around the country, from schoolchildren studying them as part of their American history curriculum to families gathering together on the fourth Thursday of every November in the spirit of thankfulness, the story of the Pilgrims and America's First Thanksgiving is enshrined in our collective memory. On Monday, August 20, 2007, a variety of friends and admirers will gather at the Pilgrim Monument to celebrate the 100th anniversary of the laying of the Monument's cornerstone in 1907.

The 252-foot-tall Pilgrim Memorial Monument was constructed between 1907 and 1910 to commemorate the first landing of the Pilgrims and the signing of the Mayflower Compact in Provincetown Harbor in 1620. It was built by the Cape Cod Pilgrim Memorial Association, which was established by a special act of the Massachusetts legislature on February 29, 1892, to raise funds to build the Monument. The Association raised $92,000 in federal, state and private funds, while the land was donated by the town of Provincetown. The cornerstone of the Monument was laid on August 20, 1907 at a ceremony attended by President Theodore Roosevelt, and the completed Monument was dedicated in 1910 at a ceremony attended by President William Howard Taft.

Since its completion in 1910, the Monument has become a symbol of the role Provincetown played in the early history of our country. In the century since its construction, the Monument has attracted millions of visitors from across the United States and around the world. The Provincetown Museum has excelled in its mission of detailing not only the events surrounding the Pilgrims' first landfall but also the place Provincetown occupies in New England's cultural and maritime history.

On August 20, 2007, a host of well wishers will join the entire Provincetown community in a parade and gathering at the Monument to commemorate its place in Massachusetts' and America's history. And it is with equal pleasure that I enter this tribute into the CONGRESSIONAL RECORD so that this milestone is officially recognized and recorded in the official history of the United States of America.

## THE MERCED COUNTY VFW HONOR GUARD

### HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Mr. CARDOZA. Madam Speaker, it is with the greatest pleasure and gratitude that I rise today to recognize the Merced County VFW Honor Guard for their many years of selfless service on behalf of their fellow veterans of the United States of America. I am particularly honored to recognize this team of individuals as they served as Honor Guard at the burial service of my own father, Manuel Cardoza, who served in the U.S. Merchant Marines during World War II.

For many years, members of the Winton VFW Post #7792, the Atwater VFW Post #9946, and the Merced VFW Post #4327 worked together to help conduct proper burial services for our local veterans. These individuals have worked long hours and gruesome schedules in order to serve their fellow veterans. Within the last few years, they have averaged 157 burial services, dedicated 4511 man hours, and traveled more than 4800 miles each year.

I would like to take a moment to recite the names of the veterans who have dedicated their time, energy and resources to providing their fellow veterans with honorable burial services as members of the Honor Burial Team. Madam Speaker, I ask my colleagues to join me in honoring those members of the Honor Guard who have gone before us: Louis Gonzales #9946, Paul Gunderson #7792, Ernie Dominquez #4327, Wyn Aguirre #9946, David Barrone #9946, John Aue #9946, Mel Hode #9946, Vern Kolander #7792, Bill and Evelyn Petrie #7792, Bill Butler #9946, Charles Hickman #9946, Frank and Mary Gaffney #9946, and Bryce Tillman #9946. And it is with great sincerity that I ask my colleagues to join me in honoring the current members of the Merced County Honor Guard: Commander Richard Clerkin #7792, Chaplain Ken Wenrich #7792, Honorary Chaplain Father Tom Timmings, Rifle Team Captain George Stroud #7792, Bugler Bill Dacus #4327, Quarter Master Don Dean #9946, Ray Baker #7792, Dick Darby #7792, Ernie Connor #7792, Judge Brown #7792, Gerald Dunker #7792, Byron McNamara #9946, Ken Henn #9946, John Douglas #9946, Bill Oliver #9946, Tony Castro #9946, David Loeser #9946, James Tyson #9946, Willie Kimoto #7792, and Ishmael Hernandez #9946.

Throughout our history, brave men and women have risked their lives to preserve freedom for future generations. It is a tradition unlike any other. Each member of the United States Armed Forces is an inspiration to the American people in their patriotism, skill, and selfless dedication to the ideals that make this Nation great. Madam Speaker, I ask my colleagues to join me in honoring the Merced County VFW Honor Guard for their service and for their selfless commitment to honoring their fellow veterans with the most appropriate and necessary military burial. I wholeheartedly extend my sincerest appreciation to each individual of this outstanding team. Thank you for serving our country with bravery and honor, and thank you for continuing to serve your fellow veterans.

## RECOGNIZING THE 20TH ANNIVERSARY OF THE McKINNEY-VENTO HOMELESS ASSISTANCE ACT

SPEECH OF

### HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2007*

Mr. AL GREEN of Texas. Mr. Speaker, I believe the greatness of our country will not be measured by the number of tractors it produces. But rather, I believe the greatness of our country will be measured by the number of persons it feeds. I believe the greatness of our country will not be measured by the number of skyscrapers it builds. But rather, I believe the greatness of our country will be measured by the number of persons it shelters.

Today, more than three quarters of a million people are homeless on any given night. There are as many as 189,000 homeless persons with disabilities. More than 98,452 families are homeless. If we are to end homelessness, rather than just reduce it, we must provide our Nation with right tools to fight homelessness. If we are to end homelessness within 10 years, rather than just reduce it, we must ensure that we support the programs that work well. That rests in our ability to fully fund them so that they achieve their true potential.

That is why I am a proud co-sponsor of H. Res. 561, which recognizes the 20th anniversary of the passage of the McKinney-Vento Homeless Assistance Act. The McKinney-Vento programs have successfully provided housing (e.g., shelter, transitional housing) and supportive services to tens of thousands of men, women and children experiencing homelessness. The McKinney-Vento Homeless Assistance Act is an important asset in our battle against homelessness. I commend my colleague, Mr. SHAYS, for introducing this important resolution.

## MOURNING THE PASSING OF FORMER FIRST LADY, LADY BIRD JOHNSON

SPEECH OF

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2007*

Mr. RANGEL. Mr. Speaker, the Nation lost a beloved friend and one of its most dedicated environmentalists on Wednesday when Lady Bird Johnson passed away at the age of 94.

Much has been written about how the classy woman from Austin was a calming influence on our 37th President, Lyndon B. Johnson. When President Kennedy was assassinated in 1963, Lady Bird stepped in and provided comfort to the Kennedy family and a grieving Nation. When civil rights legislation looked to be stalled in the Congress in 1964, the devoted mother of two took to the road on her own whistle-stop tour across the country, defending the administration's policies and goals.

However, her most lasting legacy can be seen anytime you see the flowers bloom in the Capital or the colorful landscapes as you travel the Nation's roads. In addition to leading clean-up efforts of parks and natural habitats in and around the DC area, her advocacy helped push through the $320 million Highway Beautification Act in 1965. The Federal legislation provided money and other incentives to reduce the number of billboards and other eyesores along Federal highways and expanded local programs to plant wildflowers and other native plants.

Active well into her 90s, Lady Bird Johnson was a role model for future generations. She broke the mold of what a First Lady could do, both during and after the White House. Her achievements and efforts with the National Wildlife Research Center that she helped establish in 1982 expanded the Nation's interest in the environment, providing a foundation for today's current green movement.

Her activism and graceful presence will be missed. Yet, her smile and charm will always be remembered any time anyone looks at the beautiful landscapes and wildflowers that she championed all across this great land.

## PERSONAL EXPLANATION

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Mr. WALSH of New York. Madam Speaker, on rollcall vote No. 712, which would have prohibited funds in the fiscal year 2008 Transportation-HUD Appropriations Act from being used to implement provisions of the Davis-Bacon Act, I was unavoidably detained and unable to vote. Had I been present I would have voted "no."

## RECOGNIZING MATTHEW JAMES BRAMMEIER

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew James Brammeier, 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 1360, and in earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many scout activities. Over the many years Matthew 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 Matthew James Brammeier for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM AMENDMENTS ACT OF 2007

SPEECH OF

### HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2007*

Mr. AL GREEN of Texas. Mr. Speaker, I am proud to support the National Underground Railroad Network to Freedom, an important program that keeps alive the memory of the Underground Railroad and the spirit of freedom, justice and equality encompassed therein.

The Underground Railroad stood as a beacon of hope during a time of slavery and oppression for millions of African-Americans. Tens of thousands of enslaved individuals used the network of clandestine routes, safe houses, meeting points and secret codes known as the Underground Railroad to escape to freedom during the first half of the 19th century.

In 1998, Congress established the National Underground Railroad Network to Freedom. This network of 300 affiliate sites across the United States has done an excellent job over the last decade in increasing public awareness of the Underground Railroad, the amazing individuals who made it possible, and its numerous accomplishments. However, this tremendous program has faced persistent underfunding since its inception and is projected to face a budgetary shortfall of nearly 80 percent by 2011 unless its funding is increased.

The National Underground Railroad Network to Freedom Reauthorization Act presents a sensible and important solution to this challenge. This bill will authorize $2.5 million annually for the operation of the Network to Freedom program, an increase from the $500,000 currently authorized. This modest increase will provide the program with sufficient funding to allow it to retain the staff and resources necessary to continue educating the American public about this shining example of truly American values.

Mr. Speaker, I believe strongly in the values embodied by the Underground Railroad and the people who made it a reality. I am proud to be an original cosponsor of the National Underground Railroad Network to Freedom Reauthorization Act, which I believe is a crucial step in keeping alive the memory of the Underground Railroad. I commend my friend and colleague, Mr. HASTINGS of Florida, for introducing this important legislation.

## MOURNING THE PASSING OF FORMER FIRST LADY, LADY BIRD JOHNSON

SPEECH OF

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 23, 2007*

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to the memory of Mrs. Claudia "Lady Bird" Johnson. Her humble and steadfast devotion to public service combined with her passionate concern for environmental issues made her an icon within the environmental movement. Modest and kind, dedicated and courageous, her contribution to American politics will not soon be forgotten.

As an advocate of natural habitat and wildlife protection, I greatly admired Lady Bird's commitment to preserving and beautifying America's lands. My father, Stewart Udall, was Secretary of the Interior under President Johnson, and he credits Lady Bird's several trips to the American West and the Rocky Mountains with igniting her love of the environment. Her campaigns to beautify our cities and highways, clean our lakes and rivers, and preserve our natural resources catalyzed many of the environmental campaigns politicians now pursue. Lady Bird transformed Washington D.C. while her husband was in office by planting thousands of tulips and daffodils in parks across the city and creating a national roadside planting program. For Lady Bird, wildflower beautification was not simply cosmetic; by expanding and bolstering diverse habitats, her projects inspired reverence for nature and the inherent splendor of our earth. She reminded us that to enjoy life, we must sometimes stop to smell the roses.

At age 70, she founded the Lady Bird Johnson Wildflower Center. She said it was her way of paying back rent for the space she occupied in the world. This center now leads the nation in wildflower research, education, and project development.

Environmental work, however, was only part of Lady Bird's public service campaign. As the first First Lady to have a press secretary and a chief of staff, she cultivated her own agenda. A staunch supporter of civil rights, Lady Bird's strength, intelligence, and good judgment served as a guide and comfort for President Johnson. She also pushed for federal legislation restricting billboards on federal highways and fought for the Head Start program. The projects she undertook always reflected her compassion, graciousness, and determination to make a difference.

Lady Bird's compassion not only infused her political career but also permeated her personal life. Mother of two beautiful daughters, Luci Baines and Lynda Bird, Lady Bird cared for her family with same exquisite grace she exhibited as First Lady. Luci and Lynda have inherited their mother's dedication to public service. They have supported a variety of organizations, including Reading Is Fundamental, the American Heart Association, and the Center for Battered Women. Lady Bird's family and those close to her admired and emulated her loving patience, tender poise, and unending strength.

An environmental pioneer, a behind the scenes supporter and advisor for her husband, a loving mother, and a gentle soul, Lady Bird

will be sincerely missed. Lady Bird was a friend of my father's, and our family will always celebrate the life of the extraordinary woman who gave so much of herself. In her various efforts to spread beauty and tranquility across the country, Lady Bird has left this world a better place for us all.

## INTRODUCTION OF THE EQUAL JUSTICE FOR OUR MILITARY ACT OF 2007

### HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Equal Justice for Our Military Act of 2007—a bill that will give our servicemembers equal access to the United States Supreme Court. We all know that when American men and women decide to serve their nation in the Armed Forces, they make many sacrifices—from lost time with their families to irreplaceable losses of lives and limbs. However, most Americans are not aware that active-duty servicemembers also sacrifice one of the fundamental legal rights that all civilian Americans enjoy.

Under current law, members of the military who are convicted of offenses under the military justice system do not have the legal right to appeal their cases to the U.S. Supreme Court. It is unjust to deny the members of our Armed Forces access to our system of justice as they fight for our freedom around the world. They deserve better.

As the Chairwoman of the Subcommittee on Military Personnel, a long-time advocate for servicemembers, and a representative of San Diego, one of the largest military communities in the nation, I feel an obligation to fight to ensure that the members of our military are treated fairly. Current law weights the playing field in favor of the government, granting the automatic right to Supreme Court review to the Department of Defense whenever a servicemember wins his or her case, but denying servicemembers that same right when the government wins a conviction against them in almost all situations. This is just unfair. In the 109th Congress, I introduced legislation to grant our men and women in uniform access to the Supreme Court in certain situations.

Today, I am re-introducing this legislation in expanded form, to allow service members in a broader set of circumstances the right to Supreme Court appeal. This approach has been endorsed by the American Bar Association, the Military Officers Association of America, and many other advocates. I believe strongly that it is fundamentally unjust to deny those who serve on behalf of our country in the military one of the basic rights afforded to all other Americans. I hope that you will stand with me in support of this legislation to attain equal treatment for those who fight for us.

## INTRODUCTION OF CAPITAL GAINS AND ESTATE TAX RELIEF ACT

### HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 25, 2007*

Mr. MITCHELL. Madam Speaker, earlier today I introduced, along with my colleague CHRIS SHAYS, the Capital Gains and Estate Tax Relief Act, a bill to extend key tax cuts that are critical to middle class families in my district and across the country.

If enacted, the Capital Gains and Estate Tax Relief Act would preserve the lower tax on capital gains as well as the reduced estate tax which are both set to expire in 2011.

Several years ago, these tax cuts were championed by President Bush and a Republican Congress. Clearly the political winds have changed. But in the race to distance ourselves from the former congressional leadership, I implore my colleagues to give careful consideration to these tax cuts before dismissing them.

They are sensible. They help millions of middle class Americans. They encourage investment and make our tax code more fair and more predictable.

After careful consideration, I believe they should be made permanent and bipartisan.

They affect small businesses. They affect the stock holders. They affect anyone who owns a home.

While, a generation ago, these may have sounded like the lofty concerns of the wealthy elite, today, these are mainstream, middle-class experiences.

In 1983, less than 20 percent of Americans owned stock. Now, between IRAs, 401(k)s, and education savings accounts, more than half of Americans do.

And after a decade and a half of low interest rates, more than two-thirds of Americans are now homeowners. By 2011, the year that these tax cuts expire, economists predict that number will reach 70 percent.

When it comes time to sell your home or trade your stock, capital gains taxes prevent you from making optimal financial decisions. This is bad for sellers, bad for buyers, and bad for our economy.

Decisions like these should be based on personal and financial needs, such as paying for college or planning for retirement, not the needs of the IRS.

While it would be impractical for us to eliminate the tax on capital gains, I believe we can take steps to minimize its harmful effects. Most notably, we can make the temporary cut from 20 percent to 15 percent permanent.

The estate tax is equally troublesome. Before the temporary tax cuts went into effect, anyone with assets of more than $675,000 at the time of his or her death was subject to the estate tax. In calculating this amount, the government didn't just count the amount of money in your bank account. It also counted the value of your home and the value of your investments. And if you owned a small business, the government counted the value of that business as well.

As home values began to rise and the number of small businesses continued to grow, more and more middle-class tax payers began exceeding this exemption.

This was a particular problem in Arizona, where home prices have increased by more than 150 percent in the past decade. But there are many States where the growth of real estate has outpaced Arizona's.

In other words, if a taxpayer purchased a $250,000 home in the 1990s and this home increased in value to $625,000, the owner was only allowed $50,000 in additional assets before the Federal Government started taking away 55 percent of everything else that person owned upon his or her death. If that taxpayer was self-employed, owned a small business, or had money saved in a retirement account, it is easy to see how quickly his or her estate could exceed $675,000.

Home ownership and small businesses are things we want to promote. Over the past decade, small businesses have created more than 60 percent of new jobs in the United States. In Arizona, small businesses account for 97 percent of employer businesses.

But home ownership and small business development are precisely the things that are hurt by the estate tax. It makes it harder for family businesses to transfer their assets down from one generation to another. When combined with capital gains, it makes it harder for parents to realize the benefit of the recent housing boom and share that benefit with their children.

I believe we need an estate tax that takes inflation into account, so the value of your property today will be the same as what you would like to pass onto your children. H.R. 3170 would permanently reduce the estate tax by establishing a system for future increases in the estate tax exemption based on inflation.

The Congressional Budget Office estimates the combined costs of making these tax cuts permanent to be $332 billion over 10 years. To put this in perspective, we are currently spending $124 billion a year on the war in Iraq. If we can find that much to help Iraqis with their economy, I believe we can find $332 billion to help our own.

In March, I voted against the Budget Resolution, H. Con. Res. 99, in part, because it failed to extend cuts to the estate and capital gains taxes. At the time, I expressed frustration with both Democrats and Republicans for failing to work together to create a budget that incorporates good ideas from both sides of the aisle.

When I ran for Congress last year, the one thing I heard over and over again from voters was how sick and tired they were of partisan bickering in Washington that was getting nothing done.

I believe we can do better. So today I challenge my colleagues, on both sides of the aisle, to do the right thing. Consider this legislation, not through a caustic, partisan lens, but on its merits. The middle class wants Congress to make these key tax cuts permanent, and working together, I know we can make that happen.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 26, 2007 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### JULY 31

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the securities markets.

SD–538

Foreign Relations

To hold hearings to examine nuclear energy and nonproliferation challenges, focusing on safeguarding the atom.

SD–419

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Ronald Spoehel, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration, William G. Sutton, Jr., of Virginia, to be an Assistant Secretary of Commerce, Thomas J. Barrett, of Alaska, to be Deputy Secretary of Transportation, and Paul R. Brubaker, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

SR–253

Finance

To continue hearings to examine carried interest (Part II).

SD–215

Homeland Security and Governmental Affairs

To hold hearings to examine the Department of Homeland Security status report, focusing on measuring progress and confronting new threats.

SD–342

Judiciary

To hold hearings to examine the impact of the Leegin decision.

SD–226

2:30 p.m.

Judiciary

To hold hearings to examine death and serious injury relating to oxycontin and defective products.

SD–226

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

9:30 p.m.

Veterans' Affairs

To hold hearings to examine Department of Veterans Affairs and Department of Defense education issues.

SD–562

### AUGUST 1

2:30 p.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine the Department of Justice.

SR–253

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the underrepresentation of Americans at the United Nations and its organizations; focusing on ways to build a stronger American diplomatic presence.

SD–342

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 1054 and H.R. 122, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project, S. 1472, to authorize the Secretary of the Interior to create a Bureau of Reclamation partnership with the North Bay Water Reuse Authority and other regional partners to achieve objectives relating to water supply, water quality, and environmental restoration, S. 1475 and H.R. 1526, bills to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Bay Area Regional Water Recycling Program, H.R. 30, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project, H.R. 609, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and H.R. 1175, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project.

SD–366

Intelligence

To hold hearings to examine the nomination of Donald M. Kerr, of Virginia, to be Principal Deputy Director of National Intelligence.

SH–219

### AUGUST 2

10 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

2:30 p.m.

Banking, Housing, and Urban Affairs

Security and International Trade and Finance Subcommittee

To hold hearings to examine reforming key international financial institutions for the 21st century.

SD–538

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

# *Daily Digest*

# Senate

## *Chamber Action*

***Routine Proceedings, pages S9857–S10049***

**Measures Introduced:** Ten bills were introduced, as follows: S. 1869–1878. **Page S9916**

**Measures Reported:**

S. 1698, to provide that no funds appropriated or otherwise made available by any Act for contributions for international organizations may be made available to support the United Nations Human Rights Council, with an amendment. (S. Rept. No. 110–137) **Page S9916**

**Measures Passed:**

***Wounded Warrior Assistance Act:*** Committee on Armed Services was discharged from further consideration of H.R. 1538, to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S9857–60**

Reid (for Levin) Amendment No. 2402, in the nature of a substitute. **Page S9858**

***U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act:*** Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of S. 1716, to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers, and the bill was then passed. **Page S10045**

***Military Salute:*** Senate passed S. 1877, to amend title 4, United States Code, to prescribe that members of the Armed Forces and veterans out of uniform may render the military salute during hoisting, lowering, or passing of flag. **Page S10045**

***Authorizing Printing of Documents:*** Senate agreed to H. Con. Res. 190, authorizing printing of the brochure entitled "How Our Laws Are Made", the document-sized, annotated version of the United States Constitution, and the pocket version of the United States Constitution. **Page S10045–46**

**Measures Considered:**

**DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT:** Senate continued consideration of H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, taking action on the following amendments proposed thereto: **Pages S9869–S9910**

Adopted:

Bingaman Amendment No. 2388 (to Amendment No. 2383), to provide financial aid to local law enforcement officials along the Nation's borders, which was adopted on Tuesday, July 24, 2007. **Page S9869**

Murray (for Feinstein) Amendment No. 2386 (to Amendment No. 2383), to amend title 18, United States Code, to make technical corrections to the new border tunnels and passage offense. **Page S9908**

Murray (for Feinstein) Modified Amendment No. 2387 (to Amendment No. 2383), to prohibit sexual abuse of prisoners held in custody at the direction of or under an agreement with the Federal Government. **Page S9908**

Murray (for Cornyn) Amendment No. 2430 (to Amendment No. 2383), to provide for the control and management of Arundo donax, commonly known as "Carrizo cane". **Pages S9908–09**

Murray (for McCaskill) Modified Amendment No. 2425 (to Amendment No. 2383), to require the Secretary of Homeland Security establish and maintain on the website of the Department of Homeland Security a link to the website for the Office of Inspector General for the Department of Homeland Security. **Page S9909**

Murray (for Clinton) Modified Amendment No. 2390 (to Amendment No. 2383), to require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes. **Page S9909**

Pending:

Byrd/Cochran Amendment No. 2383, in the nature of a substitute. **Page S9869**

Landrieu Amendment No. 2468 (to Amendment No. 2383), to state the policy of the United States

Government on the foremost objective of the United States in the Global War on Terror and in protecting the United States Homeland and to appropriate additional sums for that purpose.

**Pages S9900–03**

Grassley/Inhofe Amendment No. 2444 (to Amendment No. 2383), to provide that none of the funds made available under this Act may be expended until the Secretary of Homeland Security certifies to Congress that all new hires by the Department of Homeland Security are verified through the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 or may be available to enter into a contract with a person, employer, or other entity that does not participate in such basic pilot program. **Pages S9903–05**

Cochran (for Alexander/Collins) Amendment No. 2405 (to Amendment No. 2383), to make $300,000,000 available for grants to States to carry out the REAL ID Act of 2005.

**Pages S9886–S9900, S9905**

Schumer Amendment No. 2416 (to Amendment No. 2383), to evaluate identification card technologies to determine the most appropriate technology for ensuring the optimal security, efficiency, privacy and cost of passport cards. **Pages S9905–06**

Schumer Amendment No. 2461 (to Amendment No. 2383), to increase the amount provided for aviation security direction and enforcement. **Page S9906**

Schumer Amendment No. 2447 (to Amendment No. 2383), to reserve $40,000,000 of the amounts appropriated for the Domestic Nuclear Detection Office to support the implementation of the Securing the Cities initiative at the level requested in the President's budget. **Page S9906**

Schumer/Hutchison Amendment No. 2448 (to Amendment No. 2383), to increase the domestic supply of nurses and physical therapists.

**Pages S9906–07**

Dole Amendment No. 2462 (to Amendment No. 2383), to require that not less than $5,400,000 of the amount appropriated to United States Immigration and Customs Enforcement be used to facilitate agreements described in section 287(g) of the Immigration and Nationality Act. **Page S9907**

Dole Amendment No. 2449 (to Amendment No. 2383), to set aside $75,000,000 of the funds appropriated for training, exercise, technical assistance, and other programs under the heading State and local programs for training consistent with section 287(g) of the Immigration and Nationality Act.

**Page S9907**

Cochran (for Grassley) Amendment No. 2476 (to Amendment No. 2383), to require the Secretary of Homeland Security to establish reasonable regulations relating to stored quantities of propane.

**Pages S9907–08**

During consideration of this measure today, the Senate also took the following action:

By 52 yeas to 44 nays (Vote No. 277), Senate sustained the ruling of the Chair that there was no defense of germaneness for the Graham Amendment No. 2412, to ensure control over the United States borders and strengthen enforcement of the immigration laws. Subsequently, the point of order that the amendment constituted legislation under Rule XVI of the Standing Rules of the Senate, was sustained and the amendment thus fell. **Pages S9895–97**

Subsequently, Gregg Amendment No. 2415 (to Amendment No. 2412), to change the enactment date, fell when Graham Amendment No. 2412 (listed above) was ruled out of order. **Pages S9873–75**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Thursday, July 26, 2007.

**Page S10046**

**Nominations Received:** Senate received the following nominations:

Harry K. Thomas, Jr., of New York, to be Director General of the Foreign Service.

James D. McGee, of Florida, to be Ambassador to the Republic of Zimbabwe.

Vincent Obsitnik, of Virginia, to be Ambassador to the Republic of Slovenia.

3 Air Force nominations in the rank of general.

6 Army nominations in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Navy. **Pages S10046–49**

**Messages from the House:** **Page S9915**

**Measures Referred:** **Page S9915**

**Measures Placed on the Calendar:** **Page S9915**

**Executive Communications:** **Pages S9915–16**

**Executive Reports of Committees:** **Page S9916**

**Additional Cosponsors:** **Pages S9916–17**

**Statements on Introduced Bills/Resolutions:**

**Pages S9917–27**

**Additional Statements:** **Pages S9913–15**

**Amendments Submitted:** **Pages S9927–82**

**Notices of Hearings/Meetings:** **Pages S9982–83**

**Authorities for Committees to Meet:**

**Pages S9983–84**

**Text of S. 1642 as Previously Passed:**

**Pages S9984–S10045**

**Record Votes:** One record vote was taken today. (Total—277) **Page S9896**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 8:11 p.m., until 9:30 a.m. on Thursday, July 26, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S110046.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## U.S. TRADE RELATIONS WITH CHINA

*Committee on Commerce, Science, and Transportation:* Subcommittee on Interstate Commerce, Trade, and Tourism concluded a hearing to examine United States trade relations with China, after receiving testimony from David Spooner, Assistant Secretary of Commerce for Import Administration; James P. Hoffa, International Brotherhood of Teamsters, Scott N. Paul, Alliance for American Manufacturing, and Robert S. Nichols, Financial Services Forum, all of Washington, D.C.; and M. Brian O'Shaughnessy, Revere Copper Products, Inc., Rome, New York.

## BUSINESS MEETING

*Committee on Energy and Natural Resources:* Committee ordered favorably reported:

S. 169, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, with an amendment in the nature of a substitute;

S. 278, to establish a program and criteria for National Heritage Areas in the United States, with an amendment in the nature of a substitute;

S. 289, to establish the Journey Through Hallowed Ground National Heritage Area, with an amendment in the nature of a substitute;

S. 443, to establish the Sangre de Cristo National Heritage Area in the State of Colorado, with an amendment in the nature of a substitute;

S. 444, to establish the South Park National Heritage Area in the State of Colorado, with an amendment in the nature of a substitute;

S. 471, to authorize the Secretary of the Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail, with amendments;

S. 637, to direct the Secretary of the Interior to study the suitability and feasibility of establishing the Chattahoochee Trace National Heritage Corridor in Alabama and Georgia, with an amendment;

S. 645, to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals;

S. 647, to designate certain land in the State of Oregon as wilderness, with an amendment in the nature of a substitute;

S. 722, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, with an amendment in the nature of a substitute;

S. 800, to establish the Niagara Falls National Heritage Area in the State of New York, with an amendment in the nature of a substitute;

S. 817, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide additional authorizations for certain National Heritage Areas, with an amendment in the nature of a substitute;

S. 838, to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, with an amendment in the nature of a substitute;

S. 955, to establish the Abraham Lincoln National Heritage Area, with an amendment in the nature of a substitute;

S. 1089, to amend the Alaska Natural Gas Pipeline Act to allow the Federal Coordinator for Alaska Natural Gas Transportation Projects to hire employees more efficiently, with an amendment in the nature of a substitute;

S. 1148, to establish the Champlain Quadricentennial Commemoration Commission and the Hudson-Fulton 400th Commemoration Commission, with an amendment in the nature of a substitute;

S. 1182, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to increase the authorization of appropriations and modify the date on which the authority of the Secretary of the Interior terminates under the Act, with an amendment in the nature of a substitute;

S. 1203, to enhance the management of electricity programs at the Department of Energy;

S. 1728, to amend the National Parks and Recreation Act of 1978 to reauthorize the Na Hoa Pili O Kaloko-Honokohau Advisory Commission;

H.R. 85, to provide for the establishment of centers to encourage demonstration and commercial application of advanced energy methods and technologies;

H.R. 247, to designate a Forest Service trail at Waldo Lake in the Willamette National Forest in the State of Oregon as a national recreation trail in

honor of Jim Weaver, a former Member of the House of Representatives;

H.R. 407, to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon;

H.R. 995, to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States;

H.R. 1100, to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina;

H.R. 1126, to reauthorize the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988;

H. Con. Res. 116, expressing the sense of Congress that the National Museum of Wildlife Art, located in Jackson, Wyoming, shall be designated as the "National Museum of Wildlife Art of the United States"; and

The nominations of Kevin M. Kolevar, of Michigan, to be Assistant Secretary for Electricity Delivery and Energy Reliability, Lisa E. Epifani, of Texas, to be Assistant Secretary for Congressional and Intergovernmental Affairs, and Clarence H. Albright, of South Carolina, to be Under Secretary, all of the Department of Energy, and James L. Caswell, of Idaho, to be Director of the Bureau of Land Management, and Brent T. Wahlquist, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement, both of the Department of the Interior.

Also, committee announced the following subcommittee assignments:

*Subcommittee on Energy:* Senators Murkowski, Craig, Burr, DeMint, Corker, Sessions, Bunning and Martinez.

*Subcommittee on National Parks:* Senators Burr, Murkowski, Corker, Barrasso, Sessions, Smith and Martinez.

*Subcommittee on Public Lands and Forests:* Senators Craig, Murkowski, Burr, DeMint, Barrasso, Sessions, Smith and Bunning.

*Subcommittee on Water and Power*: Senators Corker, Craig, DeMint, Barrasso, Smith and Bunning.

## EPA'S ENVIRONMENTAL JUSTICE PROGRAMS

*Committee on Environment and Public Works:* Subcommittee on Superfund and Environmental Health concluded an oversight hearing to examine the Environmental Protection Agency's Environmental Justice programs, after receiving testimony from Representative Solis; Granta Y. Nakayama, Assistant Administrator, Office of Enforcement and Compliance Assurance, and Wade T. Najjum, Assistant Inspector General for Program Evaluation, Office of the Inspector General, both of the Environmental Protection Agency; John B. Stephenson, Director, Natural Resources and Environment, Government Accountability Office; South Carolina State Representative Harold Mitchell, Spartanburg; Robert D. Bullard, Clark Atlanta University Environmental Justice Resource Center, Atlanta, Georgia; Michael W. Steinberg, Business Network for Environmental Justice, Washington, D.C.; Peggy M. Shepard, WE ACT for Environmental Justice, New York, New York; and Beverly Wright, Dillard University Deep South Center for Environmental Justice, Baton Rouge, Louisiana.

## NOMINATIONS

*Committee on Finance:* Committee concluded a hearing to examine the nominations of Peter B. McCarthy, of Wisconsin, to be an Assistant Secretary, and David H. McCormick, of Pennsylvania, to be an Under Secretary, both of the Department of the Treasury, Kerry N. Weems, of New Mexico, to be Administrator of the Centers for Medicare and Medicaid Services, and Tevi David Troy, of New York, to be Deputy Secretary, both of the Department of Health and Human Services, and Charles E. F. Millard, of New York, to be Director of the Pension Benefit Guaranty Corporation, after the nominees testified and answered questions in their own behalf.

## ENHANCING THE PEACE CORPS

*Committee on Foreign Relations:* Subcommittee on Western Hemisphere, Peace Corps and Narcotics Affairs concluded a hearing to examine S. 732, to empower Peace Corps volunteers, after receiving testimony from Ronald A. Tschetter, Director, H. David Kotz, Inspector General, Kate Raftery, County Director, Eastern Caribbean, and Chuck Ludlam, and Paula Hirschoff, both Volunteers, all of the Peace Corps; Kevin F.F. Quigley, National Peace Corps Association, and Mark L. Schneider, International Crisis Group, both of Washington, D.C.; and Nicole Fiol, Bayamon, Puerto Rico.

## PAKISTAN'S FUTURE

*Committee on Foreign Relations:* Committee concluded a hearing to examine Pakistan's future, focusing on the challenges of building a democracy, after receiving testimony from R. Nicholas Burns, Under Secretary of State for Political Affairs; Teresita C. Schaffer, Center for Strategic and International Studies South Asia Program, and Stephen P. Cohen, Brookings Institution, both of Washington, D.C.; and Samina Ahmed, International Crisis Group, Islamabad, Pakistan.

## NOMINATION

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine the nomination of Dennis R. Schrader, of Maryland, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security, after the nominee, who was introduced by Senator Cardin, testified and answered questions on his own behalf.

## POSTAL ACCOUNTABILITY AND ENHANCEMENT ACT

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine the implementation of the Postal Accountability and Enhancement Act (Public Law 109–435), after receiving testimony from William Burrus, American Postal Workers Union, AFL–CIO, John F. Hegarty, National Postal Mail Handlers Union, William H. Young, National Association of Letter Carriers, Louis Atkins, National Association of Postal Supervisors, and Dale Goff, Jr., National Association of Postmasters of the United States, all of Washington, D.C.; and Donnie Pitts, National Rural Letter Carriers Association, Alexandria, Virginia.

## BUSINESS MEETING

*Committee on Health, Education, Labor, and Pensions:* Committee ordered favorably reported the following:

S. 1183, to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, with an amendment in the nature of a substitute;

S. 898, to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention, with an amendment in the nature of a substitute; and

The nominations of Diane Auer Jones, of Maryland, to be Assistant Secretary for Postsecondary Education, Department of Education, David C. Geary, of Missouri, to be a Member of the Board of Directors of the National Board for Education Sciences, and Miguel Campaneria, of Puerto Rico, to be a Member of the National Council on the Arts.

## BALLOT INTEGRITY ACT

*Committee on Rules and Administration:* Committee concluded a hearing to examine S. 1487, to amend the Help America Vote Act of 2002 to require an individual, durable, voter-verified paper record under title III of such Act, after receiving testimony from Senator Clinton; Deborah L. Markowitz, Vermont Secretary of State, Montpelier, on behalf of the National Association of Secretaries of State; George N. Gilbert, Guilford County Board of Elections, Greensboro, North Carolina; Wendy Noren, Boone County, Columbia, Missouri, on behalf of the National Association of Counties; Michael I. Shamos, Carnegie Mellon University School of Computer Science, Pittsburgh, Pennsylvania; Ray Martinez, Pew Center on the States, Austin, Texas; Doug Lewis, Election Center, Houston, Texas; and Mary Wilson, League of Women Voters, and Tanya Clay House, People for the American Way, both of Washington, D.C.

## GULF COAST DISASTER LOANS

*Committee on Small Business and Entrepreneurship:* Committee concluded an oversight hearing to examine Gulf Coast disaster loans, focusing on the future of the disaster assistance program, challenges the Small Business Administration (SBA) experienced in providing victims of the Gulf Coast hurricanes with timely assistance, factors that contributed to these challenges, and steps the SBA has taken since the Gulf Coast hurricanes to enhance its disaster preparedness, after receiving testimony from Eric M. Thorson, Inspector General, Gale B. Martin, former Loan Officer, and Steven C. Preston, Administrator, all of the Small Business Administration; and William B. Shear, Director, Financial Markets and Community Investment, Government Accountability Office.

## VA HEALTH CARE FUNDING

*Committee on Veterans' Affairs:* Committee concluded a hearing to examine Department of Veterans Affairs health care funding, after receiving testimony from Representative Chris Smith; Michael J. Kussman, Under Secretary for Health, Veterans Health Administration, Department of Veterans Affairs; Kenneth W. Kizer, Medsphere Systems Corporation, Aliso Viejo, California; Uwe E. Reinhardt, Princeton University Woodrow Wilson School of Public and International Affairs, Princeton, New Jersey; and Joseph A. Violante, Disabled American Veterans, on behalf of the Partnership for Veterans Health Care Budget Reform, and J. David Cox, American Federation of Government Employees, AFL–CIO, both of Washington, D.C.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** Public Bills and Resolutions Introduced will be found in the next issue.

**Additional Cosponsors:** **(See next issue.)**

**Reports Filed:** Reports were filed today as follows:

Supplemental report on H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008 (H. Rept. 110–240, Pt. 2);

Conference report on H.R. 1, a bill to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States (H. Rept. 110–259); and

H. Res. 567, providing for consideration of the conference report to accompany the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States (H. Rept. 110–260). **(See next issue.)**

**Chaplain:** The prayer was offered by the guest Chaplain, Dr. Suzan Johnson Cook, Believers' Christian Fellowship Church, New York, New York. **Page H8401**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Limiting the use of funds to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq or to exercise United States economic control of the oil resources of Iraq:*** H.R. 2929, to limit the use of funds to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq or to exercise United States economic control of the oil resources of Iraq, by a 2/3 yea-and-nay vote of 399 yeas to 24 nays, Roll No. 717 and **Pages H8405–11, H8418–19**

***Temporarily extending the programs under the Higher Education Act of 1965:*** S. 1868, to temporarily extend the programs under the Higher Education Act of 1965—clearing the measure for the President. **Pages H8411–12**

**Suspension—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measure which was debated on Monday, July 23rd:

***Commemorating the 200th anniversary of the Archdiocese of New York:*** H. Res. 345, to commemorate the 200th anniversary of the Archdiocese of New York, by a 2/3 yea-and-nay vote of 423 yeas with none voting "nay", Roll No. 718. **Page H8419**

**Suspension—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, July 24th:

***Expressing the sense of Congress regarding the dumping of industrial waste into the Great Lakes:*** H. Con. Res. 187, to express the sense of Congress regarding the dumping of industrial waste into the Great Lakes, by a 2/3 yea-and-nay vote of 387 yeas to 26 nays, with 2 voting "present", Roll No. 719. **Pages H8419–20**

**Water Resources Development Act of 2007—Motion to go to Conference:** The House disagreed to the amendment of the Senate to H.R. 1495, to provide for the conservation and development of water and related resources and to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and agreed to a conference. **Page H8420**

Later, the Chair appointed the following Members of the House to the conference committee on the bill: from the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Representatives Oberstar, Eddie Bernice Johnson (TX), Tauscher, Baird, Higgins, Mitchell, Kagen, McNerney, Mica, Duncan, Ehlers, Baker, Brown (SC), and Boozman. **Pages H**

From the Committee on Natural Resources, for consideration of secs. 2014, 2023, and 6009 of the House bill, and secs. 3023, 5008, and 5016 of the Senate amendment, and modifications committed to conference: Representatives Rahall, Napolitano, and McMorris Rodgers. **Pages H**

**Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008:** The House began consideration of H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008. Further consideration is expected to resume Thursday, July 26th. **Pages H8412–28, H8420–66, H8467–96**

Agreed to:

Bordallo amendment (No. 17 printed in the Congressional Record of July 23, 2007) that redirects $500,000 in funding within the National Oceanic and Atmospheric Administration; **Pages H8440–41**

Biggert amendment that increases funding, by offset, for Salaries and Expenses, United States Attorneys, by $750,000 and the Federal Bureau of Investigation by $5.5 million; **Pages H8449–50**

Capito amendment that increases funding, by offset, for State and Local Law Enforcement Assistance by $10 million (by a recorded vote of 229 ayes to 196 noes, Roll No. 722); **Pages H8435–37, H8463–64**

Shimkus amendment that increases funding, by offset, for the National Telecommunications and Information Administration by $5 million (by a recorded vote of 340 ayes to 87 noes, Roll No. 723); **Pages H8437–39, H8464–65**

Zoe Lofgren (CA) amendment that increases funding, by offset, for the State Criminal Alien Assistance Program by $55 million (by a recorded vote of 388 ayes to 39 noes, Roll No. 725); **Pages H8443–47, H8465–66**

Lampson amendment that prohibits funds from being used for business-class or first-class airline travel by employees of the Department of Commerce; **Page H8480**

Poe amendment that prohibits funds from being used to enforce the judgement of the U.S. District Court for the Western District of Texas in the case of United States v. Ignacio Ramos, Et Al. decided March 8, 2006 or the sentences imposed; **Pagess H8484–91**

Drake amendment that prohibits funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; **Page H8491**

Capito amendment that prohibits funds from being used in contravention of section 402(e)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; **Pages H8491–92**

Capito amendment that increases funding, by offset, for the Office on Violence Against Women by $10 million (by a recorded vote of 243 ayes to 186 noes, Roll No. 727); **Pages H8456–58, H8492**

Etheridge amendment that increases funding for the Office of Justice Programs by $1,747,111 (by a recorded vote of 421 ayes to 2 noes, Roll No. 728); **Pages H8458–61, H8492–93**

Inslee amendment that adds a new section relating to funding for the Office on Violence Against Women—Violence Against Women Prevention and Prosecution Programs (by a recorded vote of 412 ayes to 18 noes, Roll No. 730); **Pages H8470–71, H8494**

Poe amendment that strikes "$625 million" and inserts "$635 million" on page 75, line 24 and inserts language relating to funding for the Department of Commerce, Departmental Management, Salaries and Expenses account (by a recorded vote of 395 ayes to 34 noes, Roll No. 731); and **Pages H8477–78, H8494–95**

Reichert amendment that inserts language relating to funding for the Office on Violence Against Women—Violence Against Women Prevention and Prosecution Programs for the court training and improvements program authorized by section 105 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (by a recorded vote of 405 ayes to 25 noes, Roll No. 732). **Pages H8478–80, H8495–96**

Rejected:

Rogers (MI) amendment (No. 4 printed in the Congressional Record of July 23, 2007) that sought to increase funding, by offset, for the International Trade Administration by $6 million (by a recorded vote of 200 ayes to 228 noes, Roll No. 720); **Pages H8433–34, H8462–63**

Sessions amendment that sought to reduce funding for the Economic Development Administration by $100 million and increase funding for the Federal Bureau of Investigation by $6 million (by a recorded vote of 125 ayes to 294 noes, Roll No. 721); **Pages H8434–35, H8463**

English (PA) amendment (No. 22 printed in the Congressional Record of July 24, 2007) that sought to reduce funding for the National Oceanic and Atmospheric Administration by $2 million and increase funding for the International Trade Commission by $1 million (by a recorded vote of 83 ayes to 342 noes, Roll No. 724); **Pages H84409, H8465**

King (IA) amendment that sought to redirect $1 million in funding within the Federal Bureau of Investigation (by a recorded vote of 19 ayes to 389 noes, with 16 voting "present", Roll No. 726); **Pages H8451–53, H8467–68**

Sessions amendment (No. 9 printed in the Congressional Record of July 23, 2007) that sought to strike section 213 (by a recorded vote of 162 ayes to 267 noes, Roll No. 729); and **Pages H8469–70, H8493–94**

Hinchey amendment that sought to prohibit funds from being used, with respect to the States of Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, New Mexico, Oregon, Rhode Island, Vermont, and Washington, to prevent such States from implementing their own State laws that authorize the use, distribution, possession, or cultivation of medical marijuana (by a recorded vote of 165 ayes to 262 noes, Roll No. 733). **Pages H8482–84, H8496**

Withdrawn:

Mack amendment that was offered and subsequently withdrawn that would have increased funding, by offset, for the National Oceanic and Atmospheric Administration by $21,100,000; **Page H8442**

Jindal amendment that was offered and subsequently withdrawn that would have increased funding, by offset, for the National Oceanic and Atmospheric Administration by $2 million; **Pages H8442–43**

Price (GA) amendment (No. 26 printed in the Congressional Record of July 24, 2007) that was offered and subsequently withdrawn that would have increased funding, by offset, for the National Science Foundation, Education and Human Resources, by $2 million; **Pages H8447–49**

Weiner amendment that was offered and subsequently withdrawn that would have increased funding, by offset, for Community Oriented Policing Services by $75 million; **Pages H8450–51**

Rogers (MI) amendment (No. 6 printed in the Congressional Record of July 23, 2007) that was offered and subsequently withdrawn that would have inserted language relating to funding for annuity protection for Special Agents of the Federal Bureau of Investigation; **Pages H8454–55**

Biggert amendment that was offered and subsequently withdrawn that would have redirected $34 million in funding within the Office of Justice Programs; **Page H8458**

Chabot amendment that was offered and subsequently withdrawn that would have increased funding, by offset, for Community Oriented Policing Services for programs to reduce gun crime and gang violence by $15 million; **Pages H8461–62**

Lipinski amendment that was offered and subsequently withdrawn that would have added a new section relating to funding for the Office of Justice Programs—State and Local Law Enforcement Assistance; **Pages H8471–72**

Eddie Bernice Johnson (TX) amendment that was offered and subsequently withdrawn that would have added language relating to funding for Minority University Research and Education Programs; **Pages H8472–74**

Biggert amendment that was offered and subsequently withdrawn that would have added a new section relating to funding for the Internet Crimes Against Children Task Force; **Pages H8474–77**

Boswell amendment that was offered and subsequently withdrawn that would have added a new section relating to funding for the Office of Justice Programs—community oriented policing services; **Pages H8480–81**

Gingrey amendment (No. 23 printed in the Congressional Record of July 24, 2007) that was offered and subsequently withdrawn that would have prohibited the use of funds by the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives to pay the compensation of employees of the BATFE to test and examine firearms without written and published testing standards; and **Pages H8481–82**

Sali amendment that was offered and subsequently withdrawn that would have added a new section relating to funding for victim service programs for victims of trafficking. **Page H8482**

Point of Order sustained against:

Rogers (MI) amendment (No. 27 printed in the Congressional Record of July 24, 2007) that sought to increase funding, by offset, for the Federal Bureau of Investigation by $16 million and **Pages H8441–42**

Rogers (MI) amendment (No. 5 printed in the Congressional Record of July 23, 2007) that sought to insert language relating to funding for a housing allowance pilot program for Special Agents of the Federal Bureau of Investigation. **Pages H8453–54**

H. Res. 562, the rule providing for consideration of the bill, was agreed to by voice vote after agreeing to order the previous question by a yea-and-nay vote of 221 yeas to 195 nays, Roll No. 716. **Pages H8412–18**

**Oath of Office—Tenth Congressional District of Georgia:** Representative-elect Paul Broun presented himself in the well of the House and was administered the Oath of Office by the Speaker. Earlier, the Clerk of the House transmitted a letter from the Honorable Sonny Perdue, Governor, State of Georgia, indicating that, according to the official returns of the Special Election held on July 17, 2007, the Honorable Paul Broun was elected Representative to Congress for the Tenth Congressional District, State of Georgia. **Page H8466**

**Whole Number of the House:** The Speaker announced to the House that, in light of the administration of the oath to the gentleman from Georgia, Mr. Paul Broun, the whole number of the House is adjusted to 433. **Page H8466**

**Committee Elections:** The House agreed to H. Res. 566, electing Representative Broun (GA) to the Committee on Homeland Security and the Committee on Science and Technology. **Page H8605**

**Board of Visitors to the United States Coast Guard Academy—Appointment:** The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Representatives Courtney and Shays. **Pages H8605–06**

**Board of Visitors to the United States Coast Guard Academy—Appointment:** The Chair read a letter from Representative Oberstar, Chairman of the Committee on Transportation and Infrastructure, in which he appointed the following Members of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Representatives Michaud, Hirono, and Mica. **Page H8606**

**Senate Message:** Message received from the Senate today appears on page 8401.

**Senate Referral:** S. Con. Res. 42 was referred to the Committee on Energy and Commerce.

**(See next issue.)**

**Amendments:** Amendments ordered printed pursuant to the rule appear on pages ——.

**Quorum Calls—Votes:** Four yea-and-nay votes and fourteen recorded votes developed during the proceedings of today and appear on pages H8417–18, H8418–19, H8419, H8419–20, H8462–63, H8463, H8463–64, H8464–65, H8465, H8465–66, H8467–68, H8492, H8492–93, HJ8493–94, H8494, H8494–95, H8495–96, H8496. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and at 11:53 p.m. stands in recess subject to the call of the chair.

# *Committee Meetings*

## DEFENSE APPROPRIATIONS

*Committee on Appropriations:* Ordered reported, as amended, the Defense Appropriations for Fiscal Year 2008.

## NATIONAL INTELLIGENCE ESTIMATE AND AL-QAEDA

*Committee on Armed Services,* and the Permanent Select Committee on Intelligence held a joint hearing on Implications of the National Intelligence Estimate regarding Al-Qaeda. Testimony was heard from the following officials of the Department of Defense: James Clapper, Under Secretary, Intelligence; Mary Beth Long, Assistant Secretary, International Security Affairs (Acting); and Pete Verga, Assistant Secretary, Homeland Defense (Acting); and the following officials of the Office of the Director of National Intelligence: Michael Leiter, Deputy Director, National Counterterrorism Center and Director, Interagency Task Force on Homeland Threats; and Edward Gistaro, National Intelligence Officer, Transnational Threats.

## ALTERNATIVES FOR IRAQ's FUTURE

*Committee on Armed Services:* Subcommittee on Oversight and Investigations continued hearings on A Third Way: Alternatives for Iraq's Future, Part 3. Testimony was heard from COL Paul Hughes, USA (ret.), Senior Program Officer, Center for Post-Conflict Peace and Stability Operations, U.S. Institute of Peace; MG Paul D. Eaton, USA (ret.), former Commander, Coalition Military Assistance Training Team, Iraq; and public witnesses.

## RENEWING STATUTORY PAYGO

*Committee on the Budget:* Held a hearing on Perspectives on Renewing Statutory PAYGO. Testimony was heard from Peter Orszag, Director, CBO; David M. Walker, Comptroller General, GAO; and public witnesses.

## FEDERAL FINANCIAL CONSUMER PROTECTION

*Committee on Financial Services:* Held a hearing on Improving Federal Consumer Protection in Financial Services-Consumer and Industry Perspectives. Testimony was heard from public witnesses.

## FAIR HOUSING LENDING

*Committee on Financial Services:* Subcommittee on Oversight and Investigations held a hearing on Rooting Out Discrimination in Mortgage Lending: Using HMDA as a Tool for Fair Lending Enforcement. Testimony was heard from Sandra F. Braunstein, Director, Division of Consumer and Community Affairs, Board of Governors, Federal Reserve System; Sandra Thompson, Director, Division of Supervision and Consumer Protection, FDIC; the following officials of the Department of the Treasury: Montrice Yakimov, Managing Director, Compliance and Consumer Protection, Office of Thrift Supervision; and Calvin R. Hagins, Director, Compliance Policy, Office of the Comptroller of the Currency; Grace Chung Becker, Deputy Assistant Attorney General, Civil Rights Division, Department of Justice; Kim Kendrick, Assistant Secretary, Office of Fair Housing and Equal Opportunity, Department of Housing and Urban Development; Lydia B. Parnes, Director, Bureau of Consumer Protection, FTC; David M. Marquis, Director, Office of Examination and Insurance, National Credit Union Administration; and public witnesses.

## CENTRAL-EASTERN EUROPE DEMOCRACY

*Committee on Foreign Affairs:* Held as hearing on Central and Eastern Europe: Assessing the Democratic Transition. Testimony was heard from public witnesses.

## U.S.-MARSHALL ISLANDS FREE ASSOCIATION

*Committee on Foreign Affairs:* Subcommittee on Asia, the Pacific, and the Global Environment held a hearing on Overview of the Compact of Free Association between the United States and the Republic of the Marshall Islands: Are Changes Needed? Testimony was heard from David B. Cohen, Deputy Assistant Secretary, Office of Insular Affairs, Department of the Interior; the following officials of the Department of State: Steven McGann, Acting Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs; and Francis A. Donovan, Director, Office of East Asia Affairs, Bureau of Asia and the Near East, U.S. Agency for International Development; and

David B. Gootnick, M.D., Director, International Affairs and Trade, GAO.

The Subcommittee also held a briefing on this subject. The Subcommittee was briefed by public witnesses.

### HOMELAND SECURITY FEDERAL ADVISORY COMMITTEES

*Committee on Homeland Security:* Held a hearing entitled "An Overview of Department of Homeland Security Federal Advisory Committees." Testimony was heard from Doug Hoelscher, Executive Director, Homeland Security Advisory Committees, Department of Homeland Security; Robert Flaak, Director, Committee Management Secretariat Office of Governmentwide Policy, GSA; the former officials of the Department of Homeland Security: Jeff Gaynor, Director, Homeland Security Advisory Council, Emergency Response Senior Advisory, Committee and Critical Infrastructure Task Force; and Randy Beardsworth, former Assistant Secretary, Strategic Plans; and public witnesses.

### CONTEMPT OF CONGRESS; MISCELLANEOUS MEASURES

*Committee on the Judiciary:* Adopted a resolution recommending that the House of Representatives find that former White House Counsel Harriet Miers and White House Chief of Staff Joshua Bolten be cited for contempt of Congress for refusal to comply with subpoenas issued by the Committee.

The Committee also ordered reported the following bills: H.R. 1943, Stop AIDS In Prison Act of 2007; and H.R. 1199, Drug Endangered Children Act of 2007.

### SURFACE RECLAMATION ACT OVERSIGHT

*Committee on Natural Resources:* Held an oversight hearing on the Surfacing Reclamation Act of 1977: A 30th Anniversary Review. Testimony was heard from the following officials of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior: Glenda H. Owens, Deputy Director; and Earl Bandy, Chief, Applicant Violator System Office; Stephanie R. Timmermeyer, Secretary, Department of Environmental Protection, State of West Virginia; John F. Husted, Deputy Chief, Division of Mineral Resources Management, Department of Natural Resources, State of Ohio; John Corra, Director, Department of Environmental Quality, State of Wyoming; and public witnesses.

### HOT FUELS STANDARDS

*Committee on Oversight and Government Reform:* Subcommittee on Domestic Policy held a hearing on ExxonMobil and Shell Answer Questions about Hot Fuels Double Standards. Testimony was heard from public witnesses.

### CLINICAL LAB SERVICES BIDDING

*Committee on Small Business:* Held a hearing entitled "Competitive Bidding for Clinical Lab Services: Where's it Heading and What Small Businesses Can Expect." Testimony was heard from Timothy P. Love, Director, Office of Research, Development and Information, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

### VA MENTAL HEALTH CHALLENGES

*Committee on Veterans' Affairs:* Held a hearing on PTSD and Personality Disorders: Challenges for the VA. Testimony was heard from the following officials of the Department of Veterans Affairs: Tracie Shea, Psychologist, Post Traumatic Stress Disorder Clinic, Veterans Affairs Medical Center, Providence, Rhode Island; Ira R. Katz, Deputy Chief PCS Officer, Mental Health, Veterans Health Administration; and COL Bruce Crow, USA, Chief, Department of Behavioral Medicine, Brooke Army Medical Center and Clinical Psychology Consultant to the Army Surgeon General; representatives of veterans organizations; and public witnesses.

### BRIEFING—HOT SPOTS

*Permanent Select Committee on Intelligence:* Met in executive session to receive a briefing on Hot Spots. The Committee was briefed by departmental witnesses.

### CONFERENCE REPORT TO ACCOMPANY THE BILL (H.R. 1) TO PROVIDE FOR THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

*Committee on Rules:* Granted, by voice vote, a rule providing for consideration of the conference report to accompany the bill (H.R. 1) to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States. The rule waives all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Chairman Thompson (MS).

## *Joint Meetings*

### NATIONAL FORECLOSURE CRISIS

*Joint Economic Committee:* Committee concluded a hearing to examine the national foreclosure crisis, focusing on subprime mortgage fallout, after receiving testimony from James Rokakis, Cuyahoga County,

and Anthony Brancatelli, City Council, both of Cleveland, Ohio; Kenneth D. Wade, Neighbor Works America, Washington, D.C.; Barbara Anderson, Empowering and Strengthening Ohio's People, Slavic Village, Ohio; and Audrey Sweet, Maple Heights, Ohio.

## COMMITTEE MEETINGS FOR THURSDAY, JULY 26, 2007

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on the Budget:* business meeting to consider the nomination of Jim Nussle, of Iowa, to be Director of the Office of Management and Budget, 10 a.m., SD–608.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine preparation taken for digital television transition, 10 a.m., SR–253.

Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security, to continue hearings to examine the Railroad Safety Enhancement Act, 2:30 p.m., SR–253.

*Committee on Energy and Natural Resources:* Subcommittee on Water and Power, to hold hearings to examine S. 300, to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, S. 1258, to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities, S. 1477, to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado, S. 1522, to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, and H.R. 1025, to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas, 2:30 p.m., SD–366.

*Committee on Environment and Public Works:* to hold hearings to examine the case for the California waiver, including an update from the Environmental Protection Agency, 10 a.m., SD–406.

*Committee on Finance:* business meeting to consider S. 1607, to provide for identification of misaligned currency, require action to correct the misalignment, and other pending calendar business, 3 p.m., SD–215.

*Committee on Foreign Relations:* to hold hearings to examine extraordinary rendition, extraterritorial detention, and treatment of detainees, focusing on restoring our moral credibility and strengthening our diplomatic standing, 9:30 a.m., SD–419.

Subcommittee on International Operations and Organizations, Democracy and Human Rights, to hold hearings to examine the United Nations Human Rights Council, focusing on its shortcomings and prospects for reform, 2:30 p.m., SD–419.

*Committee on Health, Education, Labor, and Pensions:* to hold hearings to examine S. 625, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, S. 579, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, and S. 1858, to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, 9:30 a.m., SR–325.

*Committee on Indian Affairs:* to hold hearings to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services, 9:30 a.m., SR–485.

*Committee on the Judiciary:* business meeting to consider S. 1060, to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, S. 453, to prohibit deceptive practices in Federal elections, S. 1692, to grant a Federal charter to Korean War Veterans Association, Incorporated, an original bill entitled, "School Safety and Law Enforcement Act", and the nomination of Rosa Emilia Rodriguez-Velez, of Puerto Rico, to be United States Attorney for the District of Puerto Rico, 10 a.m., SD–226.

*Select Committee on Intelligence:* to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

### House

*Committee on Armed Services,* hearing on Upholding the Principle of Habeas Corpus for Detainees, 9 a.m., 2118 Rayburn.

*Committee on Education and Labor,* Subcommittee on Higher Education, Lifelong Learning and Competitiveness, hearing on the Workforce Investment Act: Ideas to Improve the Workforce Development System, 10 a.m., 2175 Rayburn.

Subcommittee on Workforce Protections, hearing on the S-Miner Act (H.R. 2768) and the Miner Health Improvement Enhancement Act of 2007 (H.R. 2769), 2 p.m., 2175 Rayburn.

*Committee on Energy and Commerce,* to mark up the following measures: H.R. 20, Melanie Blocker-Stokes Postpartum Depression Research and Care Act; H.R. 2295, ALS Registry Act; H. R. 507, Vision Car for Kids Act of 2007; and the Children's Health and Medicare Protection (CHAMP) Act of 2007, 11:30 a.m., 2123 Rayburn.

*Committee on Financial Services,* to consider the following: H.R. 3002, Native American Economic Development and Infrastructure for Housing Act of 2007; H.R. 180, Darfur Accountability and Divestment Act of 2007; the HOPE VI Improvement and Reauthorization Act of

2007; H.R. 3121, Flood Insurance Reform and Modernization Act of 2007; H.R. 2895, National Affordable Housing Trust Fund Act of 2007; and H.R. 2761, Terrorism Risk Insurance Revision and Extension Act of 2007, 10 a.m., 2128 Rayburn.

*Committee on Foreign Affairs:* Subcommittee on Asia, the Pacific, and the Global Environment, hearing on Is the Millennium Challenge Corporation Overstating Its Impact: The Case of Vanuatu, 2 p.m., 2172 Rayburn.

Subcommittee on Terrorism, Nonproliferation, and Trade, hearing on Export Controls: Are We Protecting Security and Facilitating Exports? 2 p.m., B–318 Rayburn.

*Committee on Homeland Security,* Subcommittee on Border, Maritime and Global Counterterrorism, hearing entitled ''Frequent Traveler Programs: Balancing Security and Commerce at our Land Borders,'' 2 p.m., 311 Cannon.

Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing entitled ''Private Sector Information Sharing: What is It, Who Does It, and What's working at DHS?'' 10 a.m., 311 Cannon.

*Committee on the Judiciary,* oversight hearing on the Federal Bureau of Investigations, 1:30 p.m., 2141 Rayburn.

Subcommittee on Commercial and Administrative Law, hearing on the Internet Tax Freedom Act, 10 a.m., 2141 Rayburn.

*Committee on Natural Resources,* Subcommittee on Energy and Mineral Resources, hearing on H.R. 2262, Hardrock Mining and Reclamation Act of 2007, 10 a.m., 1324 Longworth.

Subcommittee on Fisheries, Wildlife and Oceans, to mark up H.R. 767, Refuge Ecology Protection, Assistance, and Immediate Response Act, 10 a.m., 1334 Longworth.

Subcommittee on National Parks, Forests and Public Lands, hearing on H.R. 3058, Public Land Communities Transition Assistance Act of 2007, 2 p.m., 1334 Longworth.

*Committee on Oversight and Government Reform,* hearing on Iraq Embassy, 10 a.m., 2154 Rayburn.

Subcommittee on Federal Workforce, Postal Service and the District of Columbia, oversight hearing on the Postal Service: Planning for the 21st Century, 2 p.m., 2154 Rayburn.

Subcommittee on Information Policy, Census, and National Archives, hearing on 2010 Census Workforce, 2 p.m., 2247 Rayburn.

*Committee on Science and Technology,* to continue hearings on Globalization of R&D and Innovation, Part II: the University Response, 10 a.m., 2318 Rayburn.

*Committee on Small Business,* Subcommittee on Investigations and Oversight, hearing to examine the impact that the flooding has had on small businesses in Beaver County, PA and to review SBA's response in meeting the needs of those affected by the floods, 10 a.m., 2360 Rayburn.

*Committee on Veterans' Affairs,* Subcommittee on Economic Opportunity, hearing on Contract Bundling Oversight, 2 p.m., 334 Cannon.

Subcommittee on Health, hearing on Gulf War Exposures, 10 a.m., 334 Cannon.

*Committee on Ways and Means,* to mark up the Children's Health and Medicare Protection Act of 2007, 1 p.m., 1100 Longworth.

*Permanent Select Committee on Intelligence,* executive, briefing on National Drug Intelligence Center, 1:15 p.m., H–405 Capitol.

Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefing on Russia Counterintelligence, 10 a.m., H–405 Capitol.

*Next Meeting of the* SENATE

9:30 a.m., Thursday, July 26

Senate Chamber

**Program for Thursday:** After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of H.R. 2638, Department of Homeland Security Appropriations Act.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 26

House Chamber

**Program for Thursday**: Complete consideration of H.R. 3093—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008.

## Extensions of Remarks, as inserted in this issue

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